Case No. S213478

IN THE SUPREME COURT OF CALIFORNIA

CALIFORNIA BUILDING INDUSTRY ASSOCIATION
Plaintiff and Respondent,
v.
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Defendant and Appellant.

After a Decision by the Court Of Appeal
First Appellate District, Division One
Case No. A135335 & A136212

Appeal from the Alameda County Superior Court, Case No. RG10548693
The Honorable Frank Roesch, Judge Presiding

BAY AREA AIR QUALITY MANAGEMENT DISTRICT'S SECOND SUPPLEMENTAL MOTION FOR JUDICIAL NOTICE; DECLARATION OF ERIN CHALMERS

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Pursuant to California Evidence Code Sections 452, 453 and 459, and California Rules of Court 8.520(g) and 8.252(a), Defendant and Appellant Bay Area Air Quality Management District requests that the Court take judicial notice of Exhibits V through EE, which the Air District offers in support of its Answers to the amicus curiae briefs of the League of California Cities et. al and Center for Creative Land Recycling et. al, previously filed with this Court. A supplemental declaration of Erin Chalmers, attached to this Second Supplemental Motion for Judicial Notice, establishes the authenticity of the exhibits. The documents do not relate to proceedings occurring after the trial court's judgment, and the Air District did not present the documents to the trial court. The Air District seeks notice of the following specific documents:

Exhibit V: State of California Administrative Register 73, No. 50 (December 15, 1973), showing relevant sections of the CEQA Guidelines as adopted in December, 1973.

Exhibit W: Relevant sections of the Final Environmental Impact Report, Solano County 2008 Draft General Plan, Vol. 1 (July, 2008). Exhibit W also consists of Resolution No. 2008-182 of the Board of Supervisors of Solano County, in which the County certifies the Final EIR, thereby demonstrating the County's official adoption of the Final EIR.

Exhibit X: Relevant sections of the Final Environmental Impact Report, 2035 Kings County General Plan Update (October, 2009). Exhibit

X also consists of Resolution No. 10-001 of the Board of Supervisors of Kings County, in which the County certifies the Final EIR, thereby demonstrating the County's official adoption of the Final EIR.

Exhibit Y: Relevant sections of the Recirculated Draft Environmental Impact Report, Tulare County General Plan (February, 2010). Exhibit Y also consists of Resolution No. 2012-0696 of the Board of Supervisors of Tulare County, in which the County certifies the EIR, thereby demonstrating the County's official adoption of the EIR.

Exhibit Z: Relevant excerpts of County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements: Wildland Fire and Fire Protection (August, 2010).

Exhibit AA: Relevant excerpts of the Marin County Environmental Impact Review Guidelines (adopted May, 1994).

Exhibit BB: Relevant excerpts of Contra Costa County Guidelines for Administering the California Environmental Quality Act (July 2010).

Exhibit CC: Relevant excerpts of Final Supplemental Environmental Impact Report, 2010 Monterey Bay Area Metropolitan Transportation Plan, Association Of Monterey Bay Area Governments (May, 2010).

Exhibit DD: Draft Environmental Impact Report, Airport West Stadium and Great Oaks Place Project (September 2009)..

Exhibit EE: Letter from E. Silva, League of California Cities' Legislative Representative, to Senator D. Rogers, April 5, 1994, stating that the League of California Cities supports SB 1453 (Rogers).

I. This Court May Take Judicial Notice of the Submitted Documents.

A. Exhibits V, Z, AA, and BB Represent Official Acts of the State and of Local Agencies.

Exhibit V consists of CEQA regulations adopted by the Office of Planning and Research in 1973. These regulations are relevant to demonstrate that the agency charged with implementing CEQA has long interpreted CEQA in the manner advocated by the Air District. These regulations are subject to judicial notice under Evidence Code sections 452 (b) and (c). *Love v. Superior Court* (1990) 226 Cal.App.3d 736, 743 fn. 5 (taking judicial notice of a public agency's regulatory guidelines).

Exhibits Z, AA and BB consist of CEQA guidance documents adopted by various counties in the state. These exhibits are relevant to this case because they demonstrate that public agencies throughout California routinely analyze the impacts of exposing project residents and users to a wide range of adverse environmental conditions as part of their CEQA review. As official county guidelines for the implementation of CEQA, these documents are subject to judicial notice under Evidence Code section 452(c). *City of Maywood v. Los Angeles Unified School District* (2012)

208 Cal.App.4th 362, 418 fn. 25 (taking judicial notice of adopted agency guidelines).

B. This Court May Take Judicial Notice of Environmental Impact Reports and CEQA Guidance Prepared by Public Agencies.

Exhibits W, X, Y, CC and DD consist of draft and final environmental impact reports issued by counties and other public agencies throughout California and of resolutions adopting some of those reports. These documents are subject to judicial notice as official acts of subdivisions of the state, pursuant to Evidence Code section 452(c). *Watson v. Los Altos School District, Santa Clara County* (1957) 149 Cal.App.2d 768, 772 (county planning documents are judicially noticeable). The resolutions are also subject to judicial notice pursuant to Evidence Code section 452(b) as legislative enactments. *Evans v. City of Berkeley* (2006) 38 Cal.4th 1, 7 fn. 2 (courts may take judicial notice of city and county resolutions).

Exhibits W, X, Y, Z, AA, BB, CC, and DD are also subject to judicial notice pursuant to Evidence Code section 452(h). The Air District seeks judicial notice of these documents to demonstrate that public agencies throughout California routinely analyze the impacts of exposing project residents and users to a wide range of adverse environmental conditions as part of their CEQA review. This proposition is "not reasonably subject to dispute and [is] capable of immediate and accurate determination by resort

to sources of reasonably indisputable accuracy"—i.e., the EIRs and guidance documents. Evid. Code § 452(h).

One court has refused to take judicial notice of a joint powers agency's EIR, reasoning that the agency included cities, which are not subdivisions of the state whose acts are subject to judicial notice pursuant to Evidence Code section 452(c). *Edna Valley Association. v. San Luis Obispo County. Coordinating Council* (1977) 67 Cal.App.3d 444, 449. However, this decision is inapplicable to the request for judicial notice of Exhibits W, X, and Y because these documents are EIRs prepared by counties, which are subdivisions of the state. Moreover, a number of more recent decisions have taken judicial notice of "resolutions, reports, and other official acts of a city." *Trinity Park, L.P. v. City of Sunnyvale* (2011) 193 Cal.App.4th 1014, 1027, disapproved on other grounds by *Sterling Park, L.P. v. City of Palo Alto* (2013) 57 Cal. 4th 1193; *Shapiro v. San Diego City Council* (2002) 96 Cal.App.4th 904, 907. Accordingly, Exhibits CC and DD are also subject to judicial notice as official acts pursuant to Evidence Code section 452(c).

In any event, the *Edna Valley* court did not consider whether a city-prepared EIR would be noticeable under Evidence Code section 452(h). Although Exhibit CC was prepared by a joint powers agency that includes cities, and Exhibit DD was prepared by a city, the fact that these documents evaluated the impacts of exposing future residents or project users to

adverse environmental conditions is not reasonably subject to dispute. Therefore, this Court may take judicial notice of these documents under Evidence Code section 452(h).

C. The Court May Take Judicial Notice of Exhibit EE Under Evidence Code Section 452(h).

Exhibit EE consists of a document from the legislative history file for SB 1453, which created Public Resources Code section 21096. This document is relevant because it demonstrates that the League of California Cities previously interpreted CEQA differently than it does now. Exhibit EE is subject to judicial notice pursuant to Evidence Code section 452(h). Courts have held that letters from bill sponsors or supporters not communicated to the Legislature as a whole are not subject to judicial notice as legislative history. *Quintano v. Mercury Casualty Co.* (1995) 11 Cal.4th 1049, 1062 fn. 5. However, the Air District does not request judicial notice of this document for the purpose of interpreting SB 1453. Rather, it seeks judicial notice to support the proposition that CEQA practitioners, including amicus League of Cities, have long believed that CEQA requires agencies to analyze the impacts of exposing new project residents to hazardous environmental conditions. This proposition can be verified by resort to sources of reasonably indisputable accuracy, such as the League's own letter found in the State Archives bill file for SB 1453. The Exhibit is therefore subject to judicial notice. *Ampex Corp. v. Cargle*

(2005) 128 Cal.App.4th 1569, 1573 & fn. 2 (an organization's letters were subject to judicial notice pursuant to Evidence Code section 452(h)).

DATED: May 28, 2014

SHUTE, MIHALY & WEINBERGER LLP

By: _____
ELLISON FOLK

Attorneys for Defendant and Appellant
BAY AREA AIR QUALITY MANAGEMENT DISTRICT

DECLARATION OF ERIN CHALMERS

I, Erin Chalmers, declare as follows:

1. I am a member of the State Bar of California, and I am an attorney with the law firm of Shute, Mihaly & Weinberger, attorneys for Defendant and Appellant Bay Area Air Quality Management District. I make this declaration in support of the Air District's attached Second Supplemental Motion for Judicial Notice.

2. I have personal knowledge of the matters set forth in this declaration, and if called upon to testify to those matters, I could and would so testify.

3. A true and correct copy of the following documents for which the Air District is requesting judicial notice is attached to this motion as follows:

(a) Exhibit V: State of California Administrative Register 73, No. 50 (December 15, 1973).

(b) Exhibit W: Relevant sections of the Final Environmental Impact Report, Solano County 2008 Draft General Plan, Vol. 1 (July, 2008), downloaded from Solano County's official website: http://www.co.solano.ca.us/civicax/filebank/blobdload.aspx?blobid=12068. Also Resolution No. 2008-182 of the Board of Supervisors of Solano County, downloaded from Solano County's official website:

http://www.solanocounty.com/bosagenda/MG29288/AS29351/AS29382/AS29383/AI30032/DO31486/DO_31486.pdf.

(c) Exhibit X: Relevant sections of the Final Environmental Impact Report, 2035 Kings County General Plan Update (October, 2009), downloaded from Kings County's official website: http://www.countyofkings.com/home/showdocument?id=5897. Also Resolution No. 10-001 of the Board of Supervisors of Kings County, downloaded from Kings County's official website: www.countyofkings.com/home/showdocument?id=3108 (see pdf pp. 12-15).

(d) Exhibit Y: Relevant sections of the Recirculated Draft Environmental Impact Report, Tulare County General Plan (February, 2010), downloaded from Tulare County's official website: http://generalplan.co.tulare.ca.us/documents/generalplan2010/RecirculatedDraftEIR.pdf. Also Resolution No. 2012-0696 of the Board of Supervisors of Tulare County, downloaded from Tulare County's official website: http://generalplan.co.tulare.ca.us/documents/GP/002Board%20of%20Supervisors%20Materials/002Resolution%20No.%202012-0696%20(FEIR)/BOS%20Resolution%202012-0696.pdf.

(e) Exhibit Z: Relevant excerpts of County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements: Wildland Fire and Fire Protection (August, 2010),

downloaded from San Diego County's official website: www.sdcounty.ca.gov/pds/docs/Fire-Guidelines.pdf.

(f) Exhibit AA: Relevant excerpts of the Marin County Environmental Impact Review Guidelines (adopted May, 1994), downloaded from Marin County's official website: http://www.marincounty.org/depts/cd/divisions/planning/~/media/Files/Departments/CD/Planning/Environmental%20Impact/ERGuide1994.pdf.

(g) Exhibit BB: Relevant excerpts of Contra Costa County Guidelines for Administering the California Environmental Quality Act (July 2010), downloaded from Contra Costa County's official website: http://www.co.contra-costa.ca.us/DocumentCenter/View/4816.

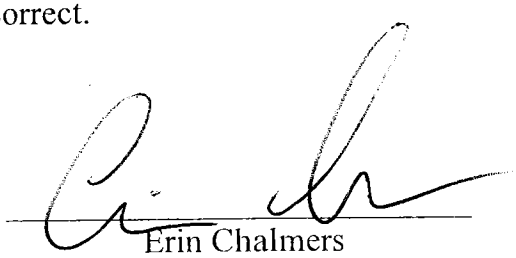
(h) Exhibit CC: Relevant excerpts of Final Supplemental Environmental Impact Report, 2010 Monterey Bay Area Metropolitan Transportation Plan, Association Of Monterey Bay Area Governments (May, 2010), downloaded from the Association Of Monterey Bay Area Governments official website: www.ambag.org/pdf/2010_%20MTP_FSEIR.pdf.

(i) Exhibit DD: Draft Environmental Impact Report, Airport West Stadium and Great Oaks Place Project (September 2009), downloaded from the City of San Jose's official website: http://www.sanjoseca.gov/DocumentCenter/View/13849.

(j) Exhibit EE: Letter from E. Silva, League of California Cities' Legislative Representative, to Senator D. Rogers, April 5, 1994. I obtained this letter from the California State Archives; it was in the file containing legislative history for SB 1453 (1994).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 28, 2014.



Erin Chalmers

591437.1

PROOF OF SERVICE

California Building Industry Association v. Bay Area Air Quality Management District;
Supreme Court of California
Case No. S213478

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the City and County of San Francisco, State of California. My business address is 396 Hayes Street, San Francisco, CA 94102.

On May 28, 2014, I served true copies of the following document(s) described as:

BAY AREA AIR QUALITY MANAGEMENT DISTRICT'S SECOND SUPPLEMENTAL MOTION FOR JUDICIAL NOTICE

on the parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Shute, Mihaly & Weinberger LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 28, 2014, at San Francisco, California.

P Spencer
Patricia A. Spencer

SERVICE LIST
California Building Industry Association, et al. v. Bay Area Air Quality Management District; Supreme Court of California
Case No. S213478

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Court of Appeal
First Appellate District, Division 5
350 McAllister Street
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The Honorable Frank Roesch
Alameda Superior Court
1221 Oak Street
Oakland, CA 94612

594186.1

NOTICE: Beginning with the first Register printed in 1953, a system of numbering the Registers to correspond to the year, i.e., 53, No. 1, has been adopted.

(Register 73, No. 50—12-15-73)

State of California

California Administrative Register 73, No. 50

(December 15, 1973)

Amendments and Additions to Rules and Regulations of

Title 3. Food and Agriculture
Title 5. State University and Colleges
Title 10. Real Estate
Title 14. Fish and Game Commission
Title 14. S.F. Bay Conservation and Development Commission
Title 14. Resources Agency
Title 21. Department of Transportation
Title 23. Water Resources Control Board

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REVISION RECORD FOR REGISTER 73, No. 50
(December 15, 1973)

TITLE 14. NATURAL RESOURCES

DIVISION 6. RESOURCES AGENCY

CHAPTER 3. GUIDELINES FOR IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970

(Originally printed 2-10-73; revised 12-14-73)

This part of Register 73, No. 50, contains all the additions, amendments, and repeals affecting the above-entitled portion of the California Administrative Code which were filed with the Secretary of State from 12-8-73, to and including 12-15-73. The latest prior register containing regulations of the above agency is Register 73, No. 40 (10-6-73).

It is important that the holders of the above-entitled portion of the code check the section numbers listed below as well as the page numbers when inserting this material in the code and removing the superseded material. In case of doubt rely upon the section numbers rather than the page numbers since the section numbers must run consecutively even though there may be an error in the paging.

SECTION CHANGES

Unless otherwise noted, the sections listed below are amended herein.

15005
15012
15014
15015 Added
15020.5 Added
15022
15023
15025
15026
15026.5 Added
15027
15029.5 Added
15030
15031
15033
15034
15037
15039
15050
15053
15061
15062 Repealed
15063
15064
15065
15065.5 Added
15066 Repealed and Added
15067
15068
15069
15070
15071
15073
15080
15081
15082
15083
15084
15085
15086
15087
15088 Added
15101
15103
15104
15107
15108
15110
15112
15114
15115
15116
15141
15146
15147 Added
15160
15161
15165
15180 Added
Appendix A
Appendix B
Appendix C
Appendix D Added

(over)

PAGE CHANGES

REMOVE Old Pages	INSERT Attached Pages
285–324	285–324
----	324.1–324.2

It Is Suggested That Superseded Material Be Retained. Save it and place it in a separate file under the original heading (either the appropriate title or register heading). It will then always be possible to find the prior wording of any section by using the history notes provided.

NOTE: This revision sheet is not a part of the code. It is chiefly for filing purposes. If preserved with the removed pages, it will afford a ready reference to the sections affected by agency action.

It is suggested that the latest Revision Record be retained for convenience in verifying whether or not the prior Register has been received.

CHAPTER 3. GUIDELINES FOR IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970

Detailed Analysis

Article 1. General

Article 2 Purpose

Article 3. Policy

Article 4. Definitions

Article 7. Evaluating Projects

15080. Initial Study. If the proi t is not part of a class of projects that qualifies for a Categorical Exemption and there is a possibility that the project may have a significant effect on the environment, the lead agency should conduct an initial study to determine if the project may have a significant effect on the environment. If any of the effects of a project may have a substantial adverse impact on the environment, regardless of whether the overall effect of the project is adverse or beneficial, then an environmental impact report must be prepared where discretionary governmental action is involved.

If the project is to be carried out by a nongovernmental person, the lead agency may require such person to submit data and information which will enable the agency to make this determination.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15081. Determining Significant Effect. (a) The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An iron clad definition of significant effect is not possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area. There may be a difference of opinion on whether a particular effect should be considered adverse or beneficial, but where there is, or anticipated to be, a substantial body of opinion that considers or will consider the effect to be adverse, the lead agency should prepare an EIR to explore the environmental effects involved.

(b) In evaluating the significance of the environmental effect of a project, the lead agency shall consider both primary or direct and secondary or indirect consequences. Primary consequences are immediately related to the project (the construction of a new treatment plant may facilitate population growth in a particular area), while secondary consequences are related more to primary consequences than to the project itself (an impact upon the resource base, including land, air, water and energy use of the area in question may result from the population growth).

(c) Some examples of consequences which may have a significant effect on the environment in connection with most projects where they occur, include a change that:

(1) Is in conflict with environmental plans and goals that have been adopted by the community where the project is to be located;

(2) Has a substantial and demonstrable negative aesthetic effect;

(3) Substantially affects a rare or endangered species of animal or plant, or habitat of such a species;

(4) Causes substantial interference with the movement of any resident or migratory fish or wildlife species;

(5) Breaches any published national, state, or local standards relating to solid waste or litter control;

(6) Results in a substantial detrimental effect on air or water quality, or on ambient noise levels for adjoining areas;

(7) Involves the possibility of contaminating a public water supply system or adversely affecting ground water;

(8) Could cause substantial flooding, erosion or siltation;

(9) Could expose people or structures to major geologic hazards.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15082. Mandatory Findings of Significance. In every case where any of the following conditions are found to exist as a result of a project, the project shall be found to have impacts with a significant effect on the environment:

(a) Impacts which have the potential to degrade the quality of the environment or curtail the range of the environment.

(b) Impacts which achieve short-term, to the disadvantage of long-term, environmental goals. A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.

(c) Impacts for a project which are individually limited, but cumulatively considerable. A project may affect two or more separate resources where the impact on each resource is relatively small. If the effect of the total of those impacts on the environment is significant, an EIR must be prepared. This mandatory finding of significance does not apply to two or more separate projects where the impact of each is insignificant.

(d) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

History: 1. Amendment filed 12-14-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 50).

15083. Negative Declaration. (a) A Negative Declaration shall be prepared for a project which could potentially have a significant effect on the environment, but which the lead agency finds on the basis of an Initial Study will not have a significant effect on the environment.

(b) A Negative Declaration must include a brief description of the project as proposed, a finding that the project will not have a significant effect on the environment, a brief statement of reasons to support the findings, and a statement indicating who prepared the initial study and where a copy of it may be obtained. The Negative Declaration should normally not exceed one page in length.

(c) The Negative Declaration shall be made available to the public with sufficient time before the project is approved to provide an opportunity for members of the public to respond to the finding.

(d) After making a decision to carry out or approve the project, the lead agency shall file a Notice of Determination with a copy of the Negative Declaration attached. The Notice of Determination shall include the decision of the agency to approve or disapprove the project, the determination of the agency whether the project will have a significant effect on the environment, and a statement that no EIR has been prepared pursuant to the provisions of CEQA.

Final Environmental Impact Report

Solano County 2008 Draft General Plan

SCH # 2007122069

Volume I

Prepared by:

EDAW
2022 J Street
Sacramento, CA 95811

July 21, 2008

EDAW | AECOM

COUNTY OF SOLANO
GENERAL PLAN UPDATE

Department of Resource Management
675 Texas St., Suite 5500
Fairfield, CA 94533
(707) 784-6765 / (707) 784-4805

July 21, 2008

RE: Final EIR – 2008 Solano County General Plan

A comprehensive update of the Solano County General Plan was initiated in 2006 by the Board of Supervisors. After months of meetings by the Citizens Advisory Committee, Planning Commission and Board of Supervisors the Draft General Plan was released for public review this spring.

The Draft Environmental Impact Report for the 2008 Draft Solano County General Plan was released for public review on April 18, 2008, with the formal public review period concluding on June 2, 2008. The Solano County Planning Commission on May 15, 2008 held a public hearing to accept comments on the Draft EIR.

The Final EIR for the 2008 Draft Solano County General Plan is enclosed with this transmittal. Environmental review in compliance with California Environmental Quality Act Guidelines (CEQA) is required as part of the County's consideration of the 2008 Draft General Plan. CEQA requires the County of Solano to include in the Final EIR responses to comments received on the Draft EIR which describe the disposition of any significant effects identified by commenters.

The Solano County Board of Supervisors will conduct a public hearing to review the Final EIR and receive public comments at 9:00 a.m. on Tuesday, July 29 2008, at the Solano County Board of Supervisors Board Room, 675 Texas Street, 1st Floor, Fairfield, California. The Board of Supervisors will consider certification of the Final EIR for the 2008 Solano County General Plan on August 5, 2008.

If you have any further questions regarding the Final EIR for the 2008 Solano County General Plan please contact Jim Louie, Senior Planner at either 707.784.3173 or jalouie@solanocounty.com.

Jim Louie, Senior Planner

Table 1-1
Summary of Project Impacts and Mitigation Measures

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
4.2 Air Quality			
4.2-1a (Preferred Plan) and 4.2-1b (Maximum Development Scenario): Generation of Short-Term Construction-Related Emissions of Criteria Air Pollutants and Precursors	S	**Mitigation Measures 4.2-1a(1) (Preferred Plan) and 4.2-1b(1) (Maximum Development Scenario):** Require Implementation of Supplemental Measures to Reduce Construction-Related Exhaust Emissions **Mitigation Measures 4.2-1a(2) (Preferred Plan) and 4.2-1ab(2) (Maximum Development Scenario):** Require Implementation of Supplemental Measures to Reduce Fugitive PM_{10} Dust Emissions	SU
4.2-2a (Preferred Plan) and 4.2-2b (Maximum Development Scenario): Consistency with Air Quality Planning Efforts	S	**Mitigation Measures 4.2-2a (Preferred Plan) and 4.2-2b (Maximum Development Scenario):** Coordinate with Air Districts on Assumptions from Air Quality Plan Updates	SU
4.2-3a (Preferred Plan) and 4.2-3b (Maximum Development Scenario): Generation of Long-Term Operational, Regional Emissions of Criteria Air Pollutants and Precursors	S	**Mitigation Measures 4.2-3a (Preferred Plan) and 4.2.-3b (Maximum Development Scenario):** Require Implementation of YSAQMD Design Recommendations for Development Projects	SU
4.2-4a (Preferred Plan) and 4.2-4b (Maximum Development Scenario): Generation of Long-Term, Operational, Local Mobile-Source Emissions of CO	S	**Mitigation Measures 4.2-4a(1) (Preferred Plan) and 4.2-4b(1) (Maximum Development Scenario):** Require Implementation of Measures to Reduce Operational Emissions from Mobile Sources **Mitigation Measures 4.2-4a(2) (Preferred Plan) and 4.2-4b(2) (Maximum Development Scenario):** Implement EPA Recommendations for Wood-Burning Appliances	SU
4.2-5a (Preferred Plan) and 4.2-5b (Maximum Development Scenario): Exposure of Sensitive Receptors to Emissions of Toxic Air Contaminants	LTS (construction) ~~LTS~~ (operation)	**Mitigation Measures 4.2-5a (Preferred Plan) and 4.2-5b (Maximum Development Scenario):** Require Implementation of Measures to Reduce the Potential for Exposure to TACs from Mobile Sources	SU
4.2-6a (Preferred Plan) and 4.2-6b (Maximum Development Scenario): Exposure of Sensitive Receptors to Emissions of Odors	S	**Mitigation Measures 4.2-6a (Preferred Plan) and 4.2-6b (Maximum Development Scenario):** Require Implementation of Measures to Reduce Exposure of Sensitive Receptors to Odorous Emissions	SU

Table 1-1
Summary of Project Impacts and Mitigation Measures

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
4.3 Noise			
4.3-1a (Preferred Plan) and 4.3-1b (Maximum Development Scenario): Development of Noise-Sensitive Land Uses within Areas Subject to Noise Impacts	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required.	LTS
4.3-2a (Preferred Plan) and 4.3-2b (Maximum Development Scenario): Development of Noise-Producing Uses near Existing Noise-Sensitive Land Uses	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required.	LTS
4.3-3a (Preferred Plan) and 4.3-3b (Maximum Development Scenario): Traffic Noise Level Increases Caused by Development Consistent with the 2008 Draft General Plan	S	**Mitigation Measures 4.3-3a (Preferred Plan) and 4.3-3b (Maximum Development Scenario):** Adopt Countywide Noise Reduction Program	SU
4.3-4a (Preferred Plan) and 4.3-4b (Maximum Development Scenario): Possible Temporary, Short-Term Exposure of Sensitive Receptors to Vibration	PS	**Mitigation Measures 4.3-4a (Preferred Plan) and 4.3-4b (Maximum Development Scenario):** Require Implementation of Measures to Reduce Temporary, Short-Term Project-Generated Vibration Levels from Construction	LTS
4.4 Transportation and Circulation			
4.4-1a (Preferred Plan) and 4.4-1b (Maximum Development Scenario): Degradation of Roadway Levels of Service	S	No feasible mitigation is available to fully mitigate this impact to a less-than-significant level.	SU
4.4-2a (Preferred Plan) and 4.4-2b (Maximum Development Scenario): Adverse Effects on Emergency Access	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required.	LTS
4.4-3a (Preferred Plan) and 4.4-3b (Maximum Development Scenario): Potential for Inadequate Parking Capacity	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required.	LTS
4.4-4a (Preferred Plan) and 4.4-4b (Maximum Development Scenario): Potential for Conflict with Adopted Plans, Policies, or Programs Supporting Alternative Transportation	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required.	LTS
4.4-5a (Preferred Plan) and 4.5-5b (Maximum Development Scenario): Potential for Air Traffic Safety Risks	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required.	LTS
4.5 Hydrology and Water Resources			
4.5-1a (Preferred Plan) and 4.5-1b (Maximum Development Scenario): Violation of Water Quality Standards	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required.	LTS

Table 1-1
Summary of Project Impacts and Mitigation Measures

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
4.5-2a (Preferred Plan) and 4.5-2b (Maximum Development Scenario): On-Site and Downstream Erosion and Sedimentation	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required.	LTS
4.5-3a (Preferred Plan) and 4.5-3b (Maximum Development Scenario): Construction-Related Water Quality Impacts	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required.	LTS
4.5-4a (Preferred Plan) and 4.5-4b (Maximum Development Scenario): Interference with Groundwater Recharge	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required.	LTS
4.5-5a (Preferred Plan) and 4.5-45b (Maximum Development Scenario): Exposure of People or Structures to Flood Hazards	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required.	LTS
4.5-6a (Preferred Plan) and 4.5-6b (Maximum Development Scenario): Potential for Failure of a Levee	S	No feasible mitigation is available to reduce this impact.	SU
4.5-7a (Preferred Plan) and 4.5-7b (Maximum Development Scenario): Potential for Failure of a Dam	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required.	LTS
4.6 Biological Resources			
4.6-1a (Preferred Plan) and 4.6-1b (Maximum Development Scenario): Loss of Habitat for Swainson's Hawk, Other Raptors, and Burrowing Owl	S	**Mitigation Measures 4.6-1a (Preferred Plan) and 4.6-1b (Maximum Development Scenario):** Preserve Agricultural Foraging Habitat	LTS
4.6-2a (Preferred Plan) and 4.6-2b (Maximum Development Scenario): Loss of Value of Upland Grassland, Oak Woodland, Oak Savanna, and Scrub/Chaparral Habitats	S	**Mitigation Measures 4.6-2a (Preferred Plan) and 4.6-2b (Maximum Development Scenario):** Require a Habitat Inventory and Mitigation and Management Plans, and Specify a Replacement Ratio for Native Trees and Shrubs	LTS
4.6-3a (Preferred Plan) and 4.6-3b (Maximum Development Scenario): Loss or Reduction in Habitat Values of Valley Floor Grassland and Vernal Pool Grassland Habitats	S	**Mitigation Measures 4.6-3a (Preferred Plan) and 4.6-3b (Maximum Development Scenario):** Require a Habitat Inventory, Buffer Zones, and Appropriate Avoidance and Compensatory Measures to Mitigate Habitat Loss	LTS
4.6-4a (Preferred Plan) and 4.6-4b (Maximum Development Scenario): Potential for Direct and Indirect Impacts on Riparian, Stream, and Open-Water Habitats	S	**Mitigation Measures 4.6-4a (Preferred Plan) and 4.6-4b (Maximum Development Scenario):** Require an Inventory for Special-Status Species and Uncommon Habitats, and Appropriate Mitigation of Impacts on Valley Elderberry Longhorn Beetle, Salmonid, and Other Habitats	LTS

Table 1-1
Summary of Project Impacts and Mitigation Measures

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
4.7 Geology and Soils			
4.7-1a (Preferred Plan) and 4.7-1b (Maximum Development Scenario): Potential for Fault Rupture	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required.	LTS
4.7-2a (Preferred Plan) and 4.7-2b (Maximum Development Scenario): Potential for Exposure to Seismic Ground Shaking	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required.	LTS
4.7-3a (Preferred Plan) and 4.7-3b (Maximum Development Scenario): Potential for Seismic Ground Failure	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required.	LTS
4.7-4a (Preferred Plan) and 4.7-4b (Maximum Development Scenario): Potential for Exposure to Landslides	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required.	LTS
4.7-5a (Preferred Plan) and 4.7-5b (Maximum Development Scenario): Soil Erosion or Loss of Topsoil	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required.	LTS
4.7-6a (Preferred Plan) and 4.7-6b (Maximum Development Scenario): Potential for Unstable Soils	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required.	LTS
4.7-7a (Preferred Plan) and 4.7-7b (Maximum Development Scenario): Construction in Areas with Expansive Soils	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required.	LTS
4.7-8a (Preferred Plan) and 4.7-8b (Maximum Development Scenario): Construction in Areas with Soils with Poor Septic Suitability	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required.	LTS
4.7-9a (Preferred Plan) and 4.7-9b (Maximum Development Scenario): Loss of Availability of Known Mineral Resources	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required.	LTS
4.7-10a (Preferred Plan) and 4.7-10b (Maximum Development Scenario): Potential for Loss of Availability of Locally Important Mineral Resource Recovery Sites	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required.	LTS
4.8 Agricultural Resources			
4.8-1a (Preferred Plan): Loss of Important Farmland	S	No feasible mitigation is available to reduce this impact	SU
4.8-1b (Maximum Development Scenario): Loss of Important Farmland	S	No feasible mitigation is available to reduce this impact	SU
4.8-2a (Preferred Plan) and 4.8-2b (Maximum Development Scenario): Conflict with Williamson Act Contracts	S	No feasible mitigation is available to reduce this impact	SU

Table 1-1
Summary of Project Impacts and Mitigation Measures

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
4.12 Energy			
4.12-1a (Preferred Plan) and 4.12-1b (Maximum Development Scenario): Effects on Energy Consumption from Land Use Locations and Patterns	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required.	LTS
4.12-2a (Preferred Plan) and 4.12-2b (Maximum Development Scenario): Increased Energy Demand and Need for Additional Energy Infrastructure	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required.	LTS
4.13 Hazards and Hazardous Materials			
4.13-1a (Preferred Plan) and 4.13-1b (Maximum Development Scenario): Release of Hazardous Materials	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required	LTS
4.13-2a (Preferred Plan) and 4.13-2b (Maximum Development Scenario): Safety Hazards Associated with Public and Private Airports	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required	LTS
4.13-3a (Preferred Plan) and 4.13-3b (Maximum Development Scenario): Interference with an Adopted Emergency-Response Plan	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required	LTS
4.13-4a (Preferred Plan) and 4.13-4b (Maximum Development Scenario): Exposure of Structures to Urban and Wildland Fires	LTS	No mitigation beyond the 2008 Draft General Plan policies and programs is required	LTS
4.14 Recreation			
4.14-1a (Preferred Plan): Need for New or Expanded Parks or Recreational Facilities	S	**Mitigation Measure 4.14-1a (Preferred Plan):** Require Developers to Pay Fair-Share Park and Recreation Impact Fees	LTS
4.14-1b (Maximum Development Scenario): Need for New or Expanded Parks or Recreational Facilities	S	**Mitigation Measure 4.14-1b (Maximum Development Scenario):** Require Developers to Pay Fair-Share Park and Recreation Impact Fees	LTS
6.2 Climate Change			
6.2-1a (Preferred Plan) and 6.2-1b (Maximum Development Scenario): Increases in Greenhouse Gas Emissions	S	Implementation of the 2008 Draft General Plan goals, policies, and implementation programs would reduce emissions of GHGs, but the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately	SU

Table 1-1
Summary of Project Impacts and Mitigation Measures

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		known for each specific future project at this program level of analysis. Therefore, it cannot be determined whether these measures would reduce GHG levels to a less-than-significant level.	
6.2-2a (Preferred Plan) and 6.2-2b (Maximum Development Scenario): Effects of Climate Change on Solano County	S	Implementation of the 2008 Draft General Plan policies and implementation programs would serve to reduce the impacts of climate change on Solano County. However, the efficacy of such policies and programs is uncertain. No other feasible mitigation measures exist to reduce the impact to a less-than-significant level.	SU

Cumulative Impacts

The 2008 Draft General Plan would make a cumulatively considerable contribution to significant cumulative impacts related to:

- land use conflicts between urban, rural residential, commercial, industrial, and agricultural uses
- population increase
- emissions of ozone and particulate matter (both PM_{10} and $PM_{2.5}$)
- exposure to TAC emissions from mobile sources
- carbon monoxide emissions from local mobile sources
- traffic noise level increases
- degradation of roadway levels of service
- demand for and resulting effects on groundwater and surface-water supplies
- loss of sensitive wildlife habitat (grassland, vernal pool, oak woodland and savanna, marsh, and riparian woodland)
- foraging habitat for Swainson's hawk and burrowing owl from loss of agricultural land
- conversion of Important Farmland
- insufficiency of available water supplies to incorporated areas and portions of unincorporated areas to accommodate projected future growth
- historical built-environment resources
- conversion of local viewsheds from agricultural land uses and open spaces to urban development
- increases in demand for energy
- County parks and recreation programs, from increased growth in the unincorporated county
- climate change

RESOLUTION NO. 2008 - 182

RESOLUTION OF THE BOARD OF SUPERVISORS OF SOLANO COUNTY CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SOLANO COUNTY 2008 GENERAL PLAN

WHEREAS, Solano County has proposed to adopt a comprehensive update to its existing General Plan, encompassing all elements of the existing Plan except for the Housing Element, the Park and Recreation Element, and the Tri-City and County Cooperative Plan, which update is referred to in this resolution as the Solano County 2008 General Plan or the Project; and

WHEREAS, the Solano County 2008 General Plan contains the policy framework, guiding both land development and conservation in the unincorporated portions of the County, necessary to fulfill the community's vision for Solano County through the year 2030: a sustainable place with a thriving environment and an economy that maintains social equity; and

WHEREAS, Solano County, through its consultant EDAW, Inc., has prepared a Final Environmental Impact Report for the Project, consisting of five volumes titled Draft Environmental Impact Report, Solano County 2008 Draft General Plan, volumes I and II (dated April 18, 2008), Final Environmental Impact Report, Solano County 2008 Draft General Plan, volumes I and II (dated July 21, 2008), and Final Environmental Impact Report, Solano County 2008 General Plan, volume III (dated August 1, 2008); and

WHEREAS, a Draft Environmental Impact Report (State Clearing House Number 2007122069) was distributed to the Planning Commission, Board of Supervisors, State Clearinghouse, state and local agencies and special districts, property owners and others requesting notice, and other interested groups and individuals on April 18, 2008, which began a 45-day public review and comment period ending on June 2, 2008; and

WHEREAS, all individuals, groups, and agencies desiring to comment were given adequate opportunity to submit oral and written comments on the Draft Environmental Impact Report; and

WHEREAS, all comments submitted timely during the public review and comment period regarding the contents or adequacy of the Draft Environmental Impact Report were responded to adequately in the Final Environmental Impact Report; and

WHEREAS, the Solano County Board of Supervisors ("Board") has reviewed and considered the information contained in the Final Environmental Impact Report; and

WHEREAS, the Board has reviewed and considered the report and recommendation of the Solano County Department of Resource Management; and

WHEREAS, the Board has considered all comments submitted regarding the Final Environmental Impact Report and its preparation; and

WHEREAS, the Final Environmental Impact Report, as presented to the Board on August 5, 2008, *[requires no amendment or revision. / is amended as follows:]*

RESOLVED, the Solano County Board of Supervisors CERTIFIES as follows:

1. The Final Environmental Impact Report for the Solano County 2008 General Plan has been completed in compliance with the California Environmental Quality Act;

2. The Final Environmental Impact Report for the Solano County 2008 General Plan was presented to the Solano County Board of Supervisors, and the Board reviewed and considered the information contained in the Final Environmental Impact Report, prior to approving the Project; and

3. The Final Environmental Impact Report for the Solano County 2008 General Plan reflects Solano County's independent judgment and analysis.

* *

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on August 5, 2008, by the following vote:

AYES:	Supervisors	Reagan, Spering, Vasquez, and Chair Silva
NOES:	Supervisors	Kondylis
EXCUSED:	Supervisors	None

John F. Silva, Chair
Solano County Board of Supervisors

ATTEST:
Michael D. Johnson, Clerk
Board of Supervisors

By: Myra Chinda deputy
Patricia J. Crittenden, Chief Deputy Clerk

2035 Kings County General Plan Update

Final
Environmental Impact Report

Prepared for:

County of Kings
Kings County Government Center
1400 West Lacey Boulevard
Hanford, CA 93230

Prepared by:

Rincon Consultants, Inc.
1530 Monterey Street, Suite D
San Luis Obispo, CA 93401

October 2009

AQ Policy C1.1.3	*Ensure that air quality and climate change impacts identified during CEQA review are minimized and consistently and fairly mitigated at a minimum, to levels as required by CEQA.*
AQ Policy C1.1.6	*Encourage and support the development of innovative and effective mitigation measures and programs to reduce air quality and climate change impacts through proactive coordination with the SJVAPCD, project applicants, and other knowledgeable and interested parties.*
AQ Policy F2.1.1	*Coordinate with the SJVAPCD to ensure that construction, grading, excavation and demolition activities within County's jurisdiction are regulated and controlled to reduce particulate emissions to the maximum extent feasible.*
AQ Policy F2.1.2	*Require all access roads, driveways, and parking areas serving new commercial and industrial development are constructed with materials that minimize particulate emissions and are appropriate to the scale and intensity of use.*

The above-mentioned policies would reduce overall air quality impacts related to construction. The SJVAPCD's approach to CEQA analyses of construction PM_{10} impacts is to require implementation of comprehensive control measures rather than to require detailed quantification of emissions (although CEQA Lead Agencies may elect to do so). The SJVAPCD has determined that compliance with PM_{10} control measures contained in the SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts (refer to Tables 6-2 and 6-3 in that document) will constitute sufficient mitigation to reduce the PM_{10} impacts related to construction of a project to a level considered less than significant. Adherence to applicable General Plan policies and SJVAPCD guidelines would reduce potential construction-related impacts to a less than significant level.

Mitigation Measures. Additional mitigation beyond adherence to applicable proposed General Plan policies and SJVAPCD rules is not required.

Significance after Mitigation. Impacts would be less than significant without mitigation.

Impact AQ-3 **The 2035 General Plan would facilitate residential development in proximity to high-volume local roadways, which would expose residents to elevated health risks. Impacts associated with placement of residential development near these highways would be Class III, *less than significant.***

The ARB publication, *Air Quality And Land Use Handbook: A Community Health Perspective* (April 2005), indicates that living close to high traffic and the associated emissions may lead to adverse health effects beyond those associated with regional air pollution in urban areas. Studies cited by the ARB report associations between residential proximity to high traffic roadways and a variety of respiratory symptoms, asthma exacerbations, and decreases in lung function in children. Key health findings cited in the ARB study include:

- *Reduced lung function in children was associated with traffic density, especially trucks within 1,000 feet and the association was strongest within 300 feet*
- *Increased asthma hospitalizations were associated with living within 650 feet of heavy traffic and heavy truck volume*
- *Asthma symptoms increased with proximity to roadways and the risk was greatest within 300 feet*
- *Asthma and bronchitis symptoms in children were associated with proximity to high traffic in a San Francisco Bay Area community with good overall regional air quality*
- *A San Diego study found increased medical visits in children living within 550 feet of heavy traffic*

Interstate 5, State Route 41, State Route 43, and State Route 198 are the highest-volume roadways in Kings County. The Existing Conditions Background Report by Omni-Means projects average daily traffic on county roadways for buildout conditions under the 2035 General Plan. According to the report, the highest projected average daily traffic (ADT) on Interstate 5 under buildout conditions (2035) would be 52,990, the highest ADT on State Route 41 would be 43,840, the highest ADT on State Route 43 would be 18,590, and the highest ADT on State Route 198 would be 67,710.

Interstate 5 is considered a freeway for this analysis; however, no residential development associated with the 2035 General Plan would occur within 500 feet of Interstate 5. State Route 41, State Route 43, and State Route 198 would be considered urban roadways within the boundaries of the Community Plans. Each of these roadways carries an ADT below ARB's health risk threshold for urban roads of 100,000 ADT. Therefore, future development is consistent with ARB recommendations, and impacts would be less than significant.

General Plan Policies which Reduce Impacts. The following policies from the *Air Quality Element* of the 2035 General Plan are designed to limit traffic and particulate emissions from area roadways to the extent possible, reducing the likelihood that roadway traffic would cause a significant health risk to area residents:

AQ Policy D2.1.1 *Request project sponsors to demonstrate that all feasible TCMs and other measures have been incorporated into project designs which increase the effective capacity of the existing road network prior to seeking approval to construct additional roadway capacity, such as additional lanes or new highways.*

AQ Policy F1.1.1 *Locate residential development projects and projects categorized as sensitive receptors an adequate distance from existing and potential sources of hazardous emissions such as major transportation corridors, industrial sites, and hazardous material locations in accordance with the provisions of ARB's Air Quality and Land Use Handbook.*

AQ Policy F2.1.3 *Develop a program to reduce PM10 emissions from County maintained roads to the maximum extent feasible.*

Mitigation Measures. Impacts would be less than significant; therefore, no mitigation is required.

Significance after Mitigation. Impacts would be less than significant without mitigation.

Impact AQ-4 **The 2035 General Plan would facilitate construction of projects with the potential to cause nuisance odors. Impacts associated with objectionable odors would be Class II, *significant but mitigable.***

Future development under the 2035 General Plan would allow commercial, industrial, and agricultural uses. All of these land uses have the potential to generate odor nuisance effects to the public or to adjoining residents. Odors from these uses could present significant impacts to neighboring residences. The 2035 General Plan proposes mixed use development within the Community Plan areas. Future residents within mixed use development may be exposed to odor impacts resulting from the development of residences in close proximity to commercial uses that may produce odors. Therefore, impacts would be potentially significant. Examples of commercial uses that have the potential to cause odor nuisance impacts include agricultural sales, fast food, photographic studios, and laundry facilities. Industrial and agricultural uses may also generate nuisance odors.

The 2035 General Plan and Community Plans do not contain policies specifically designed to limit odor nuisances at sensitive receptors. However, the Land Use Element, Air Quality Element, and Community Plans contain various policies generally intended to site potential sources of nuisance away from sensitive receptors. However, the 2035 General Plan does not specifically propose any of the uses described in Table 4.3-3, which are noted by the SJVAPCD as requiring project-level odor analysis if they are within one to two miles of sensitive receptors. Under the 2035 General Plan, any of these uses would be located within the Heavy Industrial land use designation, which is located along major transportation corridors and farther away from sensitive land uses. Similarly, agricultural uses that may produce nuisance odors would be located in areas designated General Agriculture or Exclusive Agriculture, which are generally buffered from sensitive uses by the Limited Agriculture designation.

Mitigation Measures. The following mitigation measures are required:

AQ-4 **Mixed Use Restrictions.** Mixed use development that includes residential uses shall not include photographic studios, laundry facilities, or other types of development that could generate odors, such as the sales of agricultural products, fast food establishments, photographic studios, and laundry facilities. This language shall be added to the definition for the Downtown Mixed Use and Mixed Use land use designations, as part of the final 2035 General Plan Land Use Element.

Significance after Mitigation. With implementation of the above mitigation measures, development under the 2035 General Plan would have less than significant odor nuisance impacts.

b. Project and Cumulative Impacts.

Impact GEO-1 Future seismic events could produce ground shaking within Kings County area that could damage structures and/or create adverse health and safety effects. However, with the implementation of draft General Plan policies and required building codes, impacts would be Class III, *less than significant.*

In populated areas, the greatest potential for loss of life and property damage from a powerful earthquake can be a direct result of ground shaking. The degree of damage depends on many interrelated factors, including magnitude, focal depth, distance from fault, duration of shaking, type of surface, ground water depth, topography, and quality of buildings. Since new structures can be designed and built to withstand probable shaking without collapse, the greatest existing danger relating to geological events is the continued use of older structures incapable of withstanding earthquake forces. Wood frame structures of two stories or less constructed prior to 1948 can be considered safe, while buildings constructed prior to 1948 of other materials should be considered suspect[1]. In all cases, unreinforced masonry structures should be considered unsafe.

Damage and injury resulting from geologic hazards can be reduced to acceptable levels through zoning and building permit review procedures and construction standards. New construction conforming to the standards of the California Building Code (CBC) will provide adequate protection. Dams, schools, and hospitals are more stringently regulated by state and federal agencies for protection against such hazards. It should be noted that the purpose of the earthquake provisions of the CBC is to prevent loss of life, not to prevent structural damage.

Kings County does not have major fault systems within its boundaries; however, the San Andreas Fault is about four miles west of the Kings County line. The primary hazard due to seismic activity in Kings County would come from ground shaking, with the potential varying from 20-30% g in the northeast third of the County, including the cities of Hanford, Lemoore, Corcoran, and the Santa Rosa Rancheria to 3-40% g in the central part of the County, which is primarily agricultural. Earthquake hazards area more severe in the southeast third of the County and in the City of Avenal, with the potential for ground shaking in this area ranging from 40-50% g to 70-80% g at the southwester County line.

Valley Zones (V1 through V4), represents areas along the valley floor with highest near-surface amplification identified along the west and decreasing towards the east due to the damping of thick alluvial sediments. Coast Ranges Zones (C1 and C2) represent the Kettleman Hills and Coast Range areas that are closest to the San Andreas Fault, which are anticipated to experience moderately high ground shaking levels. The safest zones correspond generally to the areas of greatest population within the County. Zone V1, the area of least expected seismic shaking, encompasses the cities of Hanford and Lemoore, communities of Armona, Home Garden and Stratford, and Naval Air Station Lemoore residential areas and Santa Rosa Rancheria. Zone V2

[1] *In 1948, earthquake regulations were adopted as a legally binding section of the UBC for the first time. Previously, earthquake standards were set forth in the Appendix of the UBC and were not a mandated part of the Code. It is more likely then, that a building constructed before 1948 would be less able to withstand the shock of an earthquake than one built after 1948.*

contains the City of Corcoran. Kettleman City and Avenal, however, are located within Zone V4 and adjacent to more critical Coast Range Zones.

The geologic hazards in Kings County are most acute for the City of Avenal and the community of Kettleman City due to the presence of the San Andreas Fault along the southwestern border of the County. Data from the Federal Emergency Management Agency's HAZUS (computer hazard estimation modeling tool) presented in the HMP predicts estimated losses countywide for all jurisdictions for two different earthquake scenarios. The model predicts building losses will be highest in manufactured housing, which may be an important consideration for the County's housing rehabilitation programs in unincorporated areas. There are less than 10 unreinforced masonry buildings in the unincorporated County and none of these exist within Seismic Zone V4.

New development within the County would conform to the CBC as required by law. Although nothing can ensure that structures do not fail under seismic stress, proper engineering, including compliance with the CBC, can minimize the risk to life and property, resulting in a less than significant impact to new development from groundshaking.

General Plan Policies which Reduce Impacts. The *2035 General Plan Health and Safety Element* includes the following policies intended to minimize the risks associated with seismic related hazards:

HS Policy A1.3.1 *Implement natural hazards review criteria for new development that is based upon information provided in the Natural Hazards Section of the Health and Safety Element to improve long term loss prevention.*

HS Policy A1.4.1 *Implement the current California Building Codes and any subsequent amendments as contained within California Code of Regulations Title 24 to improve disaster resistance of future buildings.*

HS Policy A2.1.1 *Maintain and enforce current building codes and standards to reduce the potential for structural failure caused by ground shaking and other geologic hazards.*

HS Policy A2.1.2 *Use the 1997 Uniform Code for the Abatement of Dangerous Buildings of a non-residential nature, and the 1997 Uniform Housing Code to assess unsafe residential structures and ensure their safe construction and rehabilitation.*

HS Policy A2.1.3 *Prohibit new construction along known fault zones, and limit uses to nonstructural land uses.*

HS Policy A2.1.4 *Review all development proposals to determine whether a geotechnical soils report is required for new construction.*

HS Policy A2.1.5 *Consider the environmental review process for land use projects seismic hazards, including subsidence, liquefaction, flooding, local soils, and geologic conditions.*

HS Policy A2.1.6 *Require agriculture or open space land uses around areas identified as engaging in potentially hazardous activities to serve as a buffer that reduces possible personal or property damage resulting from an earthquake.*

Mitigation Measures. No additional mitigation measures are required beyond compliance with applicable proposed General Plan policies and provisions of the CBC.

Significance After Mitigation. Impacts would be less than significant with implementation of the CBC requirements and polices contained in the Health and Safety Element.

Impact GEO-2 Future seismic events could result in liquefaction of soils in portions of the County area. Development in these areas could be subject to liquefaction hazards. However, the risk and danger of liquefaction and subsidence occurring within the County is considered to be minimal. With implementation of proposed General Plan policies and required building codes, impacts would be Class III, *less than significant.*

The risk and danger of liquefaction and subsidence occurring within the County is considered to be minimal. However, as detailed in Figure 4.6-4, Zones V4, C1, and C2 would likely experience the greatest ground shaking. Consideration of future development proposals in areas of potential liquefaction should place primary emphasis upon communicating to developers the findings of the Five County Seismic Safety Element and studies performed by the U.S. Geological Survey. The problem of potential liquefaction should be handled on a site-by-site basis by a licensed soils engineer.

General Plan Policies which Reduce Impacts. Refer to the applicable *2035 General Plan Health and Safety Element* policies described under Impact GEO-1.

Mitigation Measures. Compliance with the CBC and applicable policies of the Health and Safety Element, including Policy HS Policy A2.1.5, would ensure that impacts would be less than significant.

Significance After Mitigation. Impacts would be less than significant with implementation of the CBC requirements and polices contained in the *Health and Safety Element.*

Impact GEO-3 Kings County has very "Low" to "Moderate" risk landslide areas and a small portion of land that is rated to have "High" landslide incident probability. Landslides have the potential to damage and destroy structures, roadways and other improvements as well as to deflect and block drainage channels, causing further damage and erosion. Compliance with the CBC would generally address landslide hazards. However, because the draft General Plan does not include specific requirements to address landslide hazards, impacts would be Class II, *significant but mitigable.*

Kings County has very "Low" to "Moderate" risk landslide areas located in remote uninhabited sections of southwest Kings County. Figure 4.6-5 depicts where territories throughout the State, including Kings County, may be susceptible to landslides. Those areas potentially susceptible to landslides within Kings County are nearly all defined as having "Low" (less than 1.5 percent of area involved) and "Moderate" potential (1.5 to 15 percent of area involved) for landslide incident. A smaller portion of land within the Coast Ranges, along the southwest corner of the County, is the only area rated to have "High" (Greater than 15 percent of area involved) landslide incident probability. This portion of the county is designated for Agricultural and Natural Resource Conservation land uses and therefore not likely to result in any dense population or development.

Slope instability may result in landslides, mudslides, or debris flows that can cause substantial damage and disruption to buildings and infrastructure. Impacts from these types of soil hazards are generally reduced to less than significant levels by the standard development review process. Standard building and grading procedures would mitigate most soil hazards. Geotechnical engineering of any landslide areas would be necessary to ensure that slopes would not become destabilized during grading activities. Onsite soil investigations identify local hazard conditions, which are then mitigated through implementation of appropriate construction techniques and through proper siting improvements.

In general, the primary remedial measure to be employed during grading is the removal of the slump or debris slide from the top to the toe. The potential for destabilization or activation of mass wastage areas increases with an increase in the amount of proposed earthwork. Debris flows typically form in response to local intense rainfall in steep swale areas that are filled with saturated, fine-grained soils. Portions of the plan area, because of their relatively steep topography, are considered to have a moderate debris flow potential.

General Plan Policies which Reduce Impacts. Refer to the applicable *2035 General Plan Health and Safety Element* policies described under Impact GEO-1.

Mitigation Measures. Compliance with the CBC and applicable policies of the Health and Safety Element, including Policy HS Policy A2.1.5 would ensure that impacts would be less than significant.

Significance After Mitigation. Impacts would be less than significant with implementation of the CBC requirements and polices contained in the *Health and Safety Element.*

Impact GEO-4 Expansive soil conditions could result in foundation and building distress problems and cracking of concrete slabs. However, implementation of draft General Plan policies would reduce impacts relating to soil expansion to a Class III, *less than significant*, level.

Expansive soils exhibit clay like characteristics and swell when wetted and shrink when dried. Wetting can occur naturally in a number of ways, (e.g., absorption from the air, rainfall, groundwater fluctuations, lawn watering and broken water or sewer lines). In hillside areas, as expansive soils expand and contract, gradual downslope creep may occur, eventually causing landsliding. Clay soils also retain water and may act as lubricated slippage planes between

other soil/rock strata, also producing landslides, often during earthquakes or by unusually moist conditions. The shrink-swell characteristics of soils can vary widely within short distances, depending on the relative amount and type of clay. Expansive soils are also often prone to erosion. Foundations of structures placed on expansive soils may swell during the wet season and shrink during the succeeding dry season, potentially resulting in foundation damage.

Detailed geologic studies are required prior to development to evaluate the potential for geologic and soil hazards, including expansive soils, and these conditions must be minimized or corrected during construction. The analysis would provide recommendations to prepare sites for development to avoid the hazards associated with expansive soils. Typical measures to treat expansive soils involve removal, proper fill selection, and compaction. Expansion should not be a substantial constraint to development of individual sites provided that adequate soil and foundation studies are performed prior to construction and that CBC guidelines are followed. Therefore, impacts would be less than significant.

General Plan Policies which Reduce Impacts. Refer to the applicable *2035 General Plan Health and Safety Element* policies described under Impact GEO-1.

Mitigation Measures. Compliance with the CBC and applicable policies of the Health and Safety Element, including Policy HS Policy A2.1.5 would ensure that impacts would be less than significant.

Significance After Mitigation. Impacts would be less than significant with implementation of the CBC requirements and polices contained in the *Health and Safety Element.*

Impact GEO-5 **Radon is a contaminant that affects indoor air quality. Radon gas from natural sources can accumulate in buildings and reportedly is the second most frequent cause of lung cancer, after cigarette smoking. However, compliance with the CBC and applicable policies of the proposed Health and Safety Element would ensure that impacts would be Class III, *less than significant.***

The potential for radon gas exposure could result in significant impacts to new development in areas prone to radon gas. A radon gas survey prior to development should be performed to evaluate the potential for radon gas hazards. The analysis provides recommendations to prepare the site for development to avoid the hazards associated with radon gas. Typical measures to treat soils during construction involve non-permeable barriers and proper ventilation. Large-scale radon gas exposure would not be likely, and would not result in a significant impact, provided that adequate soils and foundation studies are performed prior to construction and that Building Code guidelines are followed.

General Plan Policies which Reduce Impacts. Refer to the applicable *2035 General Plan Health and Safety Element* policies described under Impact GEO-1.

Mitigation Measures. Compliance with the CBC would ensure that impacts would be less than significant. Therefore, mitigation is not required.

Significance After Mitigation. Impacts related to radon gas would be less than significant level following compliance with the CBC.

b. Project and Cumulative Impacts.

Impact HAZ-1 Potential development that could be facilitated near known hazardous material users, construction in areas with existing hazardous materials, or accidental releases of hazardous materials during transportation could expose individuals to health risks due to soil/groundwater contamination or emission of hazardous materials into the air. This is a Class III, *less than significant* impact.

The 2035 General Plan would facilitate development (including residences) within areas where hazardous materials could be stored or used, or where previous use has resulted in contamination of the site. Development of residential uses or schools in proximity to commercial or industrial uses that use or store hazardous materials could increase the risk of exposure to harmful health effects. In addition, hazardous materials are routinely transported by trucks along the major state routes and roadways, on railways, and via pipelines throughout the County; however, transportation of such materials is highly regulated to ensure the safety of the public. Negligence during use, construction activities, or accidents involving the transport of these materials could result in the release of hazardous substances into the environment, creating an emergency situation that could be detrimental to the public or environment.

The use or storage of hazardous materials within a flood zone also poses a hazard to people and the environment, because these materials could be released during flood events. The community of Stratford is the only area of the County where development is proposed that could be susceptible to flood hazards. A more detailed discussion of countywide flood hazards can be found in Section 4.8 *Hydrology and Water Quality.*

Older structures throughout the County could potentially contain asbestos containing materials (ACM) and/or lead-based paint (LBP). If demolition of these structures occurred, ACM or LBP could be released, resulting in adverse health effects. To prevent health risks to occupants or construction workers, proper ACM and LBP abatement and disposal procedures, described in the regulatory setting section above, are required to be undertaken whenever the demolition is considered for structures that were built prior to 1979.

The *2035 General Plan Health and Safety Element*, and the *Stratford Community Plan* contain several policies that would protect County residents and the environment from exposure to hazardous materials. In addition to these policies, compliance with existing hazardous materials transportation, storage and disposal regulations as well as continuing participation and maintenance of the Countywide emergency response systems would reduce impacts related to hazardous material upset risk to a less than significant level.

General Plan Policies which Reduce Impacts. The *2035 General Plan Health and Safety Element* includes the following policies, the implementation of which would mitigate potential hazardous materials risks.

HS Objective B1.5 *Ensure adequate protection of County residents from new generations of toxic or hazardous waste substances.*

HS Policy B1.5.1 *Evaluate development applications to determine the potential for hazardous waste generation and be required to provide sufficient financial assurance that is available to the County to cover waste cleanup and/or site restoration in instances where the site has been abandoned or the business operator is unable to remove hazardous materials from the site.*

The *Stratford Community Plan* includes the following additional policies, the implementation of which would mitigate potential hazardous materials risks.

SCP Policy 7D.1.3 *Facilities using, storing, or allowing substantial quantities of hazardous materials to be stored onsite shall not be permitted within the 100-year flood zone unless, all standards for elevation, anchoring, and flood proofing are proven satisfactory to the County's Flood Protection Administrator.*

Mitigation Measures. Compliance with federal, state, and local regulations, in combination with the General Plan policies listed above would mitigate potential health risk impacts to a level of less than significant.

Significance After Mitigation. Impacts would be less than significant without mitigation.

Impact HAZ-2 **Development consistent with the proposed 2035 General Plan would introduce residential land uses into areas designated as Moderate or High Wildland Fire Hazard areas. However, compliance with General Plan policies and state and local regulations would ensure Class III, *less than significant*, impacts.**

Fire hazards throughout most of the County are considered moderate. In rural areas where there are large areas of dry vegetation, fewer access roads, and increased distances from fire stations, fire hazards can be much higher. Hazards in these areas can be greatly reduced by removing dry vegetation around structures and installing dependable water systems. The southern portion of the County west of State Route 33 has steep topography, and is classified as an extreme fire hazard area. Since this part of the County is isolated and contains no urban settlements, hazards to life and property are considered minimal. Dry grain crops are grown throughout the County, and are also at high risk during the peak fire season. Wildfires in these unpopulated areas can quickly spread to urbanized areas; therefore, even the developed portions of the County have some fire risk.

Future development facilitated by the 2035 General Plan would be focused in the existing communities of Armona, Home Garden, Kettleman City, and Stratford. None of these communities are included in CalFire's list of communities at risk for wildfire. To decrease the hazard of fires in developed areas of the County, property owners and new developments are required to comply with the Kings County Improvement Standards as to minimum road widths, required clearances around structures, and peakload water capacity (*2035 Kings County*

General Plan Health and Safety Element). In addition, the *2035 General Plan Health and Safety Element* states that future development proposals will be reviewed according to the Fire Hazard Map, and appropriate building standards or restrictions will apply. The 2035 General Plan proposes a Natural Resource Conservation overlay for the southwestern portion of the County, which is designated as an extreme fire hazard area. The General Plan Land Use Element states that development in this area will be subject to review by CalFire, which will ensure that impacts remain less than significant.

General Plan Policies which Reduce Impacts. The *2035 General Plan Land Use Element* and *Health and Safety Element* includes the following policies, the implementation of which would mitigate potential risk of injury or damage from wildland fires.

LU Policy A1.1.7 *All proposed permanent structures within the Coast Range Natural Resource Conservation overlay designated areas shall be directed to the California Department of Forestry for review and compliance with all State Response Area fire requirements.*

HS Objective C2.2 *Provide quality fire protection services throughout the County by the Kings County Fire Department, and Fire safety preventative measures to prevent unnecessary exposure of people and property to fire hazards in both County Local Responsibility Areas and State Responsibility Area.*

HS Policy C2.2.1 *Community planning efforts should evaluate the projected need for Fire Department personnel and equipment and necessary funding support to maintain current levels of service as community growth occurs.*

HS Policy C2.2.2 *Development proposals and code revisions shall be referred to the County Fire Department for review and comment.*

HS Policy C2.2.3 *Use the 1997 Uniform Code for the abatement of Dangerous Buildings. All new structures to be occupied shall be built to current Fire Code Standards.*

HS Policy C2.2.4 *Review development proposals according to California Department of Forestry and Fire Protection "Fire Hazard Severity Zone Maps" to determine whether a site is located within a Very High Fire Hazard Severity Zone and subject to Wildland-Urban Interface Fire Area Building Standards and defensible space requirements as adopted under Senate Bill 1595 and effective January 1, 2009.*

HS Policy C2.2.5 *Forward for review and comment all proposed structures within the State Responsibility Area to the California Department of Forestry and Fire Protection within all State Responsibility Areas.*

Mitigation Measures. Compliance with the above policies and existing regulations would reduce the risk of injury or damage from wildland fires to a less than significant level. No mitigation is required.

Significance After Mitigation. Impacts would be less than significant without mitigation.

Impact HAZ-3 **Public and private airports in Kings County could create safety hazards for nearby development. Careful land use planning in adherence with proposed General Plan policies and continued coordination with the Kings County Airport Land Use Compatibility Plan would ensure Class III, *less than significant* impacts.**

Most of the public safety risk created by airports is attributed to aircraft accidents in the vicinity of populated areas. Land use planning considerations can help reduce risks to the public by preventing dense residential development, schools, hospitals, or other densely populated uses that could put residents or workers in harm's way, should an accident occur.

Airport facilities in Kings County include the Hanford Municipal Airport, Corcoran Airport, NAS Lemoore, several private airstrips, and agricultural cropduster airstrips. The majority of these airstrips are located in the rural agricultural areas of the County, and would not create significant safety hazards for people living or working in the area. Only the Hanford and Corcoran Airports are designated for public use, and as such are included in the Kings County Airport Land Use Compatibility Plan (ALUCP). The ALUCP describes land use and development restrictions within the designated safety zones, as illustrated on Figures 4.7-2 and 4.7-3.

Development facilitated by the 2035 General Plan would occur primarily in and around the existing cities and four Community Plan areas of the County. The Corcoran Airport is surrounded by agricultural land, and would not impact future development. Although the Hanford Airport is located directly northeast of the Community of Home Garden, this Community is designated as "Zone D: Other Airport Environs"; therefore, the Hanford Airport poses little threat to this plan area. Development occurring north of Home Garden, within the "Urban Fringe" of the City of Hanford, would be closer to the airport and would be at greater risk. Proposed land uses on undeveloped parcels within the "B2: Extended Approach/Departure" zone include Very Low Density Residential (1 unit/acre) and Heavy Industrial. The ALUCP limits residential development in this zone to 0.5 units/acre (1 unit per 2 acres). While future development under this land use designation could conflict with the requirements of the ALUCP, the 2035 General Plan contains policies to ensure land use compatibility on a project-specific basis. The ALUCP also prevents any above-ground bulk storage of hazardous materials in Zone B2, and prohibits any other uses that may cause hazards to flights within any of the safety zones.

Of the County's airports, the NAS Lemoore occupies the largest airspace and has the greatest amount of aircraft activity. The 2035 General Plan has designated the area around the NASL as Exclusive Agriculture which serves as a public safety buffer to ensure the preservation of large and sparsely developed parcels in the area surrounding the base. While this designation has proven effective in preventing land use and safety conflicts between the base and the general public, the 2035 General Plan also contains numerous policies relating to land use in the vicinity of the NASL, that would reduce potential impacts to a less than significant level.

cleanup programs discharging to surface waters. Discharge limits, under the NPDES permits, for minerals and pollutants are established and regulated by the RWQCB.

Projects disturbing more than one acre of land during construction are required to file a Notice of Intent (NOI) with the RWQCB to be covered under the State NPDES General Construction Permit for discharges of storm water associated with construction activity. A developer must propose control measures that are consistent with the State General Permit. A Storm Water Pollution Prevention Plan (SWPPP) must be developed and implemented for each site covered by the general permit. A SWPPP should include Best Management Practices (BMPs) designed to reduce potential impacts to surface water quality through the construction and life of the project.

The control of non-point source runoff from industrial sources and associated pollutants is regulated in California by the SWRCB under the statewide General Permit for Stormwater Discharges Associated with Industrial Activities Order No. 97-03-DWQ. The General Permit presents the requirements for compliance of certain industries with the NPDES. A wide range of industries is covered under the general permit, including mining operations, lumber and wood products facilities, petroleum refining, metal industries, and some agricultural product facilities.

4.8.2 Impact Analysis

a. Methodology and Significance Thresholds. Flooding risk was determined using Federal Insurance Rate Maps for the area.

Impacts would be considered significant if development facilitated by the 2035 General Plan would:

- *Potentially degrade surface or groundwater quality below standards established by the RWQCB (these standards are usually in accordance with the California EPA's maximum contaminant levels (MCLs) for drinking water);*
- *Substantially interfere with groundwater recharge;*
- *Substantially alter the existing drainage pattern of the area such that substantial erosion or siltation occurs;*
- *Substantially alter the existing drainage pattern or substantially increase the rate or amount of surface runoff in a manner which results in flooding;*
- *Substantially add additional sources of polluted runoff to a water body; or*
- *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.*

b. Project and Cumulative Impacts.

Impact HWQ-1 **A small portion of commercially designated land in the Stratford Community Plan area would be located within the 100-year flood zone. Limited residential development may also occur in agricultural designated land that is within the 100-year flood zone. However, with implementation of 2035 General Plan and Community Plan policies, impacts related to flooding would be Class III, *less than significant.***

Flooding as a result of storm events can cause widespread damage to affected areas, and endanger human safety. When urban areas encroach on floodplains, buildings and vehicles can be damaged or destroyed, while smaller objects can be buried in flood-deposited sediments. Floodwaters can break utility lines, interrupting services and potentially affecting health and safety. Floods may also create health and safety hazards and disruption of vital public services. The secondary effects of flooding are due to standing water, which can result in crop damage, septic tank failure, and water well contamination. Standing water can also damage roads, foundations, and electrical circuits. The extent of damage caused by any flood depends on the topography of the area flooded; depth, duration, and velocity of floodwaters; the extent of development in the floodplain; and the effectiveness of forecasting, warnings, and emergency operations. Encroachment onto floodplains, such as artificial fills and structures, reduces the capacity of the floodplain and increases the height of floodwater upstream of the obstructions.

For the vast majority of Kings County, the 100-year floodplain occupies agricultural land to the south of existing urbanized areas. As discussed in section 2.0 *Project Description*, the majority of commercial and residential development is expected to occur in urbanized areas, primarily within the four Community Plan areas. Development that would occur outside of community plan areas would mostly occur adjacent to the urban boundaries of the plan areas, known as the urban fringe. Each community plan area, as well as the areas immediately surrounding the community plan areas are not located within the 100-year floodplain, with the exception of a small portion of the Stratford Community Plan area. As such, development that would occur in these areas would not be subject to flooding and associated hazards. Should structures be developed beyond the urban areas and urban fringes of the community plan areas on agricultural designated land, such that they are located within the 100-year flood zone, they would be subject to the County's policies as set forth the in proposed 2035 General Plan Health and Safety Element, which would ensure that people or property are not subject to the risks associated flooding.

Within Stratford, the 100-year flood zone occupies a small portion of the western and southern perimeters of the Community Plan area, as shown on Figure 4.8-3. The portions of the plan area near the western perimeter within the floodplain include Limited Agriculture and Commercial land use designations, while the portions near the southern boundary include Public and Open Space land use designations. The commercially designated area near the western boundary is within the 100-year flood zone. This area would accommodate commercial structures, which may pose a risk to structures and temporary human populations during a 100-year storm event.

In addition, the Public-designated areas could include uses such as community centers or schools, which may also pose a risk during a storm event. No habitable structures would be located within Open Space designated areas. Nonetheless, any development within the 100-year flood zone would be subject to the County's policies as set forth in the proposed *2035 General Plan Health and Safety Element* and the *Stratford Community Plan*, which would ensure that people or property are not subject to the risks. Therefore, impacts related to flooding caused by storm events would be less than significant.

Proposed General Plan Policies which Reduce Impacts. The *2035 General Plan Health and Safety Element* includes the following policies, the implementation of which would mitigate potential impacts related to flood risk.

HS GOAL A4	*Prevent unnecessary exposure of people and property to flood damage.*
HS OBJA4.1	*Direct new growth away from designated flood hazard risk areas, and regulate new development to reduce the risk of flood damage to an acceptable level.*
HS Policy A4.1.1	*Review new development proposals against current Federal Emergency Management Agency (FEMA) digital flood insurance rate maps and California Department of Water Resource special flood hazard maps to determine project site susceptibility to flood hazard.*
HS Policy A4.1.2	*Reserve FEMA designated flood hazard areas for agricultural and natural resource conservation uses along the floodway channels and Tulare Lake Basin.*
HS Policy A4.1.3	*Determine base flood elevations for new development proposals within or adjacent to 100 year flood zone areas as identified in latest FEMA Digital Flood Insurance Rate Map, to definitively assess the extent of property potentially subject to onsite flood hazards and risks.*
HS Policy A4.1.4	*Direct new urban growth to existing cities and community districts, or away from New Community Discouragement Areas to avoid flood hazard areas and increased risk to people and property.*
HS Policy A4.1.5	*Regulate development, water diversion, vegetation removal, and grading to minimize any increase in flood damage to people and property.*
HS Policy A4.1.6	*New development shall provide onsite drainage or contribute towards their fair share cost of off-site drainage facilities to handle surface runoff.*
HS Policy A4.1.7	*Consider and identify all areas subject to flooding in the review of all land divisions and development projects.*
HS Policy A4.1.8	*Enforce the "Kings County Flood Damage Prevention Ordinance," Chapter 5A of the Kings County Code of Ordinances.*

The *2035 Stratford Community Plan* includes the following policies, the implementation of which would mitigate potential impacts related to flood risk.

SCP OBJ 7D.1 *Prevent the construction of facilities or land improvements, within the 100 year flood zone, that could result in a loss of life or property.*

SCP Policy 7D.1.1 *The County shall apply a minimum level of acceptable risk to new construction and proposals for substantial improvements to all development within the 100-year floodplain and disapprove projects that cannot mitigate the hazard to the satisfaction of the Building Official or other responsible agency.*

SCP Policy 7D.1.2 *The County shall continue to use the 100-year flood event and any base flood elevations available to measure the level of acceptable risk and protection when considering any amendments to the Stratford Community Plan Land Use Map.*

Mitigation Measures. None required beyond implementation of the existing regulatory framework and proposed General Plan policies.

Significance after Mitigation. Impacts would be less than significant.

Impact HWQ-2 **Portions of the County are located within an identified dam inundation hazard area associated with the Pine Flat Dam and the Terminus Dam. There is potential to expose people and structures to associated dam inundation hazards. However, the Hazard Mitigation Plan identified dam inundation as a low significance hazard. Therefore, impacts related to dam inundation would be Class III, *less than significant.***

The 2007 Kings County Multi-Jurisdictional Hazard Mitigation Plan (HMP) states that Pine Flat and Terminus are the only dams in the region which, if breached, might cause flooding of significance to local inhabited areas, refer to Figure 4.8-2. The mapped inundation area for the failure of Terminus Dam covers the area east of Hanford and the railroad, and north of Corcoran to the eastern county line. The inundation area for the failure of Pine Flat Dam is much larger, covering the northern third of the County, east of the Naval Air Station Lemoore and west of Corcoran, south to the El Rico Main Canal. If Pine Flat Dam failed while at full capacity, its floodwaters would arrive in Kings County within approximately five hours. If Terminus Dam failed while at full capacity, its floodwaters would arrive in Kings County within approximately twelve hours. The 2035 General Plan does not introduce populations of people into dam inundation zones that are currently unpopulated, as much of the inundation zone includes the communities of Armona and Home Garden, and the cities of Hanford and Lemoore. In addition, based on a risk analysis, the HMP concludes that dam inundation is not a significant hazard due to the very low probability of dam failure (County of Kings, 2007) Therefore, impacts related to dam inundation are less than significant.

General Plan Policies which Reduce Impacts. The 2035 General Plan does not include policies intended to address hazards related to dam inundation because the HMP determined that dam inundation is a very low risk.

Mitigation Measures. None required, as no significant impacts were identified.

Significance after Mitigation. Impacts would be less than significant without mitigation.

Impact HWQ-3 **Development facilitated by the 2035 General Plan would incrementally increase the amount of impervious surfaces within the County, resulting in an increase in watershed runoff and a decrease in percolation to the Tulare Lake Basin. Runoff could degrade water quality. Therefore, impacts would be Class II, *significant but mitigable.***

Development that could be facilitated by the 2035 General Plan would incrementally increase development intensity in portions of the County, thereby increasing the amount of impervious surface area within the watershed. This could incrementally increase surface runoff into area drainages and reduce the area available for groundwater percolation to the Tulare Lake Basin.

The majority of new development facilitated under the 2035 General Plan would occur in existing urban areas where impervious surfaces occupy a substantial portion of the land. Additionally, the areas where development would occur are similar to those under the 1993 General Plan. Development in large undeveloped areas would not increase under the 2035 General Plan, as the plan intends to focus development within existing urban areas. In addition, over 90 percent of the 818,778 acres that comprise the unincorporated portion of the County are designated for agriculture, natural resource conservation and open space, which are land uses that do not facilitate the development of impervious surfaces. In addition, development that would not occur within existing urban areas would primarily occur within the urban fringe of existing urban areas. As such, development under the 2035 General Plan would not result in substantial amounts of impervious surface such that groundwater recharge is severely hindered. In addition, any future development in these areas would be subject to all federal and state regulations regarding impervious surface and stormwater runoff, as described in subsection 4.8.1(f). Therefore, impacts related to impervious surfaces and groundwater recharge would be less than significant.

General Plan Policies which Reduce Impacts. There are no policies within the 2035 General Plan which specifically address impervious surfaces. However, as discussed above, the *2035 Land Use Element and Community Plans* policies encourage infill development and preservation of agricultural land and open spaces, thereby limiting the addition of new impervious surfaces. Nevertheless, increase in impervious surfaces may result in impacts to water quality.

Mitigation Measures. For future development within the County, compliance with an approved SWPPP would achieve compliance with applicable regulatory improvements. The following mitigation measure would provide minimum standards that ensure that temporary construction-related water quality impacts are reduced to a less than significant level:

- *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 expose people residing or working in the project area to excessive noise levels; or*
- *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

The FHWA Highway Traffic Noise Prediction Model was used to predict existing and future traffic noise levels within Kings County. The FHWA Model is the traffic noise prediction model currently preferred by the FHWA, Caltrans, and most county governments for use in traffic noise assessment.

Noise contours were created from the FHWA model results for the purposes of evaluating whether a given increase in noise is "substantial." A "substantial" increase in traffic noise is defined by the Federal Interagency Committee on Noise (FICON) recommendations. These are shown in Table 4.10-2.

Table 4.10-2. Significance of Changes in Operational Roadway Noise Exposure

Post-Project Noise Level (CNEL)	Significant Impact
< 60 dB	+ 5.0 dB or more
60 – 65 dB	+ 3.0 dB or more
> 65 dB	+ 1.5 dB or more

b. Project and Cumulative Impacts.

Impact N-1 **New development facilitated by the 2035 General Plan could result in exposure of future residences and other noise-sensitive land uses to noise levels exceeding the "acceptable" range. However, implementation of noise attenuation features on new development, as required by draft General Plan policies, would reduce impacts to a Class III, *less than significant*, level.**

The 2035 General Plan would facilitate the development of new residential and other noise-sensitive uses that could be exposed to long-term noise exceeding acceptable levels shown in Table 4.10-1. The draft General Plan Noise Element would update the acceptable noise standards, as reflected in Tables 4.10-3 and 4.10-4. Potential sources of noise exposure include: (1) traffic on Interstate 5, local state routes, and countywide arterial roadways; and (2) commercial, industrial, and agricultural activity on sites that are adjacent to or near noise-sensitive uses.

The FHWA Model was used with existing and future traffic data to develop L_{dn} contours for the major highways and roadways within Kings County. The *2035 General Plan Noise Element* depicts the distances from the centerlines of major roadways to the 60, 65 and 70 dB L_{dn} contours for existing (2006) and future (2035) conditions. On the ground these distances may be less than modeled because of topographic attenuation and intervening buildings.

BEFORE THE KINGS COUNTY BOARD OF SUPERVISORS
COUNTY OF KINGS, STATE OF CALIFORNIA

IN THE MATTER OF CERTIFYING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE 2035 KINGS COUNTY GENERAL PLAN UPDATE	)))))	**RESOLUTION NO. 10-001** **RE: 2035 Kings County General Plan Update**

WHEREAS, the Kings County Community Development Agency, at the direction of the Kings County Board of Supervisors, began the process to update the Kings County General Plan in 2006; and

WHEREAS, the draft *2035 Kings County General Plan* has been prepared by the Kings County Community Development Agency in accordance with the provisions of the California Government Code; and

WHEREAS, the Kings County Community Development Agency researched the draft General Plan to ensure that it is consistent with current law, is internally consistent, coordinates policies from one element to another, and addresses the needs of the county and the people who live and work here; and

WHEREAS, the Notice of Preparation (NOP) of a Draft Program Environmental Impact Report ("Draft PEIR") for the 2035 Kings County General Plan Update was distributed by the Kings County Community Development Agency ("Community Development Agency") and circulated for a 30-day public review period on December 3, 2008; and

WHEREAS, a public scoping meeting was held on December 15, 2008 to receive public input on the scope of the Draft PEIR; and

WHEREAS, the existing conditions described in the Draft PEIR reflect the physical environmental conditions in existence at the time the NOP was distributed; and

WHEREAS, the Kings County Community Development Agency received written comments on the NOP for the Draft PEIR; and

WHEREAS, the Community Development Agency determined that the preparation of a Program EIR was appropriate due to the potentially significant adverse environmental impacts that could be caused by the Project; and

WHEREAS, a Notice of Completion of a Draft PEIR was filed with the State Clearinghouse in the Office of Planning and Research on July 6, 2009, establishing a Public Review Period of 45 days; and

WHEREAS, a Notice of Intent to Adopt a PEIR was posted at the Kings County Clerk-Recorder's Office on July 6, 2009, and published in the Hanford Sentinel on July 6, 2009, providing notice that the Draft PEIR had been completed and was available for public review and comment; and

WHEREAS, the Draft PEIR was published and circulated for public comments from July 6, 2009, to August 20, 2009, and subsequently extended to August 26, 2009 at the request of a responding agency; and

WHEREAS, the Community Development Agency distributed copies of the Draft PEIR to those public agencies that have jurisdiction by law with respect to the Project, as well as to other interested persons and agencies, and sought the comments of such persons and agencies; and

WHEREAS, on August 20, 2009 the Kings County Community Development Agency conducted a public meeting at which time the public was given the opportunity to provide oral comments on the Draft EIR; and

WHEREAS, following closure of the public comment period on the Draft PEIR, a Final PEIR was prepared, including responses to comments received by the Community Development Agency; and

WHEREAS, the Final PEIR for the County of Kings 2035 General Plan Update consists of the following information: the revisions, clarifications and corrections of the Draft PEIR; the comments and recommendations received on the Draft PEIR; a list of persons, organizations, and public agencies commenting on the Draft PEIR; the responses of the Community Development Agency to significant environmental points raised in the review and consultation process; other information added by the Community Development Agency. The Final PEIR also consists of the Draft PEIR, including the technical appendices included therein; and

WHEREAS, on October 23, 2009 a public notice of Final PEIR availability and the Kings County Planning Commission notice of public hearing for their November 2, 2009 meeting was published in a newspaper of general circulation and mailed to all Responsible Agencies, interested groups, organizations and persons, including all persons and agencies that had commented on the Draft PEIR; and

WHEREAS, on November 2, 2009 the Kings County Planning Commission ("Planning Commission") held a duly noticed public hearing for the *2035 Kings County General Plan* and associated Final PEIR and continued the public hearing to December 14, 2009; and

WHEREAS, on December 14, 2009 the Planning Commission resumed the public hearing, received additional testimony, closed the public hearing, deliberated, and recommended that the Board of Supervisors certify the Final Program Environmental Impact Report for the *2035 Kings County General Plan*; and

WHEREAS, on January 15, 2010, notice of the Kings County Board of Supervisors scheduled January 26, 2010 public hearing on the Final PEIR, was published in a newspaper of general circulation and mailed to all Responsible Agencies, interested groups, organizations and persons, including all persons and agencies that had commented on the Draft PEIR; and

WHEREAS, notices for the public hearing were given by the County as follows:

1. Mailed to all responsible and trustee agencies on January 15, 2010; and

2. Mailed to all those persons who specifically requested notice in writing on January 15, 2010; and

3. Posted at least ten days prior to the hearing in at least three public places within Kings County, including (i) at the South and West doors of the Administration Building, Building No. 1, Kings County Government Center, 1400 W. Lacey Blvd., Hanford, California; (ii) South door

of the Engineering Building No. 6, Kings County Government Center, 1400 W. Lacey Blvd, Hanford, California; and (iii) at Kings County Hanford Branch Library; and

4. Published one time in the Hanford Sentinel, a newspaper of general circulation in Kings County as designated by the Kings County Board of Supervisors.

WHEREAS, copies of these notices and affidavits of mailing, posting and publishing are on file in the office of the Kings County Community Development Agency.

WHEREAS, on January 21, 2010, the Community Development Agency made a recommendation to the Board of Supervisors that the Final PEIR was adequate; and

WHEREAS, on January 26, 2010, the Board of Supervisors held a duly noticed public hearing on the County of Kings 2035 General Plan Update at the Kings County Board of Supervisors Chambers, 1400 W. Lacey Blvd., Building 1, Hanford, California; and

WHEREAS, at the January 26, 2010, public hearing the Board of Supervisors received a report presented by County staff that included recommendations; a report from the EIR Consultant; and testimony from various private groups; and

WHEREAS, the Board of Supervisors closed the public hearing after the conclusion of public testimony; and

WHEREAS, the Kings County Board of Supervisors has reviewed and considered the information contained in the Final Program Environmental Impact Report and supporting documents, including all maps, exhibits, testimony and written documents contained in the file for this project, including its environmental analysis, on record in Kings County, and has considered the oral presentations given at the public hearing, and now finds that:

1. Notice has been given in the time and in the manner required by State Law and the County Code.

2. The Final Program Environmental Impact Report for the County of Kings 2035 General Plan Update (SCH No. 2008121020), on file in the office of the County Clerk and incorporated herein by reference, was presented to the Kings County Board of Supervisors. The Final PEIR includes the Draft PEIR, dated July 2009, all comments and recommendations received on the Draft PEIR, a list of persons, organizations, and public agencies commenting on the Draft PEIR, the responses to comments made regarding significant environmental points, and the Final PEIR for the 2035 General Plan Update (collectively the Final PEIR). The Board of Supervisors has independently reviewed and considered the information contained in the Final PEIR, including comments received from the public, before making a decision on the 2035 General Plan Update Project.

3. The Final PEIR was completed in compliance with CEQA.

4. The Final PEIR reflects the County's independent judgment and analysis.

NOW THEREFORE BE IT RESOLVED AND CERTIFIED, by the Kings County Board of Supervisors that:

1. The Final PEIR has been completed in compliance with the California Environmental Quality Act of 1970 (Cal. Public Resources Code section 21000 et seq.), as amended, and the State Guidelines thereto (Cal. Code of Regs. Section 15000 et seq.).

2. The Final PEIR was presented to the Board of Supervisors, and was independently reviewed and considered by the Board of Supervisors prior to acting on the proposed Project.

3. The Final PEIR reflects the Board of Supervisors independent judgment and analysis.

4. The documents comprising the Final PEIR shall be held with the Director of the Kings County Community Development Agency, as the official custodian of the record, at the Kings County Government Center, Building No. 6, 1400 W. Lacey Boulevard, Hanford, CA 93230.

PASSED AND ADOPTED on a motion by Supervisor Oliveira and seconded by Supervisor Barba, at a meeting held on January 26, 2009, by the following vote:

AYES: SUPERVISORS OLIVEIRA, BARBA, FAGUNDES, NEVES, VALLE
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

KINGS COUNTY BOARD OF SUPERVISORS

R. Valle

Richard Valle, Chairperson

WITNESS, my hand this 26th day of January, 2010.

Rhonda Bray

Rhonda Bray
Deputy Clerk to the Board

STATE OF CALIFORNIA
COUNTY OF KINGS } ss.

I, CATHERINE VENTURELLA, Clerk of the Board of Supervisors of said County and State, do hereby certify the foregoing to be a full, true and correct copy of the original thereof on file in my office.

Witness my hand and Seal of said Board, this 26th day of Jan. 20 10

CATHERINE VENTURELLA
Clerk of the Board of Supervisors

By Rhonda Bray Deputy Clerk

Recirculated Draft

Tulare County General Plan Update

Environmental Impact Report

SCH No. 2006041162

Tulare County

General Plan

February 2010

Impact 3.5-6: The proposed project would be located within an airport land use plan area or within the vicinity of a private airstrip and could expose people residing or working within the project area to excessive noise levels.

Impact Summary

SU	**Level of Significance Before Mitigation:** *Potentially Significant*
	Required Additional Mitigating Policies and Implementation Measures: *No additional mitigation is currently available*
	Resultant Level of Significance: *Significant and Unavoidable*

Impact Analysis

Implementation of the General Plan 2030 Update would result in additional residential and non-residential land use developments. These land use developments could result in new urban development, including new urban land uses in the vicinity of airports and private airstrips, of which the County has nine public airports. New development near aviation facilities could be exposed to excessive airport-related noise levels within the Corridor Framework, Rural Valley Lands, and Foothill Growth Management geographic areas. The Mountain Framework geographic area has limited access to aviation facilities and would likely experience no impacts.

The Airport Land Use Commission (ALUC) was established to ensure that there are no direct conflicts with land uses, noise, or other issues that would impact the functionality and safety of airport operations. One of the key functions of the ALUC is to require that cities' and counties' general plans and zoning ordinances are consistent with Comprehensive Airport Land Use Plans (CALUP), which contain noise contours, restrictions for types of construction and building heights in navigable air space, as well as requirements impacting the establishment or construction of sensitive uses within close proximity to airports.

Overall, the intent of the proposed General Plan is to ensure that existing and future land uses function without imposing a nuisance, hazard, or unhealthy condition upon adjacent uses. Policies included as part of the General Plan 2030 Update that would minimize conflicts with local airports are summarized below by general plan element. The Land Use Element provides a number of policies that establish requirements for compatible development, including buffering, screening, controls and performance standards, and the siting of compatible land uses (see Policies LU-1.3, LU-3.6, and LU-5.4). Other policies from the Transportation and Circulation and Health and Safety Elements (see Policies TC-3.4, TC-3.6, HS-3.1, HS-3.2, and HS-8.4) require the County to ensure that all development within the vicinity of local airport facilities is consistent with the policies adopted by the Tulare County Airport Land Use Commission and the most recently adopted Airport Land Use Compatibility Plan. However, even with implementation of the below mentioned policies and implementation measures, this impact is considered ***potentially significant.***

MITIGATING POLICIES AND IMPLEMENTATION MEASURES

Land Use Element	
Policies designed to promote compatible land use development and patterns that minimize impacts to surrounding land uses (including open space uses) include the following:	
LU-1.3 Prevent Incompatible Uses LU-3.6 Project Design LU-5.4 Compatibility with Surrounding Land Use	
Transportation and Circulation Element	**Health and Safety Element**
Policies designed to promote development compatible with local airport land use compatibility plans include the following:	
TC-3.4 Airport Compatibility TC-3.6 Airport Encroachment	HS-3.1 Airport Land Use Compatibility Plan HS-3.2 Compliance with Federal Aviation Administration (FAA) Regulations HS-8.4 Airport Noise Contours

Required Additional Mitigating Policies and Implementation Measures

As stated above, the County will implement a variety of policies designed to address airport noise and land use compatibility issues. In addition, the County will ensure that future CEQA documentation be prepared for individual projects (with project-specific data) that will (if technically possible) mitigate any potential airport-related noise impacts to a less-than-significant level. However, it should be noted, the ability to mitigate this potential impact is contingent upon a variety of factors including the severity of the noise impact, existing land use conditions and the technical feasibility of being able to implement any proposed mitigation measures. Given the uncertainty as to whether future airport noise-related impacts could be adequately mitigated for all the individual projects that will be implemented as part of the General Plan 2030 Update, this impact remains ***significant***. No additional feasible mitigation is currently available.

Significance after Implementation of Mitigation for Impact 3.5-3

As stated above, no additional technologically or economically feasible mitigation measures are currently available to reduce this impact to a less than significant level. Consequently, this impact is considered ***significant and unavoidable.***

Impact 3.7-2: The proposed project could expose people to injury or structures to damage from potential rupture of a known earthquake fault, strong groundshaking, seismic-related ground failure, or landslide.

Impact Summary

LTS	**Level of Significance Before Mitigation:** *Potentially Significant*
	Required Additional Mitigating Policies and Implementation Measures: *New Policy HS-2.8 "Alquist-Priolo Act Compliance"*
	Resultant Level of Significance: *Less than Significant*

Impact Analysis

The County is divided into two major geologic provinces: the Sierra Nevada Mountains and the Central Valley. Although the County is situated in proximity to several fault groups, it is not identified in a delineated Alquist-Priolo Earthquake Fault Zone. However, isolated portions of the County may be subject to strong seismic groundshaking. These locations are primarily located in the eastern portion of the County, broken down into four "Sierran Zones" that determine the predicted effects of the maximum probable earthquake on the Owens Valley fault. Within these Sierran Zones, alluvial valleys or the weathered and decomposed zones in the meadows or foothills are expected to experience the greatest groundshaking. Development within these zones must conform to Uniform Building Code-Zone II and III. The probability of soil liquefaction actually occurring in the County is considered to be a low to moderate hazard. However, detailed geotechnical engineering investigations would be necessary to more accurately evaluate liquefaction potential within all of the County's individual planning areas.

The proposed project includes several policies designed to address a variety of public health and safety issues resulting from seismic hazards. For example, the Health and Safety Element provides a number of policies that have been developed to ensure a safe environment for the County's residents, visitors, and businesses. These policies and implementation measures in the Goals and Policies Report (Part I of the General Plan 2030 Update) include continued compliance with all applicable development requirements (i.e., California Building Code, etc.), seismic retrofitting of structures (see policy HS-2.5 and HS-2.6), and the restriction of development in hazardous areas (see policies HS-1.3, HS-1.11, HS-2.1, HS-2.3, HS-2.4, and HS-2.7). The Health and Safety Element of the General Plan also includes a number of implementation measures (HS Implementation Measures #1 through #4) that require updating emergency response plans and providing training to ensure the County's ability to effectively respond to natural disasters, such as seismic events, and keep residents and visitors safe. With adherence to these codes and regulations and implementation of the policies and implementation measures contained in the Health & Safety Element, geologic hazard impacts associated with potential rupture of known earthquake fault, strong seismic groundshaking, and seismic-related ground failure would be minimized. Part II, Area Plans, of the General Plan 2030 Update also includes Policy FGMP-8.10, which prohibits development in foothill areas that are considered to be geologically hazardous (due to slides, earthquake faults,

etc.) and Policy FGMP-4.1 that requires the County to identify and protect from development areas containing unstable geology. However, even with implementation of the below mentioned policies, current rules do not prevent building in an Alquist-Priolo zone if and when such zones are identified in the County. Therefore, this impact is considered ***potentially significant.***

MITIGATING POLICIES AND IMPLEMENTATION MEASURES

Health and Safety Element and Foothill Growth Management Plan

Policies and implementation measures designed to minimize geologic hazard impacts to people and structures in the County include the following:

HS-1.2	Development Constraints	HS-2.5	Financial Assistance for Seismic Upgrades
HS-1.3	Hazardous Lands	HS-2.6	Seismic Standards for Dams
HS-1.4	Building and Codes	HS-2.7	Subsidence
HS-1.5	Hazard Awareness and Public Education	Health and Safety Implementation Measures #1, #2, #3, and #4	
HS-1.7	Safe Housing and Structures		
HS-1.11	Site Investigations	FGMP-4.1	Identification of Environmentally Sensitive Areas
HS-2.1	Continued Evaluation of Earthquake Risks		
HS-2.3	Hillside Development	FGMP-8.10	Development in Hazard Areas
HS-2.4	Structure Siting		

Required Additional Mitigating Policies and Implementation Measures

In addition to the above mentioned policies and implementation measures, the following new policy HS-2.8 "Alquist-Priolo Act Compliance" is required to address the impact:

- **HS-2.8 Alquist-Priolo Act Compliance.** The County shall not permit any structure for human occupancy to be placed within designated Earthquake Fault Zones (pursuant to and as determined by the Alquist-Priolo Earthquake Fault Zoning Act; Public Resources Code, Chapter 7.5) unless the specific provisions of the Act and Title 14 of the California Code of Regulations have been satisfied. *[New Policy – Draft EIR Analysis]*

Significance after Implementation of Mitigation for Impact 3.7-2

As stated above, the County will continue to implement a variety of policies designed to address public health and safety issues resulting from seismic hazards. Therefore, implementation of the proposed project including the adoption of the policies and implementation measures listed above (including the new Policy HS-2.8 "Alquist-Priolo Act Compliance"), adherence to the Alquist-Priolo Act, and enforcement of the California Building Code would result in a ***less than significant*** impact.

Impact 3.7-3: The proposed project could result in potential structural damage from development on a potentially unstable geologic unit or soil.

Impact Summary

LTS	**Level of Significance Before Mitigation:** *Less than Significant* **Required Additional Mitigating Policies and Implementation Measures:** *None required* **Resultant Level of Significance:** *Less than Significant*

Impact Analysis

The foothill and mountain areas of the County are more likely to experience landslides than the Valley floor. Susceptible areas include areas where fractured and steep slopes are present or where inadequate ground cover accelerates erosion. Erosion and ground slumping of soils can also occur along bluff and banks of the Kaweah, Kings, and Tule Rivers. The probability of soil liquefaction actually taking place in the County is considered to be a low to moderate hazard. Soil types in the area are not conducive to liquefaction because they are either too coarse or too high in clay content. However, due to the high clay content, there is potential for some subsidence to occur. Impacts related to these types of geological hazards are site specific and need to be evaluated on a site by site basis within all of the County's individual planning areas.

The proposed project includes several policies and implementation measures that have been developed to ensure a safe environment for its residents, visitors, and businesses. For example, Policies HS-1.2, HS-1.3, HS-2.2, HS-2.3, and HS-2.7 provide guidance for limiting development in areas with severe slope conditions, subsidence conditions, and other hazardous conditions. Policy HS-1.11 also requires the preparation of engineering studies for all new development proposals within areas of potential soil instability. Part II, Area Plans, of the General Plan 2030 Update also includes several policies in the FGMP (see Policies FGMP-1.11, FGMP-8.7, FGMP-8.8, FGMP-8.11, and FGMP-8.12) which prohibit development in foothill areas that are considered to be geologically hazardous (due to slides, earthquake faults, etc.). Policy FGMP-4.1 requires the County to identify and protect environmentally sensitive areas, including areas with steep slopes and unstable geology, which could further minimize the potential for future development to be exposed to hazards associated with unstable geologic conditions. With adherence to all applicable State and local building codes and regulations and implementation of the policies and implementation measures contained in the draft Health and Safety Element, impacts associated with on- or off-site landslide, subsidence, liquefaction, or collapse would be minimized. Consequently, with implementation of the below mentioned policies and implementation measure, this impact is considered ***less than significant.***

MITIGATING POLICIES AND IMPLEMENTATION MEASURES

Health and Safety Element and Foothill Growth Management Plan	
Policies and implementation measures designed to minimize geologic hazard impacts to people and structures in the County include the following:	
HS-1.2 Development Constraints	HS-2.5 Financial Assistance for Seismic Upgrades
HS-1.3 Hazardous Lands	HS-2.6 Seismic Standards for Dams
HS-1.4 Building and Codes	HS-2.7 Subsidence
HS-1.5 Hazard Awareness and Public Education	Health and Safety Element Implementation Measures #1, #2, #3, and #4
HS-1.7 Safe Housing and Structures	FGMP-4.1 Identification of Environmentally Sensitive Areas
HS-1.11 Site Investigations	
HS-2.1 Continued Evaluation of Earthquake Risks	

Health and Safety Element	Foothill Growth Management Plan
Policies designed to minimize landslide hazard impacts to people and structures in the County through the establishment of development guidelines in hillside areas include the following:	
HS-1.2 Development Constraints	FGMP-1.2 Grading
HS-1.3 Hazardous Lands	FGMP-1.11 Hillside Development
HS-2.2 Landslide Areas	FGMP-4.1 Identification of Environmentally Sensitive Areas
HS-2.3 Hillside Development	FGMP-8.7 Minimize Soil Disturbance
HS-2.4 Structure Siting	FGMP-8.8 Erosion Mitigation Measures
HS-2.7 Subsidence	FGMP-8.11 Development on Slopes
	FGMP-8.12 Vegetation Removal

Required Additional Mitigating Policies and Implementation Measures

As stated above, the County will implement policies designed to protect residents, visitors, and businesses from geologic hazards. Adherence to all applicable State and local building codes and regulations in addition to implementation of the policies and implementation measures contained in the draft Health and Safety Element will minimize impacts associated with on- or off-site landslide, subsidence, liquefaction, or collapse. This impact is considered ***less than significant***. No additional mitigation measures are required.

Significance after Implementation of Mitigation for Impact 3.7-3

A number of policies referenced above in the impact analysis and included in the proposed project were specifically designed to minimize impacts from geologic hazards. With implementation of the above mentioned policies, this impact is considered ***less than significant.***

Impact 3.7-4: The proposed project could increase the potential for structural damage from development on expansive soil.

Impact Summary

LTS	**Level of Significance Before Mitigation:** *Less than Significant* **Required Additional Mitigating Policies and Implementation Measures:** *None required* **Resultant Level of Significance:** *Less than Significant*

Impact Analysis

Expansive soils are those possessing clay particles that react to moisture changes by shrinking (when they dry) or swelling (when they become wet). Expansive soils can also consist of silty to sandy clay. The extent of shrinking and swelling is influenced by the environment, including the extent of wet or dry cycles, and by the amount of clay in the soil. This physical change in the soils can react unfavorably with building foundations, concrete walkways, swimming pools, roadways, and masonry walls. Within the County, expansive soils are more common along the Western edge of the Southern foothills. In most developed areas, the existing layer of clay has been blended into more granular soils as a part of general site excavation, which helps to reduce the overall soil's expansiveness.

The proposed project includes several policies and implementation measures that have been developed to ensure a safe environment for residents, visitors, and businesses. For example, policies include continued compliance with all applicable development requirements including the California Building Code (see Policies HS-1.4) and the restriction of development within a variety of hazardous areas (see Policies HS-1.2 and HS-1.3). Policy HS-1.5 promotes the awareness and education of residents about natural hazards, including soil conditions. Policy HS-1.11 requires the preparation of engineering studies for all new development proposals within areas of potential soil instability. The Foothill Growth Management Plan contains policies that guide future development away from areas containing unstable geologic conditions (see Policies FGMP-4.1 and FGMP-8.10). With adherence to these codes and regulations and implementation of the policies and implementation measures contained in the Health and Safety Element, geologic hazard impacts associated with expansive soils would be minimized. With implementation of the below mentioned policies, this impact is considered ***less than significant.***

MITIGATING POLICIES AND IMPLEMENTATION MEASURES

Health and Safety Element		Foothill Growth Management Plan	
Policies designed to minimize geologic hazard impacts to people and structures in the County include the following:			
HS-1.2	Development Constraints	FGMP-4.1	Identification of Environmentally Sensitive Areas
HS-1.3	Hazardous Lands	FGMP-8.10	Development in Hazard Areas
HS-1.4	Building and Codes		
HS-1.5	Hazard Awareness and Public Education		
HS-1.11	Site Investigations		

Required Additional Mitigating Policies and Implementation Measures

As stated above, the proposed project includes policies that require the preparation of engineering studies for all new development proposals within areas of potential soil instability in addition to policies and implementation measures contained in the draft Health and Safety Element that will minimize impacts associated with a variety of geologic hazards. Adherence to these policies and all applicable State and local building codes and regulations will minimize impacts associated with expansive soils. This impact is considered ***less than significant.*** No additional mitigation measures are required.

Significance after Implementation of Mitigation for Impact 3.7-4

A number of policies referenced above in the impact analysis and included in the proposed project were specifically designed to minimize impacts associated with expansive soils. With implementation of the above mentioned policies, this impact is considered ***less than significant.***

Impact 3.7-5: The proposed project could result in the loss of availability of a known mineral resource or a locally important mineral resource recovery site.

Impact Summary

LTS	**Level of Significance Before Mitigation:** *Less than Significant*
	Required Additional Mitigating Policies and Implementation Measures: *None required*
	Resultant Level of Significance: *Less than Significant*

Impact Analysis

Mineral resources located within the County predominantly include sand and gravel resources and (to a lesser extent) minerals such as asbestos, copper, gold, iron and silver. Currently, there are four streams that have provided the main source of high quality sand and gravel in Tulare County. These include the Kaweah River, Lewis Creek, Deer Creek and the Tule River. The highest quality deposits are located along the Kaweah River, near Lemon Cove, and along the Tule River between Porterville and Lake Success. Aggregate resource extraction operations are located predominantly within these areas. Although the locations of most major sand and gravel deposits and other mineral commodities are known, not all areas of the County have been comprehensively investigated by the State or the County to identify other mineral deposits and potential land use planning implications. Development resulting from implementation of the proposed project would require the use of aggregate or other mineral resources that could be extracted from existing and future deposits. Additionally, if development resulting from implementation of the proposed project were to occur in locations where the presence or extent of extractive mineral resources has not been clearly delineated, access to those minerals could be restricted or eliminated as a result of development.

The proposed project includes a number of policies in the Environmental Resources Management Element designed to conserve this important County resource. For example, Policies ERM-2.1 through ERM-2.5 recognize the important contribution of mineral resources to both the local and regional economy and provide for the future conservation of identified and/or potential mineral deposits within the County. Other policies (see Policies ERM-2.9 and ERM-2.10) serve to protect existing mineral resource operations by limiting the development of potentially incompatible uses near existing identified or potential mineral deposits. The Environmental Resources Management Element also contains a number of implementation measures that will support implementation of

Impact 3.8-3: Development under the proposed project could be located on a hazardous waste site.

Impact Summary

LTS	**Level of Significance Before Mitigation:** *Potentially Significant*
	Required Additional Mitigating Policies and Implementation Measures: *New Policy HS-4.8 "Hazardous Materials Studies"*
	Resultant Level of Significance: *Less than Significant*

Impact Analysis

As more fully described above under "Environmental Setting," lists of contaminated sites, including sites on the Cortese list (see Table 3.8-4), within the County are available through the Regional Water Quality Control Board and the Department of Toxic Substance Control. The Tulare County EHD also maintains records for generators of large quantities of hazardous waste and hazardous waste treatment facilities. According to information provided by these agencies, a majority of the contaminated sites are associated with leaking underground storage tanks, pesticide manufacturing/processing, industrial manufacturing, old landfills, and dry cleaning and maintenance yards. As a result of the programs implemented by the State and County, the likelihood of development subsequent to the proposed project to be located on an identified hazardous waste site is low. It can be assumed that site cleanup would occur prior to development on a hazardous waste site. However, the possibility remains for future development to occur on unidentified contaminated sites.

The proposed project includes a number of policies that help ensure the safety of its residents, visitors, and businesses. Policies included as part of the proposed project that would minimize this impact are summarized below. For example, the Health & Safety Element contains policies that minimize the potential for exposure and contamination from hazardous materials through review of new development proposals and creation of buffers between incompatible uses (Policies HS-4.4 and LU-5.6). The proposed project includes implementation measures that direct the County to create specific development standards and the Hazardous Waste Management Plan to avoid locating incompatible uses near each other (Health & Safety Implementation Measures #12 and #13). In order to prevent further contaminated conditions, the Health & Safety Element provides a number of policies and implementation measures that have been developed to address hazardous materials concerns including the safe storage, use, transportation, and disposal of hazardous materials (see Policy HS-4.1), continued compliance with all applicable local, State, and federal safety standards (see Policy HS-4.1), and continued coordination with the California Highway Patrol to establish procedures for the movement of hazardous waste (see Policy HS-4.2). Additional preemptive policies from both the Land Use and Health & Safety Elements (see Policies LU-1.3, LU-5.4, and HS-4.3) prevent the placement of incompatible land uses within residential areas or near properties that produce or store hazardous materials. Policy HS-4.7 directs the County to work with State and federal land managers to coordinate the handling and disposal of hazardous materials on public lands. However, even with implementation of the below mentioned policies and implementation measures, this impact is considered ***potentially significant.***

MITIGATING POLICIES AND IMPLEMENTATION MEASURES

Land Use Element	
Policies designed to promote compatible land use development and patterns that minimize impacts to surrounding land uses (including open space uses) include the following:	
LU-1.3	Prevent Incompatible Uses
LU-5.4	Compatibility with Surrounding Land Use
LU-5.6	Industrial Use Buffer
Health & Safety Element	
Policies and implementation measures designed to minimize the risk of County residents and property associated with the transport, distribution, use, and storage of hazardous materials include the following:	
HS-4.1	Hazardous Materials
HS-4.2	Establishment of Procedures to Transport Hazardous Waste
HS-4.3	Incompatible Land Uses
HS-4.4	Contamination Prevention
HS-4.7	Coordination of Materials on Public Lands
Health and Safety Implementation Measure #12	
Health and Safety Implementation Measure #13	

Required Additional Mitigating Policies and Implementation Measures

In addition to the above mentioned policies and implementation measures, the following new Policy HS-4.8 "Hazardous Materials Studies" is required to ensure that this impact is reduced to a less than significant level:

- **HS-4.8 Hazardous Materials Studies.** The County shall ensure that the proponents of new development projects address hazardous materials concerns through the preparation of Phase I or Phase II hazardous materials studies for each identified site as part of the design phase for each project. Recommendations required to satisfy federal or State cleanup standards outlined in the studies will be implemented as part of the construction phase for each project. *[New Policy – Draft EIR Analysis].*

Significance after Implementation of Mitigation for Impact 3.8-3

As stated above, the County will continue to regulate hazardous materials concerns as part of the development process for future projects in the County. Additionally, the County will implement a variety of policies designed to address hazardous materials concerns including continued cooperation with the California Highway Patrol and other State and federal agencies to manage the use of hazardous materials, the designation of routes for the transport of hazardous materials, and continued compliance with all applicable local, State, and federal safety standards. Therefore, implementation of the proposed project including the adoption of the policies and implementation measures listed above (including the new Policy HS-4.8 "Hazardous Materials Studies") would result in a ***less than significant*** impact.

TABLE 3.8-7
SUMMARY OF WILDLAND FIRE IMPACTS BY GENERAL PLAN AREA

Project Impacts	Overall General Plan	Plan Areas: Corridor Framework	Rural Valley Lands	Foothill Growth Management	Mountain Framework
Impact 3.8-6: The proposed project could expose people or structures to a significant risk of loss, injury, or death involving wildland fires.	LTS	LTS	LTS	LTS	LTS

Impacts and Mitigation Measures

Impact 3.8-6: The proposed project could expose people or structures to a significant risk of loss, injury, or death involving wildland fires.

Impact Summary

LTS	**Level of Significance Before Mitigation:** *Less than Significant* **Required Additional Mitigating Policies and Implementation Measures:** *None required* **Resultant Level of Significance:** *Less than Significant*

Impact Analysis

As future development occurs, wildland fires would continue to pose a significant threat to the people and structures of the County, in particular those residing in the Foothill Growth Management Plan and Mountain Framework Plan Areas, which are more susceptible to wildland fires due to potential fuel loads (grassland and other vegetation). Developed areas that are near high fire hazard areas include Lemon Cove and Lindcove and the eastern portions of Exeter, Lindsay and Porterville. Developed areas that are near very high fire hazard areas include Three Rivers and Springville. One of the primary factors contributing to the effective control of a vegetation fire is the rapid response by local fire units. This is especially true during fire season, when fire units may be committed to other fires and are unavailable to respond as quickly. Under future climate change conditions, more extreme weather conditions may occur that potentially results in greater fire fuel loads, a longer fire season, and/or a greater area containing vegetation susceptible to wildland fires. Climate change conditions could expose more people and structures to wildland fire potential.

Policies and implementation measures included as part of the proposed project that address the need for additional fire prevention services are summarized below by the Health & Safety Element. For example, Policies HS-1.10 and HS-7.3 through HS-7.6 require the County to plan for and expand a variety of public services (including fire protection services and facilities) consistent with

community needs. Policy PFS-7.5 indicates the County shall strive to maintain fire department staffing and response time goals consistent with National Fire Protection Association (NFPA) standards. Policies HS-6.14, HS-7.1, HS-7.2, HS-7.7 and PFS-7.4 promote the implementation of a coordinated emergency response plan both locally and regionally. Policies HS-1.4, HS-6.1, HS-6.5 through HS-6.12, FGMP-10.2, FGMP-10.3, and Public Facilities & Services Implementation Measure #12 provide requirements regarding fire safety and building standards for new development. Policy HS-1.12 directs the County to expand home addressing requirements for emergency service response. Policy HS-6.13 directs the County to support the restoration of disturbed land resulting from wildfires and HS-6.15 provides direction on reducing fuel related hazards. Additionally, policy PFS-1.3 and Public Facilities & Services Implementation Measures #1, #2, and #3 provide for the funding mechanism to provide additional or expanded services in conjunction with new development. With implementation of the below mentioned policies and implementation measures, this impact is considered ***less than significant.***

MITIGATING POLICIES AND IMPLEMENTATION MEASURES

Health & Safety Element	Planning Framework, Public Facilities & Services Elements and Foothill Growth Management Plan
Policies and implementation measures designed to minimize this impact through the continued provision of fire protection services and emergency response planning include the following:	
HS-1.4 Building and Codes HS-1.5 Hazard Awareness and Public Education HS-1.6 Public Safety Programs HS-1.8 Response Times Planning in GIS HS-1.9 Emergency Access HS-1.10 Emergency Services Near Assisted Living Housing HS-1.12 Addressing HS-6.1 New Building Fire Hazards HS-6.2 Development in Fire Hazard Zones HS-6.3 Consultation with Fire Service Districts HS-6.4 Encourage Cluster Development HS-6.5 Fire Risk Recommendations HS-6.6 Wildland Fire Management Plans HS-6.7 Water Supply System HS-6.8 Private Water Supply HS-6.9 Fuel Modification Programs HS-6.10 Fuel Breaks HS-6.11 Fire Buffers HS-6.12 Weed Abatement HS-6.13 Restoration of Disturbed Lands HS-6.14 Coordination with Cities HS-6.15 Coordination of Fuel Hazards on Public Lands HS-7.1 Coordinate Emergency Response Services with Government Agencies HS-7.2 Mutual Aid Agreement HS-7.3 Maintain Emergency Evacuation Plans HS-7.4 Upgrading for Streets and Highways HS-7.5 Emergency Centers HS-7.6 Search and Rescue HS-7.7 Joint Exercises HS Implementation Measure #15 HS Implementation Measures #16	PF-5.2 Criteria for New Towns (Planned Communities) PFS-1.3 Impact Mitigation PFS-2.1 Water Supply PFS-7.1 Fire Protection PFS-7.2 Fire Protection Standards PFS-7.3 Visible Signage for Roads and Buildings PFS-7.4 Interagency Fire Protection Cooperation PFS-7.5 Fire Staffing and Response Time Standards PFS-7.6 Provision of Station Facilities and Equipment PFS-7.7 Cost Sharing PFS-7.11 Locations of Fire and Sheriff Stations/Sub-stations FGMP-10.2 Provision of Safety Services FGMP-10.3 Fire and Crime Protection Plan
Public Facilities & Services Element	
Public Facilities and Services Implementation Measures designed to ensure funding for County services to provide adequate service levels include the following:	

Health & Safety Element	Planning Framework, Public Facilities & Services Elements and Foothill Growth Management Plan
Policies and implementation measures designed to minimize this impact through the continued provision of fire protection services and emergency response planning include the following:	
Public Facilities & Services Implementation Measure #1 Public Facilities & Services Implementation Measure #2 Public Facilities & Services Implementation Measure #3 Public Facilities & Services Implementation Measure #12	

Required Additional Mitigating Policies and Implementation Measures

As stated above, the County will implement a variety of policies designed to address fire hazards and minimize exposure of people and structures to fire hazards. In addition, the County will ensure that future CEQA documentation be prepared for individual projects (with project-specific data) that will (if technically possible) mitigate any potential impacts associated with fire hazards to a less than significant level. This impact is considered ***less than significant***. No mitigation is required.

Significance after Implementation of Mitigation for Impact 3.8-6

A number of policies referenced above in the impact analysis and included in the proposed project were specifically designed to minimize impacts associated with fire hazards. With implementation of the above mentioned policies, this impact is considered ***less than significant.***

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF:	)	
PUBLIC HEARING ON THE PROPOSED	)	
TULARE COUNTY GENERAL PLAN	)	**Resolution No. 2012-0696**
2030 UPDATE, PROPOSED FINAL	)	
ENVIRONMENTAL IMPACT REPORT	)	

UPON MOTION OF SUPERVISOR WORTHLEY, SECONDED BY SUPERVISOR COX, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD AUGUST 28, 2012, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS ISHIDA, VANDER POEL, COX, WORTHLEY AND ENNIS
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: Denise A. Ybarra
Deputy Clerk

* * * * * * * * * * * * * * * * * * * *

That the Board of Supervisors in the matter of the General Plan 2030 Update Final Environmental Impact Report approves the following recitals and actions:

1. A series of 19 workshops, 11 public Board of Supervisors study sessions, 12 technical advisory committee meetings and four joint Board of Supervisors and Planning Commission meetings were held to discuss, review, recommend and provide public comment to the General Plan 2030 Update.

2. The Board of Supervisors initiated the process for updating the County's general plan in the summer of 2003. As lead agency under CEQA, the County issued a Notice of Preparation ("NOP") of a Draft EIR for the Proposed General Plan 2030 Update on April 25, 2006. The NOP was submitted to the State Clearinghouse (SCH No. 2006041162), all responsible and trustee agencies, and interested groups and individuals for a 30-day review period beginning April 29, 2006 and ending on May 29, 2006. Availability of the NOP was advertised through direct mailing to federal agencies, state agencies, regional agencies, local agencies (including cities and

counties, local districts, school districts, water agencies), other special districts and agencies, as well as private groups and individuals requesting notification.

3. The County held an EIR scoping meeting on May 1, 2006 to provide information about the General Plan, the potential environmental impacts and the CEQA review process, as well as a schedule for General Plan adoption and implementation. Members of the public and other interested parties had the opportunity to ask questions and provide their input as to the scope and content of the environmental information to be addressed in the EIR.

4. On January 14, 2008 after many community and County workshops the County published the Draft EIR for the Tulare County General Plan (SCH # 2006041162) and distributed it to the State Clearinghouse of the Governor's Office of Planning and Research as well as responsible and trustee agencies, citizen groups, and individuals for a public review period initially scheduled for January 14, 2008 through March 14, 2008 to allow for maximum public involvement and input. A Notice of Completion ("NOC") and Notice of Availability ("NOA") of the DEIR were prepared, published, and distributed, as required by CEQA Guidelines Sections 15085 and 15087. On January 25, 2008 the County added Correctory #1 (Background Report, Appendices A, B, and C) to the DEIR because it had been inadvertently omitted from the draft released on January 14, 2008. On February 26, 2008 the County added Correctory #2 (Background Report, Appendix C Pages 25, 26, 27 and Figures 4-1 through 4-8) to the DEIR because it had been inadvertently omitted from the draft released on January 14, 2008. The County then issued another Notice of Availability, providing for an extended public review period of 45 days ending on April 15, 2008. Copies of the DEIR were available for public review during normal business hours at the County of Tulare Resource Management Agency. Copies of the draft General Plan and DEIR were also available for review at libraries in Tulare County, and on the County's website. In total, the public review period on the Draft EIR was approximately 90 days.

5. The County considered comments received on the DEIR, as well as continued developments in the areas of air quality, climate change impacts regulation and water resources, and decided to update and recirculate a number of sections of the previous DEIR as well as the Background Report.

6. This resulted in release of the "proposed project" draft of the General Plan 2030 update also known as the "February 2010 General Plan 2030 Update Document", (B) the Recirculated Draft EIR ("RDEIR"), and (C) preparation of a Climate Action Plan circulated for a 60 day review period between March 25, 2010 and May 27, 2010 to allow for maximum public involvement and input.

7. Following the release of the revised GPU and the RDEIR, 19 additional public outreach efforts were conducted in 2010 and 2011 with presentations made to each city council and in a number of unincorporated communities.

8. A total of 40 comment letters were received on the RDEIR during the public review period from March 25, 2010 to May 27, 2010. Four additional letters were received shortly after the public review period. Altogether, these 44 letters contain approximately 2,300 comments, with approximately 1,570 pages of materials. Letters

received from government and local agencies accounted for 4 percent of the total comments received. Letters received from individuals and organizations comprised 96 percent of the total comments received.

9. The County prepared a Final EIR for the 2010 draft Tulare County General Plan 2030 Update (SCH #2006041162) and released the Final EIR for public review on or about August 30, 2011. The FEIR for the General Plan 2030 Update was prepared in compliance with the CEQA (Public Resources Code Section 21000 et seq. and the CEQA Guidelines (California Code of Regulations, Title 14). The Final EIR was distributed on CD to the State Clearinghouse, and all agencies who commented on the RDEIR. Individual notices of the FEIR availability were sent to agencies, organizations, and individuals who commented on the RDEIR. The Final EIR was available in all Tulare County Libraries, at the Tulare County Resource Management Agency office, and on the Tulare County Website at http://generalplan.co.tulare.ca.us/.

10. On August 30, 2011 a joint workshop was held by the Board of Supervisors and Planning Commission to receive an update from staff regarding staff review of comments received on the Proposed General Plan 2030 Update Goals and Policies Report, Proposed Climate Action Plan and Proposed FEIR. A notice regarding the joint workshop held by the Board of Supervisors and Planning Commission was published in the Visalia Times-Delta on August 26, 2011. The joint workshop notice was also available at http://generalplan.co.tulare.ca.us/.

11. The Planning Commission held a duly noticed public hearing to consider the Final EIR, the GPU, and the Climate Action Plan (CAP) beginning on October 19, 2011 and continued to November 16, 2011 and December 7, 2011. A public notice was printed in the Dinuba Sentinel on October 6, 2011, the Visalia Times Delta, Porterville Recorder, and the Tulare Advance Register on October 7, 2011 at least ten days prior to the public hearing. The public notice was also available on the County website.

12. Planning Commission adopted Resolutions Nos. 8636, 8637, and 8638 indicating that the Planning Commission reviewed and considered the Final EIR, including the mitigation measures and alternatives identified therein and making its written recommendations to the Board of Supervisors that the Board certify the FEIR and approve the General Plan 2030 Update and the Climate Action Plan, subject to the recommendations of the Planning Commission. The FEIR, the General Plan 2030 Update and the Climate Action Plan were accordingly transmitted to the Board for consideration.

13. Comments received after the close of the CEQA comment period and in the course of the Planning Commission and Board of Supervisors' hearing on the Final EIR, the GPU and the CAP are addressed in Attachment G Item 3 and fall generally into one of the following areas of continued public interest: Climate Change/Air Quality, Water quality and quantity, Land Use and Project buildout assumptions, Level of detail and programmatic nature of the RDEIR, Enforcement of the general plan policies, Range of Alternatives, Healthy Growth, Smart Growth, Compact Development, City Centered Growth, Location of Development/New Towns, Regional Growth Corridors, Preservation of Agricultural Land and Open Space, Disadvantaged Communities/Infrastructure Needs, Inventories, Archeological Resources, and Flood

Control. The County and its consultants reviewed and considered these written and verbal comments received after the CEQA comment period, identified information in the EIR and the record that already adequately addressed the environmental effects raised in the comments, provided additional discussion and presented this information to the Board as Attachment G Item 3. These materials merely clarify and amplify and make insignificant modifications to the EIR. They do not provide significant or substantial new information.

14. The Board of Supervisors has given notice of the proposed amendment to the General Plan as provided in Sections 65355, 65090, and 65091 of the Government Code of the State of California. A public notice was printed in the Dinuba Sentinel on August 23, 2012 the Visalia Times Delta, Porterville Recorder, and the Tulare Advance Register on August 17, 2012 at least ten days prior to the public hearing before the Board of Supervisors on August 28, 2012.

15. The Board of Supervisors reviewed and considered a Final Environmental Impact Report for the adoption of the General Plan 2030 Update at a duly advertised public hearing held on August 28, 2012, at which time oral and documentary evidence was presented.

16. Throughout the development and environmental review of the Project, various names have been used to refer to the plan under review, including "Proposed General Plan 2030 Update", or "General Plan 2030 Update", or "General Plan Update", or "2025 Update", or "GPU", or "Goals and Policies Report", or "GPR." All of these terms describe the General Plan update.

17. The Board of Supervisors, pursuant to Government Code section 65300, must adopt a comprehensive, long term general plan for the physical development of the county. The proposed project will amend and update the County's existing general plan. The GPU will reorganize, update, modernize and add to the County's general plan policies and documents as described in Part I, Chapter 1 ("Introduction") of the General Plan 2030 Update. This GPU addresses six of the seven mandatory general plan elements required by the State: land use, circulation, open-space, conservation, safety, and noise (Government Code Section 65302). The seventh mandatory element, the Housing Element, is required to be updated every five years and, is following a separate track than that of the GPU. The Housing Element proposed for the 2009-2014 planning period has been tentatively approved by the State Department of Housing and Community Development by letter dated January 3, 2012, was adopted by Board of Supervisors on May 8, 2012, and has been submitted to the HCD for final certification.

18. The GPU reorganizes, updates, modernizes and adds to the County's existing general plan policies and retains the plan's historic three tier organizational structure. The parts of the General Plan modified or revised in GPU include Part I (the Goals and Policies Report) Part II (the Area Plans). Part III plans are not proposed for revisions or re-adoption as part of the GPU, with two exceptions: the Urban Development Boundary for the Pixley Community Plan is modified to include the Harmon Field Airport and the County Adopted City General Plan for Dinuba is modified to reflect the recently annexed Dinuba Golf Course, residential and wastewater treatment area.

19. Staff has made such investigation of fact bearing upon the proposed General Plan 2030 Update and the proposed Climate Action Plan to assure action consistent with the procedures and purposes set forth in the California Government Code.

20. During the public hearing to consider the Final EIR, the GPU and the CAP, the Board heard presentations and received a Board Report on the GPU, the CAP and the Final EIR, heard testimony from the public, and deliberated on the content of the GPU, the CAP and the Final EIR.

21. The Board of Supervisor's public hearing was closed after public testimony was received on August 28, 2012; and

22. Pursuant to Government Code Sections 65358 and 65355, the Tulare County Board of Supervisors is the decision making body for the adoption of a General Plan amendment. Prior to any discretionary approvals the Board of Supervisors must certify the FEIR pursuant to CEQA Guidelines Section 15090, make CEQA Findings pursuant to CEQA Guidelines Section 15091, adopt a Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093, and adopted a Mitigation Monitoring and Reporting Program pursuant to CEQA Guidelines Sections 15091(d) and 15097.

The Board of Supervisors hereby resolves as follows:

1. The above recitals are true and correct and are incorporated herein by reference as if set forth in full.

2. The Final Environmental Impact Report ("FEIR") for the Tulare County General Plan 2030 Update (State Clearinghouse No. 2006041162) has been prepared pursuant to the California Environmental Quality Act (CEQA, Public Resources Code, Section 21000 et seq.) to analyze the environmental impacts of the new General Plan. The Final Environmental Impact Report for the Tulare County General Plan 2030 Update and the Climate Action Plan (SCH#2006041162) includes: (1) the Recirculated Draft EIR (RDEIR) released March 25, 2010 (included in Attachment A, Exhibit 1 in the Board of Supervisors Board Agenda for August 28, 2012 on this item); (2) the Final Environmental Impact Report released for public review on or about August 30, 2011 (included in Attachment A as Exhibit 1 in the Board of Supervisors Board Agenda for August 28, 2012 on this item), which includes: (A) Executive Summary, (B) Introduction and Readers Guide, (C) Minor Revisions to the Recirculated Draft EIR, (D) Comments on the Recirculated Draft EIR received during the public comment period and the four late letters identified above (including a list of persons, organizations, and public agencies commenting on the Recirculated Draft EIR); (E) Master Responses, (F) Responses to Comments on the Recirculated Draft EIR, (3) the Board of Supervisors Final EIR Minor Changes Matrix (Attachment G, Item 1) included in the Board of Supervisors Board Report for the August 28, 2012 public hearing on this item and (4) Response to Comments Received After the Close of the CEQA Comment Period for the Tulare County 2030 General Plan Update included in Attachment G, Item 3.

3. When reading and interpreting the FEIR, revisions contained in the most recent portions of the document shall take precedence, for example the "Final Environmental Impact Report" released for public review on or about August 30, 2011, shall take precedence over the "Recirculated Draft Environmental Impact Report" released March 25, 2010.

4. The Board of Supervisors has reviewed and considered the FEIR and additional public comments made and submitted at public meetings up to the time of adoption of this resolution.

5. The Board of Supervisors certifies that: (A) the "FEIR" has been completed in compliance with CEQA, (B) the FEIR was presented to the Board of Supervisors, and that the Board of Supervisors reviewed and considered the information contained in the FEIR prior to approving the project, and (C) the FEIR reflects Tulare County's independent judgment and analysis.

6. The Board of Supervisors adopts the CEQA Findings of Fact and Statement of Overriding Considerations included in Attachment A of the Board Report for this agenda item, dated August 28, 2012.

7. The Board of Supervisors adopts the Mitigation Monitoring and Reporting Program included in Attachment A of the Board Report for this agenda item, dated August 28, 2012, and directs the Clerk of the Board to issue a Notice of Determination in compliance with CEQA Guidelines Section 15094.

RMA
Co. Counsel

DAY
8/30/12

Agenda Item Attachment G
Item 1

Attachment 1
Minor Changes to Final EIR Text
Version date: August 28, 2012

Final EIR Minor Changes Matrix

Introduction:

This "Final EIR Minor Changes Matrix" has been prepared for the convenience of the County decision makers and for use by County staff and the public. To the extent possible, this "Final EIR Minor Changes Matrix" identifies minor revisions and editorial changes identified by reviewers of the Final Environmental Impact Report (FEIR) for the proposed Tulare County General Plan 2030 Update. These changes clarify, amplify or make insignificant changes to the EIR. New text is indicated by underline and deletions are shown in ~~strikethrough~~. In some instances, some text from the revised FEIR/Response to Comments has not been included which is not being modified at this time; this however should not be interpreted to mean that the text has been deleted. Only text with an explicit strikethrough is considered deleted. None of the changes identified in this matrix constitutes significant new information or results in any new significant impacts.

The matrix lists the specific change, identifies the policy number (if applicable) addressed and provides preliminary staff recommendations. This matrix is intended to be a "working document" and therefore additional information, materials or recommendations may be added or modified by the County during the public hearing and decision making process for this project.

No.	Comment No.	Policy/Imp.	Staff Recommendation	Planning Comm. Recommendation	Board Direction
1	Master Response #5	None	**The following addition is recommended on page 4-26 of the FEIR:** ...Table **4-3** ~~5-1 through 5-7~~, below, **is** ~~are~~ based on data developed for the County's 2009 Housing Element. "Build-out" Tables **4-4 through 4-9** ~~5-2 through 5-7~~ mathematically project theoretical maximum build out in various ways. No adjustments are made in these tables for "fixed" constraints (such as setback, slope, terrain,		

No.	Comment No	Policy/Imp.	Staff Recommendation	Planning Comm. Recommendation	Board Direction
			water availability, roads, wastewater, zoning, and other physical limitations) or constraints that can be remedied (infrastructure capacity and market availability of land parcels)...		
2	Master Response #6	None	**The following addition is recommended on page 4-31 of the FEIR:** Consequently, SB610 lists several other 'projects' requiring a WSA and a General Plan is not on that list. (See also *Citizens for Responsible Equitable Environmental Development v. City of Chino* (County of San Bernardino Superior Court Case No. CIVRS1008458) 8-12-2011 Minute Order ["The Court denies the writ as to the contention that the City failed to have a water supply assessment (WSA) done for the project under water code 10910 and included in the EIR since a proposed general plan is not the type of actual development project identified in water code 10912 triggering the WSA requirement."] SB 610 further provides that nothing in SB 610 is "intended to modify to otherwise change existing law with respect to projects that are not subject to...".		
3	FEIR, Chapter 2, page 2-1		**The following revisions is recommended for FEIR, Chapter 2, page 2-1:** The County has made minor revisions to the Staff recommended goals, policies, and implementation measures contained in the 2010 draft of the General Plan 2030 Update as outlined in the "As Modified" Draft of the General Plan included in the Board of Supervisors Staff Report for the General Plan 2030 Update proposed adoption on or about August 2012. In many instances these revisions have been made to incorporate the mitigation measures provided in the		

No.	Comment No	Policy/Imp.	Staff Recommendation	Planning Comm. Recommendation	Board Direction
			RDEIR/FEIR ("Required Additional Mitigating Policies and Implementation Measures"), to correct clerical errors, and in other instances the General Plan has been updated in response to comments. ~~The County has made minor revisions to the goals, policies, and implementation measures contained in the 2010 draft of the General Plan 2030 Update as outlined in the "General Plan 2030 Update Corrections Table" and the "Summary of Changes" matrix. These documents are herein incorporated by reference, and any references in the RDEIR to these goals and policies shall be read to refer to the revised goal/policy changes recommended by County staff in these documents (i.e. "Staff Recommended Changes" and "Staff Recommendation")~~		
4	RDEIR, Chapter 3.6, page 3.6-53		**The following revisions is recommended for RDEIR page 3.6-53:** "Recent State legislation related to flood protection and risk management is described above under "Regulatory Setting". **There are numerous polices in the proposed General Plan designed to reduce or avoid impacts associated with development in flood areas. However, some development may occur in such flood zones. An outright ban on development in a 100-year flood zone is considered infeasible for legal, environmental and policies reasons. Furthermore, the County will need to balance other environmental and policy considerations in determining whether to approve development. For example, an outright ban might result in a reduction in impacts associated with flood**		

No.	Comment No	Policy/Imp.	Staff Recommendation	Planning Comm. Recommendation	Board Direction
			zones, but negatively impact other resource areas by forcing development into areas associated with fire or geologic hazards. There will also be instances where development in flood area can be performed safely. (See County Code 7-27-1005 ("Methods of Reducing Flood Losses")) Requirements in the California Building Code, Title 24, Part 2, Section 1612 also help to safely construct development in flood zones. ~~the County of Tulare already has a flood management ordinance (Ordinance Code of Tulare County, Part VII, Chapter 27) that has been approved by FEMA and that substantially complies with the new requirements, the County is able to use that information to comply with new Safety Element requirements (APA, page 12, 2008). However, the new laws do require updating emergency response programs based upon new FEMA and DWR flood maps, flood data and flood management requirements. Until the County has implemented needed updates of its land use maps with current flood information, and met Safety Element provisions as now defined in Government Code 65302(g), flood related impacts of the proposed project will be significant.~~"		
5	I11-204		**The following revisions is recommended for the response to comment I11-204 on page 5-143:** "…The commenter asks about the difference between feasible and consistent and reasonable mitigation. 'Feasible' mitigation means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors (Pub. Res. Code Section 21061.1; CEQA Guidelines Section		

COUNTY OF SAN DIEGO

GUIDELINES FOR DETERMINING SIGNIFICANCE AND REPORT FORMAT AND CONTENT REQUIREMENTS

WILDLAND FIRE AND FIRE PROTECTION

LAND USE AND ENVIRONMENT GROUP

Department of Planning and Land Use
Department of Public Works

Second Revision
August 31, 2010

APPROVAL

I hereby certify that these **Guidelines for Determining Significance and Report Format and Content Requirements for Wildland Fire and Fire Protection** are a part of the County of San Diego, Land Use and Environment Group's Guidelines for Determining Significance and Technical Report Format and Content Requirements and were considered by the Director of Planning and Land Use, in coordination with the Director of Public Works on the August 31, 2010.

ERIC GIBSON
Director of Planning and Land Use

JOHN SNYDER
Director of Public Works

I hereby certify that these **Guidelines for Determining Significance and Report Format and Content Requirements for Wildland Fire and Fire Protection** are a part of the County of San Diego, Land Use and Environment Group's Guidelines for Determining Significance and Technical Report Format and Content Requirements and have hereby been approved by the Deputy Chief Administrative Officer (DCAO) of the Land Use and Environment Group on the 31st of August, 2010. The Director of Planning and Land Use is authorized to approve revisions to these Guidelines for Determining Significance and Report Format and Content Requirements for Wildland Fire and Fire Protection, except any revisions to the Guidelines for Determining Significance presented in Chapter 4.0 must be approved by the DCAO.

Approved, August 31, 2010

Chandra Wallar

CHANDRA WALLAR
Deputy CAO

Text
Approved
March 19, 2007

First Revision
December 19, 2008

Second Revision
August 31, 2010

EXPLANATION

These Guidelines for Determining Significance for Wildland Fire and Fire Protection and information presented herein shall be used by County staff for the review of discretionary projects and environmental documents pursuant to the California Environmental Quality Act (CEQA). These Guidelines present a range of quantitative, qualitative, and performance levels for particular environmental effects. Normally, (in the absence of substantial evidence to the contrary), an affirmative response to any one Guideline will mean the project will result in a significant effect, whereas effects that do not meet any of the Guidelines will normally be determined to be "less than significant." Section 15064(b) of the State CEQA Guidelines states:

> "The determination whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on factual and scientific data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting."

The intent of these Guidelines is to provide a consistent, objective and predictable evaluation of significant effects. These Guidelines are not binding on any decision-maker and do not substitute for the use of independent judgment to determine significance or the evaluation of evidence in the record. The County reserves the right to modify these Guidelines in the event of scientific discovery or alterations in factual data that may alter the common application of a Guideline.

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INTRODUCTION

This document provides guidance to planners, applicants, consultants, fire professionals and other interested parties for evaluating adverse environmental effects that a proposed project may have from wildland fire and establishes standards to ensure that development projects do not unnecessarily expose people or structures to a significant risk of loss, injury or death involving wildland fires. Specifically, this document addresses the following questions listed in the California Environmental Quality Act (CEQA) Guidelines:

Appendix G, VIII. Hazards and Hazardous Materials

h) Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Appendix G, XIV. Public Services

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

    i. Fire protection?

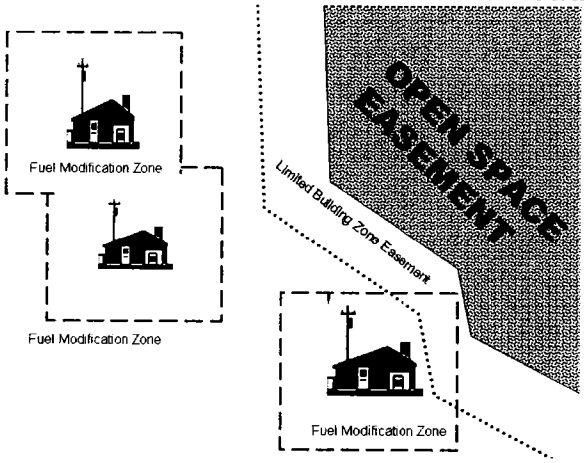
Appendix G, XVI. Transportation/Traffic

e) Would the project result in inadequate emergency access?

Appendix G, XVII. Utilities and Service Systems

d) Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Figure 2. Fuel Modification Zone and Limited Building Zone



1.3 Defensible Structures

Wildfires are dangerous and unpredictable. In a wildfire, firefighting resources are often over-extended and may be unavailable. Defensible space alone does not ensure the safety of structures confronted by a wildfire. Many additional precautions will assist in the survival of structures from wildland fire threats. The California Department of Forestry and Fire Protection (CAL FIRE), County of San Diego, and local fire districts can provide guidance on preparing structures for wildfire including proper landscaping practices, construction standards and techniques, adequate emergency water supply needs and access.

2.0 EXISTING REGULATIONS AND STANDARDS

A number of existing laws, regulations, policies and programs have been enacted to prevent, manage or mitigate the threat of wildland fires to public health, safety and the environment. The following discussion is an overview of the primary existing regulations that affect wildland fire in San Diego County. The regulations discussed below have been chosen for their applicability to the typical development project encountered in San Diego County and for their usefulness in assessing potential adverse project impacts as defined by the California Environmental Quality Act (CEQA), focusing on the threat these fires would pose to people or structures.

It is important to note that the unincorporated area of the County is served by various independent fire districts, County Service Areas and CALFIRE. It is important for planners, applicants, consultants, fire professionals and other interested parties who are processing discretionary permits to understand the respective service areas and responsibilities as well as policies and procedures of the FAHJ that will eventually serve the proposed project. Communication early and often with the FAHJ throughout the entitlement process is encouraged.

2.1 Federal Regulations and Nationally Recognized Standards

[[Regulation]]
National Environmental Policy Act, [42 USC § 4321 et seq.] Federal agencies that implement the National Environmental Policy Act (NEPA) consider potential public health and safety hazards, including wildland fires, when considering the environmental impacts of proposed federal projects

[[Nationally Recognized Standard]]
International Fire Code Published by the International Code Council, it is a model code which may be adopted by a jurisdiction. It forms the basis for the current California Fire Code (CCR Title 24 part 9) The International Fire Code (IFC) is the underlying nationally recognized code that sets standards and requirements to safeguard against the threat fires may pose to public health, safety, and the environment. The IFC, when adopted by a jurisdiction, regulates the planning, construction and maintenance of development in all areas.

[[Nationally Recognized Standard]]
International Wildland-Urban Interface Code Published by the International Code Council, it is a model code addressing wildfire issues. It has not been adopted by the State of California or by the County of San Diego. It may be used as a reference for subjects not addressed within the California and County Fire Codes.

[[Nationally Recognized Standard]]
National Fire Protection Association Standards (http://nfpa.org/codes/index.asp) The National Fire Protection Association (NFPA) Standards are a product of the National Fire Protection Association (NFPA), a world-wide organization of fire industry, fire agencies, fire professionals and concerned individuals. These model standards are annually compiled from the standards, recommended practices, manuals, guides, and model laws that are prepared by the individual technical committees of the NFPA. Most are revised on a three-year cycle. The published standards are voted on by the members of the NFPA. The individual standards can be adopted by jurisdictions or modified and adopted as that jurisdiction's ordinance.

2.2 State Regulations and Standards

[[Regulation]]
California Environmental Quality Act and Guidelines [Public Resources Code, §§ 21000-21178; Guidelines for Implementation of CEQA, California Code of Regulations, Title 14, §§15000-15387, Appendix G.] Consideration of impacts relating to wildland fires is required by CEQA. The CEQA Guidelines are concerned with assessing impacts associated with exposing people or structures to wildland fires.

[[Regulation]]
California Building and Fire Codes [California Code of Regulations, Title 24 parts 2 & 9, http://osfm.fire.ca.gov/] Title 24 contains several International Codes that address fire

- Emergency response services (fire stations, equipment and personnel) that are inadequate to serve the project;

- Development projects that are built without ignition-resistive construction, interior fire sprinklers, and/or sufficient water supply (volume) and pressure;

- Inadequate access and evacuation options;

- Insufficient maintenance of access roads, signage, gates; and

- Lack of appropriate landscaping restrictions, including monitoring and maintenance, FMZs, and periodic fuel management monitoring.

A wildfire's aftermath typically leaves land scorched and exposed. Until the land rehabilitates, the exposed soils may contribute to adverse environmental impacts including air and water pollution and unstable soils conditions (mudslides). The end result of uncontrolled wildfire also includes debris from burned homes, some of which can be highly toxic, and can adversely impact the environment by polluting local waterways (streams and rivers).

4.0 GUIDELINES FOR DETERMINING SIGNIFICANCE

Section 15382 of the State CEQA Guidelines states that a significant effect on the environment means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air and water. **An affirmative response to, or confirmation of any one of the following Guidelines, will generally be considered a significant impact related to Wildland Fire and Fire Protection as a result of the project, in the absence of evidence to the contrary:**

1. ***The project cannot demonstrate compliance with all applicable fire codes.***

2. ***A comprehensive Fire Protection Plan has been accepted, and the project is inconsistent with its recommendations.***

3. ***The project does not meet the emergency response objectives identified in the Public Facilities Element of the County General Plan or offer feasible alternatives that achieve comparable emergency response objectives."***

The significance guidelines listed above have been selected for the following reasons:

The **first** guideline for determining significance is based on compliance with existing wildland fire regulations. Since the applicable regulatory requirements for a project will differ based on use type and extent of the WUI, all discretionary projects may be required to prepare a Fire Protection Plan (FPP) designed to assess a project's compliance with current regulatory codes and ensure that impacts resulting from wildland fire hazards

have been adequately mitigated. The FPP describes ways to minimize and mitigate the fire problems created by the project or development.

The FPP is similar in concept to a Technical Report as authorized in the Fire and Building Codes. The FPP is prepared by a wildland fire behavior and fire code expert for review by the County and FAHJ. A Technical Report, which focuses on fire code and other fire protection issues for a specific industrial, commercial or special risk occupancy, should accompany a FPP if a complex fire code issue makes it necessary. A Technical Report should be separate from, yet coordinated with, related provisions of the FPP. The County DPLU maintains a list of persons currently authorized to prepare FPPs for projects within its jurisdiction.

The authority to require FPP can be found in the County Fire Code and the County Consolidated Fire Code.

Examples of regulatory requirements that a project will be required to meet include the California Code of Regulations and County Fire Code. Given the complexity of wildland fire regulation and the numerous agencies that have regulatory responsibility related to wildland fires, applicable regulations will be determined on a project-by-project basis. Due to the potential severity of impacts from fire in wildland areas, the existing laws are stringent and regulate many aspects of wildland fire and their hazards, including building standards, fuel modification, water availability/flow, and/or access.

Because project site constraints vary from property to property, fire codes provide for modifications when the following requirements are met:

- Special individual reasons make the strict letter of the code impracticable;
- The modification is in compliance with the intent and purpose of the code; and,
- Such modification does not lessen health, life and fire safety standards.

Any project that does not show compliance with regulatory codes or does not include a valid risk assessment for the project site may result in a potentially significant impact of wildland fire hazard.

The **second** guideline applies to all projects that are required to model fire behavior in mature vegetation on and near the site (Fire Behavior Modeling) as part of its Fire Protection Plan. The Fire Behavior Model will evaluate a worst-case scenario wildland fire based on site topography, fuel loads, atmospheric conditions, and fire intensity. From the results of the model, combined with the consultant's expertise, minimum fuel modification and brush clearance distances can be determined to ensure relatively safe building sites. These fuel-modeling programs are widely accepted and used throughout the fire fighting profession as a planning tool. The models were developed by expert fire-research scientists, but do not provide a total analysis of the threat. Modeling program limitations must be taken into consideration. Fire behavior history and professional

experience may require greater or lesser requirements for individual projects, and such justification should be clearly articulated in the FPP.

The fire model gives general guidance and typically calculates behavior under worst-case weather conditions over time. Any project that would not be consistent with the consultant/fire authority's recommendations based on the Fire Behavior Modeling, fire history, and personal experience or expertise for that site may result in a potentially significant impact and may present significant risk of loss, injury or death.

The **third** guideline for determining significance is based on the need to have adequate fire services available in order to provide sufficient emergency response in the event of a wildfire or other emergency. Applicants are required to obtain a Project Facility Availability Form (DPLU Form #399F) that is to be completed and signed by the Fire Authority Having Jurisdiction (FAHJ) prior to formally submitting the project application to the County. The FAHJ will review the project and determine whether existing fire services are adequate to serve the project. A Project Facility Availability Form that shows that a project is not located within the fire district boundaries and is not eligible for service, does not meet the travel time requirements specified under the County's General Plan, is unable to implement the required FMZ, or is unable to provide adequate water fireflow and pressure may result in a potentially significant impact and may present significant risk of loss, injury or death. Travel time is determined by measuring the most direct reliable route from the nearest fire station obligated to respond to the site to the most remote portion of the project with consideration given to safe operating speeds for heavy fire apparatus and the types of roads being used and neighborhoods traveled. Fire agencies typically encourage use of major roads versus traveling through private residential neighborhoods. Travel time does not include reflex or reaction time, or on-scene size-up and set-up prior to attacking the fire, all of which are critical precursors of actual fire fighting. Travel time may be calculated by using NFPA 1142 Table C.11 (b), SANDAG layering, DPLU-GIS software travel time mapping, actual emergency travel time run data, or actual driving tests using fire apparatus. Deference is typically given to the FAHJ.

4.1 FIRE PROTECTION PLANS

A Fire Protection Plan is a document that describes the level of fire hazard that would affect or be caused by a proposed development and the methods proposed to minimize that hazard. The FPP also evaluates the consistency of the proposed project with applicable fire protection regulations. In order to minimize hazards and meet fire code requirements, the FPP may include recommendations that involve limitations on future land use on the subject property, building construction standards, vegetation management, access improvements, installation of fire suppression facilities, and other design measures. The FPP must include measures to address the specific location, topography, geology, level of flammable vegetation and climate of the proposed project site. The FPP must be prepared consistent with applicable fire codes and be accepted by the FAHJ and County. The plan must demonstrate compliance with the applicable fire code or how the measures proposed to reduce fire hazards are adequate to meet

the intent of the code. The following elements must be addressed in a FPP required as part of the review of a discretionary permit application:

- Emergency Services - Availability and Travel Time;
- Access for emergency services and evacuation of residents (primary and, if required, additional access);
- Firefighting Water Supply;
- Fire Sprinkler System;
- Ignition Resistant Construction; and,
- Defensible Space, Ornamental Landscaping and Vegetation Management

Each of these design considerations is detailed below and includes discussions on relevant Federal, State and local codes and the standards that are used to ensure compliance with the regulations. Failure to comply with either the fire code/regulations or the standards may result in a potentially significant impact. Refer to section 2 "Report Format and Content Requirements Wildland Fire and Fire Protection".

4.2 PLAN ACCEPTANCE PROCESS

Fire Protection Plan preparers should work with the local FAHJ. Once the plan is prepared and submitted to the local fire agency, it will be reviewed for compliance with all applicable ordinances and regulations. If practical difficulties in achieving compliance have been identified and modifications or alternate methods are proposed, they must also be evaluated by the FAHJ. If the FAHJ determines that the plan is incomplete or inadequate, it should be sent back to the preparer with a letter explaining why. If the plan proposes modifications due to practical difficulties in meeting the code requirements, the FAHJ should determine whether to grant a modification. If the FAHJ approves a modification, the FAHJ should send a letter to the applicant and DPLU finding that special individual reasons make compliance with the strict letter of the code impracticable, the proposed modification complies with the intent and purpose of the code, and the modification does not lessen health, life and fire safety requirements. The FAHJ must include an explanation for each finding.

Concurrent with the process at the local FAHJ, the County DPLU will also review the plan. The plan will be reviewed for completeness and code compliance. If the plan is found to be complete, code compliant and to have been accepted by the FAHJ, an acceptance letter will be prepared. If the plan is found to be incomplete, to be inconsistent with code requirements or not to have been accepted by the FAHJ, DPLU will not accept the plan.

The County Fire Code and the County Consolidated Fire Code include a procedure for appealing the decision of the FAHJ relating to the application of the applicable fire code.

The County will make every effort to provide sufficient time for the FAHJ to review and comment on the proposed project and associated Fire Protection Plan. If comments are not received from the FAHJ in a timely manner, DPLU will assume that the FAHJ has no

MARIN COUNTY

ENVIRONMENTAL IMPACT REVIEW GUIDELINES (EIR GUIDELINES)

POLICY AND PROCEDURES FOR IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Marin County Community Development Agency
Planning Division, Room 308
3501 Civic Center Drive
San Rafael, California 94903

Adopted May 17, 1994
Marin County Board of Supervisors

MARIN COUNTY ENVIRONMENTAL REVIEW GUIDELINES

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MARIN COUNTY PROCEDURES
FOR IMPLEMENTATION OF THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT

I. Purpose and Objective

The purpose of these regulations is to provide a guide for County Agencies and Departments in carrying out their responsibilities under the California Environmental Quality Act (CEQA). These procedures do not replace the State requirements under CEQA, rather, they are intended to conform with and supplement State procedures by providing local process for the County. County Agencies and Departments must follow these procedures in addition to the State requirements for implementing CEQA.

The overall objective in adopting these procedures is to comply with the policies the legislature and courts have established for preserving and enhancing the environment. CEQA and the State CEQA Guidelines, as amended, are incorporated by reference into these County procedures as if they were set forth in full. In those instances where the County Procedures refer to CEQA or State CEQA Guidelines Sections, the section number may be given to facilitate reference to that section. It should be recognized that CEQA and the State CEQA Guidelines are amended from time to time which may change the number of the section referenced in these County procedures depending on printing date.

In the event any part or provision of these procedures is determined to be invalid, the remaining portions thereof which can be separated from the invalid portions, shall nevertheless continue in full force and effect.

II. Definitions

A. Definitions Adopted. Those definitions set forth in Title 14, Article 4 (beginning with Section 15350) of the California Administrative Code, (hereinafter cited as "State CEQA Guidelines") are hereby adopted and included verbatim.

B. Additional Definitions by Marin County.

1. Board. Board means the Marin County Board of Supervisors.

2. County. County means the County of Marin.

3. Environmental Coordinator. Environmental Coordinator means the County Community Development Agency Director (CDA Director) or the person appointed by the CDA Director for the purpose of determining whether or not a project (either public or private) will have a significant effect on the environment and whether or not environmental review of the project is required pursuant to CEQA. The Environmental Coordinator has the principal responsibility for implementing project environmental review pursuant to CEQA, State CEQA Guidelines and these procedures.

APPENDIX K

INITIAL STUDY CHECKLIST FORM

Marin County Environmental Coordination and Review

MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION
INITIAL STUDY

I. BACKGROUND

a) Project Sponsor's Name and Address:

b) Lead Agency Name and Address:

c) Contact Person and Phone Number:

II. PROJECT DESCRIPTION

a) Project Title:

b) Type of Application(s):

c) Project Location: APN #

d) General Plan Designation:

e) Zoning:

f) Description of Project: *(Describe the whole action involved, including but not limited to its purpose and objectives, later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)*

g) Environmental Setting: *(Describe the environment, including any sensitive environmental resources, in the vicinity of the project, as it exists before the commencement of the project, from both a local and regional perspective.)*

III. CIRCULATION AND REVIEW: *(The agencies listed in the section include County departments or divisions which have jurisdictional authority and/or oversight over the project, as well as State, Federal or other jurisdiction-by-law agencies which may use this document in executing their respective permit authority over the project.)*

a) Marin County Agencies:

Agency/Division: *(insert appropriate agency and division)*

Name: *(insert name of reviewing officer)*

The following signature of the agency reviewing officer attests to the completeness and adequacy of the information contained in the Initial Study as it relates to the concerns which are germane to the agency's jurisdictional authority.

_____ _____

Signature of Reviewing Officer Date

b) Responsible Agencies: *(agencies whose approval is required and permits needed)*

-
-

c) Trustee Agencies: *(State agencies who have jurisdiction by law over natural resources affected by project)*

-
-

d) Other Jurisdiction-By-Law Agencies: *(other agencies which have permit authority over the project)*

-
-

IV. EVALUATION OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Pursuant to Section 15063 of the State CEQA Guidelines, and the County EIR Guidelines, Marin County will prepare an Initial Study for all projects not categorically exempt from the requirements of CEQA. The Initial Study evaluation is a preliminary analysis of a project which provides the County with information to use as a the basis for deciding whether to prepare an Environmental Impact Report (EIR) or Negative Declaration. The points enumerated below describe the primary procedural steps undertaken by the County in completing an Initial Study checklist evaluation and, in particular, the manner in which significant environmental effects of the project are made and recorded.

A. The determination of significant environmental effect is be based on substantial evidence contained in the administrative record and the County's environmental data base consisting of factual information regarding environmental resources and environmental goals and policies relevant to Marin County. As a procedural device for reducing the size of the Initial Study document, relevant information sources cited and discussed in topical sections of the checklist evaluation are incorporated by reference into the checklist (e.g. general plans, zoning ordinances). Each of these information sources has been assigned a number which is shown in parenthesis following each topical question and which corresponds to a number on the data base source list provided herein as Attachment #1. See the sample question below. Other sources used or individuals contacted may also be cited in the discussion of topical issues where appropriate.

B. In general, a Negative Declaration shall be prepared for a project subject to CEQA when either the Initial Study demonstrates that there is no substantial evidence that the project may have one or more significant effects on the environment. A Negative Declaration shall also be prepared if the Initial Study identifies potentially significant effects, but revisions to the project made by or agreed to by the applicant prior to release of the Negative Declaration for public review would avoid or reduce such effects to a level of less than significance, and there is no substantial evidence before the Lead County Department that the project as revised will have a significant effect on the environment. A signature block is provided in Section VII of this Initial Study to verify that the project sponsor has agreed to incorporated mitigation measures into the project in conformance with this requirement.

C. All answers to the topical questions must take into account the whole of the action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. Significant unavoidable cumulative impacts shall be identified in Section VI of this Initial Study (Mandatory Findings of Significance).

D. A brief explanation shall be given for all answers except "Not Applicable" answers that are adequately supported by the information sources the Lead County Department cites in the parenthesis following each question. A "Not Applicable" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "Not Applicable" answer shall be discussed where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

E. "Less Than Significant Impact" is appropriate if an effect is found to be less than significant based on the project as proposed and without the incorporation of mitigation measures recommended in the Initial Study.

F. "Potentially Significant Unless Mitigated" applies where the incorporation of recommended mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The Lead County Department must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section V, "Earlier Analyses", may be cross-referenced).

G. "Significant Impact" is appropriate if an effect is significant or potentially significant, or if the Lead County Department lacks information to make a finding that the effect is less than significant. If there are one or more effects which have been determined to be significant and unavoidable, an EIR shall be required for the project.

SAMPLE QUESTION:

Issues (and Supporting Information Sources):	Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	Not Applicable
Would the proposal result in :				
Conflicts with applicable Countywide Plan designation or zoning standards? (source #1, 3)	[ ]	[ ]	[ ]	[ ]
(Attached source list explains that 1 is the Countywide Plan, and 3 is the zoning ordinance. This answer would probably need only a brief further explanation.)				

VI. EARLIER ANALYSES

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration.

a) **Earlier analyses used.** *(Identify earlier analyses and state where they are available for review.)*

b) **Impacts adequately addressed.** *(Identify which effects from the above checklist were within the scope of and adequately analyzed by the earlier document.)*

c) **Mitigation measures.** *(For effects that are "potentially significant" or "potentially significant unless mitigated", describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.)*

Issues (and Supporting Information Sources):	Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	Not Applicable
1. LAND USE AND PLANNING. ***Would the proposal:***				
a) Conflict with applicable Countywide Plan designation or zoning standards? (source #(s):)	[ ]	[ ]	[ ]	[ ]
b) Conflict with applicable environmental plans or policies adopted by Marin County? (source #(s):)	[ ]	[ ]	[ ]	[ ]
c) Affect agricultural resources, operations, or contracts (e.g. impacts to soils or farmlands, impacts from incompatible land uses, or conflicts with Williamson Act contracts)? (source #(s):)	[ ]	[ ]	[ ]	[ ]
d) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? (source #(s):)	[ ]	[ ]	[ ]	[ ]
e) Result in substantial alteration of the character or functioning of the community, or present or planned use of an area? (source #(s):)	[ ]	[ ]	[ ]	[ ]
f) Substantially increase the demand for neighborhood or regional parks or other recreational facilities, or affect existing recreational opportunities? (source #(s):)	[ ]	[ ]	[ ]	[ ]
2. POPULATION AND HOUSING. ***Would the proposal:***				
a) Increase density that would exceed official population projections for the planning area within which the project site is located as set forth in the Countywide Plan and/or community plan? (source #(s):)	[ ]	[ ]	[ ]	[ ]
b) Induce substantial growth in an area either directly or indirectly (e.g. through projects in an undeveloped area or extension of major infrastructure)? (source #(s):)	[ ]	[ ]	[ ]	[ ]
c) Displace existing housing, especially affordable housing? (source #(s):)	[ ]	[ ]	[ ]	[ ]

Issues (and Supporting Information Sources):	Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	Not Applicable
3. GEOPHYSICAL. ***Would the proposal result in or expose people to potential impacts involving:***				
a) Location in an area of geologic hazards, including but not necessarily limited to: 1) active or potentially active fault zones; 2) landslides or mudslides; 3) slope instability or ground failure; 4) subsidence; 5) expansive soils; 6) liquefaction; 7) tsunami ; or 8) similar hazards? (source #(s):)	[ ]	[ ]	[ ]	[ ]
b) Substantial erosion of soils due to wind or water forces and attendant siltation from excavation, grading, or fill? (source #(s):)	[ ]	[ ]	[ ]	[ ]
c) Substantial changes in topography from excavation, grading or fill, including but not necessarily limited to: 1) ground surface relief features; 2) geologic substructures or unstable soil conditions; and 3) unique geologic or physical features? (source #(s):)	[ ]	[ ]	[ ]	[ ]
4. WATER. ***Would the proposal result in***:				
a) Substantial changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? (source #(s):)	[ ]	[ ]	[ ]	[ ]
b) Exposure of people or property to water related hazards, including, but not necessarily limited to: 1) flooding; 2) debris deposition; or 3) similar hazards ? (source #(s):)	[ ]	[ ]	[ ]	[ ]
c) Discharge of pollutants into surface or ground waters or other alteration of surface or ground water quality (e.g. temperature, dissolved oxygen or turbidity)? (source #(s):)	[ ]	[ ]	[ ]	[ ]
d) Substantial change in the amount of surface water in any water body or ground water either through direct additions or withdrawals, or through intersection of an aquifer by cuts or excavations? (source #(s):)	[ ]	[ ]	[ ]	[ ]
e) Substantial changes in the flow of surface or ground waters, including, but not necessarily limited to: 1) currents; 2) rate of flow; or 3) the course or direction of water movements? (source #(s):)	[ ]	[ ]	[ ]	[ ]
f) Substantial reduction in the amount of water otherwise available for public water supplies? (source #(s):)	[ ]	[ ]	[ ]	[ ]

Issues (and Supporting Information Sources):	Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	Not Applicable
5. AIR QUALITY. ***Would the proposal:***				
a) Generate substantial air emissions that could violate official air quality standards or contribute substantially to an existing or projected air quality violation? (source #(s):)	[ ]	[ ]	[ ]	[ ]
b) Expose sensitive receptors to pollutants, such as noxious fumes or fugitive dust? (source #(s):)	[ ]	[ ]	[ ]	[ ]
c) Alter air movement, moisture, or temperature, or cause any change in climate? (source #(s):)	[ ]	[ ]	[ ]	[ ]
d) Create objectionable odors? (source #(s):)	[ ]	[ ]	[ ]	[ ]
6. TRANSPORTATION/CIRCULATION. ***Would the proposal result in:***				
a) Substantial increase in vehicle trips or traffic congestion such that existing levels of service on affected roadways will deteriorate below acceptable County standards? (source #(s):)	[ ]	[ ]	[ ]	[ ]
b) Traffic hazards related to: 1) safety from design features (e.g. sharp curves or dangerous intersections); 2) barriers to pedestrians or bicyclists; or 3) incompatible uses (e.g. farm equipment)? (source #(s):)	[ ]	[ ]	[ ]	[ ]
c) Inadequate emergency access or access to nearby uses? (source #(s):)	[ ]	[ ]	[ ]	[ ]
d) Insufficient parking capacity on-site or off-site? (source #(s):)	[ ]	[ ]	[ ]	[ ]
e) Substantial impacts upon existing transportation systems, including rail, waterborne or air traffic systems? (source #(s):)	[ ]	[ ]	[ ]	[ ]
7. BIOLOGICAL RESOURCES. ***Would the proposal result in:***				
a) Reduction in the number of endangered, threatened or rare species, or substantial alteration of their habitats including, but not necessarily limited to: 1) plants; 2) fish; 3) insects; 4) animals; and 5) birds listed as special-status species by State or Federal Resource Agencies? (source #(s):)	[ ]	[ ]	[ ]	[ ]
b) Substantial change in the diversity, number, or habitat of any species of plants or animals currently present or likely to occur at any time throughout the year? (source #(s))	[ ]	[ ]	[ ]	[ ]

Issues (and Supporting Information Sources):	Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	Not Applicable
c) Introduction of new species of plants or animals into an area, or improvements or alterations that would result in a barrier to the migration, dispersal or movement of animals? (source #(s):)	[ ]	[ ]	[ ]	[ ]
8. ENERGY AND NATURAL RESOURCES. ***Would the proposal result in:***				
a) Substantial increase in demand for existing energy sources, or conflict with adopted policies or standards for energy use? (source #(s):)	[ ]	[ ]	[ ]	[ ]
b) Use of non-renewable resources in a wasteful and inefficient manner? (source #(s):)	[ ]	[ ]	[ ]	[ ]
c) Loss of significant mineral resource sites designated in the Countywide Plan from premature development or other land uses which are incompatible with mineral extraction? (source #(s):)	[ ]	[ ]	[ ]	[ ]
9. HAZARDS. ***Would the proposal involve:***				
a) A risk of accidental explosion or release of hazardous substances including, but not necessarily limited to: 1) oil, pesticides; 2) chemicals; or 3) radiation)? (source #(s):)	[ ]	[ ]	[ ]	[ ]
b) Possible interference with an emergency response plan or emergency evacuation plan (source #(s):)	[ ]	[ ]	[ ]	[ ]
c) The creation of any health hazard or potential health hazard? (source #(s):)	[ ]	[ ]	[ ]	[ ]
d) Exposure of people to existing sources of potential health hazards? (source #(s):)	[ ]	[ ]	[ ]	[ ]
e) Increased fire hazard in areas with flammable brush, grass, or trees? (source #(s):)	[ ]	[ ]	[ ]	[ ]
10. NOISE. ***Would the proposal result in:***				
a) Substantial increases in existing ambient noise levels? (source #(s): (source #(s):)	[ ]	[ ]	[ ]	[ ]
b) Exposure of people to significant noise levels, or conflicts with adopted noise policies or standards? (source #(s):)	[ ]	[ ]	[ ]	[ ]

Issues (and Supporting Information Sources):	Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	Not Applicable
11. PUBLIC SERVICES. ***Would the proposal have an effect upon, or result in a need for new or altered government service in any of the following areas:***				
a) Fire protection? (source #(s):)	[ ]	[ ]	[ ]	[ ]
b) Police protection? (source #(s):)	[ ]	[ ]	[ ]	[ ]
c) Schools? (source #(s):)	[ ]	[ ]	[ ]	[ ]
d) Maintenance of public facilities, including roads? (source #(s):)	[ ]	[ ]	[ ]	[ ]
e) Other governmental services? (source #(s):)	[ ]	[ ]	[ ]	[ ]
12. UTILITIES AND SERVICE SYSTEMS. ***Would the proposal result in a need for new systems, or substantial alterations to the following utilities:***				
a) Power or natural gas? (source #(s):)	[ ]	[ ]	[ ]	[ ]
b) Communications systems? (source #(s):)	[ ]	[ ]	[ ]	[ ]
c) Local or regional water treatment or distribution facilities? (source #(s):)	[ ]	[ ]	[ ]	[ ]
d) Sewer or septic tanks? (source #(s):)	[ ]	[ ]	[ ]	[ ]
e) Storm water drainage? (source #(s):)	[ ]	[ ]	[ ]	[ ]
f) Solid waste disposal? (source #(s):)	[ ]	[ ]	[ ]	[ ]
13. AESTHETICS/VISUAL RESOURCES. ***Would the proposal:***				
a) Substantially reduce, obstruct, or degrade a scenic vista open to the public or scenic highway, or conflict with adopted aesthetic or visual policies or standards? (source #(s):)	[ ]	[ ]	[ ]	[ ]
b) Have a demonstrable negative aesthetic effect by causing a substantial alteration of the existing visual resources including, but not necessarily limited to: 1) an abrupt transition in land use; 2) disharmony with adjacent uses because of height, bulk or massing of structures; or 3) cast of a substantial amount of light, glare, or shadow? (source #(s):)	[ ]	[ ]	[ ]	[ ]

APPENDIX N

CRITERIA FOR SIGNIFICANCE AND LIST OF MINISTERIAL PROJECTS

Marin County Environmental Coordination and Review

CRITERIA FOR SIGNIFICANCE

Under CEQA, a significant effect is defined as a substantial, or potentially substantial, adverse change in the environment (Public Resources Code section 21068). The guidelines implementing CEQA direct that this determination be based on scientific and factual data.

The following criteria, coupled with CEQA Guidelines Appendix G, are intended to provide general guidance to EIR preparer's in characterizing the significance of impacts.

Geology, Soils and Seismicity

Geotechnical hazards include the effects of seismically induced groundshaking, fault rupture, landsliding, and weak or unstable soils conditions that represent potential risks to public health or that could result in damage to structures. Specific site investigations should evaluate the following:

- Is the site located within an Alquist-Priolo Special Studies Zone, or contain a known active fault zone, or an area characterized by surface rupture that might be related to a fault?
- Does the substrate consist of material that is subject to liquefaction or other secondary seismic hazards in the event of groundshaking?
- Is there any evidence of static hazards, such as landsliding or excessively steep slopes, that could result in slope failure?
- Is the site in the vicinity of soil that is likely to collapse, as might be the case with karst topography, old mining properties or areas of subsidence caused by groundwater drawdown?
- Are soils characterized by shrink/swell potential that might result in deformation of foundations or damage to structures?
- Is the site located in a Mineral Resource Zone identified by the California Department of Mines and Geology or within an area designated as important Farmland identified by the Soil Conservation Service (U.S. Department of Agriculture)?
- Is the site located next to a water body that might be subject to tsunamis or seiche waves?

Hydrology and Water Quality

Criteria for determining the significance of hydrology and water quality impacts related to whether the proposed project would result in the substantial degradation of surface or groundwater resources compared to prevailing conditions, or whether it would cause or increase the potential for substantial flooding, erosion or siltation.

Analyses should consider the following:

- Does the project propose facilities that would be located in flood-prone areas?

- Does the project propose facilities that would increase off-site flood hazard, erosion or sedimentation?

- Does the project propose uses or facilities that would substantially degrade or deplete groundwater resources?

- Does the project propose facilities that would interfere substantially with groundwater recharge?

- Does the project propose uses or facilities that would substantially degrade surface or groundwater quality?

Biological Resources

- Would the project substantially reduce the number or restrict the range of a rare, endangered or threatened plant or animal?

- Would the project cause a fish or wildlife population drop to below self-sustaining levels?

- Would the project adversely affect significant riparian lands, wetlands, marshes, and other significant wildlife habitats?

Cultural Resources

The significance of impacts to historical and archaeological resources is generally determined by whether federally or State-listed resources are affected by the project.

- Does the project disrupt or adversely affect a prehistoric or archaeological site, or a property of historic or cultural significance to a community or ethnic or social group, or a paleontological site, except as part of a scientific study?

- Does the project affect a local landmark of local cultural/historical importance?

Visual Quality

- Does the project comply with County goals and policies related to visual quality?

- Does the project significantly alter the existing natural viewsheds, including changes in natural terrain or vegetation?

- Does the project significantly change the existing visual quality of the region or eliminate significant visual resources?

- Does the project significantly increase light and glare in the project vicinity?

- Does the project significantly reduce sunlight or introduce shadows in areas used extensively by the public?

Land Use

- Does the proposed project call for land uses that would convert prime agricultural land to non-agricultural use or impair the productivity of prime agricultural land?

- Does the proposed project conflict with County land use goals or policies?

- Does the proposed project call for land uses that would conflict with existing or proposed uses at the periphery of the project area or with other local land use plans?

- Does the project result in conversion of open space into urban or suburban scale development?

- Does the proposed project conflict with local zoning?

- Would the proposed project result in nuisance impacts as a result of incompatible land uses?

Population, Employment and Housing

- Does the project induce substantial growth or concentration of population?

- Does the project conflict with the housing and population projections and policies as set forth in the Countywide Plan?

Traffic and Circulation

- Does the project traffic significantly impact intersection Level of Service (LOS) resulting in an unacceptable service level (e.g. below LOS D).

- Does the project have adequate parking and internal circulation capacity to accommodate projected traffic so that off-site areas are not adversely affected?

- Does the project include provisions for pedestrian and bicycle circulation and bicycle and motorcycle parking and security?

Air Quality

- Would the project cause or contribute substantially to existing or projected air quality violations?

- Would the project result in exposure of sensitive receptors (i.e. individuals with respiratory diseases, the young, the elderly) to substantial pollutant concentrations?

- Would toxic air contaminants (TAC's) cause a significant health risk above the Air Pollution Control District's level of significance, if any (e.g. cancer risk of more than one in a million)?

Noise

- Would the project generate noise that would conflict with Countywide noise standards or other state local noise standards?

- Does the project propose land uses that substantially increase noise levels in areas of sensitive receptors?

- Is the land use proposed by the project compatible with the baseline noise levels?

Public Services

- Does the project require additional police/sheriff staffing, facilities or equipment to maintain acceptable service ratios?

- Does the project require additional fire staff, facilities or equipment to maintain an acceptable level of service (e.g. response time, rating, other)?

- Does the project require additional school capacity or facilities?

- Does the project require designation of additional parkland to remain in conformance with locally acceptable or adopted park standards?

Utilities

- Does the project propose a significant increase in the consumption of potable water?

- Does the project require substantial expansion of water supply, treatment or distribution facilities?

- Does the project require expansion of wastewater treatment or distribution facilities?

- Is a landfill available with sufficient capacity to accommodate the proposed project?

Energy

- Does the project propose to utilize energy, oil or natural gas in an efficient manner?
- Would the project encourage activities that would result in the use of large amounts of energy, oil or natural gas?
- Does the energy supplier have the capacity to supply the project's energy needs with existing supplies? planned supplies?
- Would the project require the development of new energy resources?

Hazardous Substances

- Does the project pose a public health and safety hazard through release of emissions or risk of upset?
- Does the project interfere with emergency response plans or emergency evacuation plans?
- Does the project expose sensitive receptors to substantial pollutant concentrations?
- Does the project result in unsafe conditions for employees, visitors or students?

Fiscal/Economic Impacts (optional)

Fiscal and economic impacts can be used to make a determination of significance regarding a physical change in the environment through the chain of cause and effect. (Guidelines section 15131)

- Does the project result in a fiscal surplus or deficit to the County?
- Will the project result in the blighting or abandonment of existing development?

Growth Inducing Impacts

- Will the project extend urban services into a previously unserved area?
- Will the project remove a major obstacle to development and growth?
- Does the project in any way set a precedent for additional growth in the area?
- Would the project induce development to support the uses proposed?

Cumulative Impacts

- Are any of the above-impacts significant when the project is combined with past, present and reasonably foreseeable projects in the affected geographic area for each impact category (e.g. airbasin for air quality, watershed, etc.) Geographical areas will vary for each impact category and should be justified.

CONTRA COSTA COUNTY

GUIDELINES FOR ADMINISTERING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Department of Conservation & Development
July 2010

Adopted by
Contra Costa County
Board of Supervisors
August 3, 2010
(Board Resolution No. 2010/402)

Article 1. General

I. APPLICATION

These guidelines are applicable to Contra Costa County and special districts and agencies governed by the Board of Supervisors. They have been prepared to be consistent with and to supplement the California Environmental Quality Act (CEQA) and the State Guidelines.

II. PURPOSE

The purpose of these guidelines is to set forth definitions, procedures, and criteria to be used by Contra Costa County in implementation of the California Environmental Quality Act, Public Resources Code, Section 21000, et seq. (CEQA), and Chapter 4.5 of the Government code, Sections 65920, et seq.

The legally required preparation, review, and comment procedures for environmental documents provide the opportunity for citizens, all professional disciplines and public agencies to critically evaluate the environmental document and the manner in which technical data are used.

III. POLICY

A. INFORMATION DOCUMENT. An Environmental Impact Report (EIR) is an informational document which, when fully prepared in accordance with CEQA and these Guidelines, will

(1) Information governmental decision-makers and the public about potential, significant environmental effects of proposed activities.

(2) Identify ways that environmental damage can be avoided or significantly reduced.

(3) Prevent signficant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible..

(4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose.

(5) Evaluate public and private projects with the same level of environmental review.

The information in an EIR constitutes evidence that Contra Costa County shall consider along with any other information which may be presented. While major consideration is given to preventing environmental damage, it is recognized that Contra Costa County has obligations to

15126. Consideration and Discussion of Environmental Impacts

All phases of a project must be considered when evaluating its impact on the environment: planning, acquisition, development, and operation. The subjects listed below shall be discussed as directed in Sections 15126.2, 15126.4 and 15126.6, preferably in separate sections or paragraphs of the EIR. If they are not discussed separately, the EIR shall include a table showing where each of the subjects is discussed.

(a) Significant Environmental Effects of the Proposed Project.

(b) Significant Environmental Effects Which Cannot be Avoided if the Proposed Project is Implemented.

(c) Significant Irreversible Environmental Changes Which Would be Involved in the Proposed Project Should it be Implemented.

(d) Growth-Inducing Impact of the Proposed Project.

(e) The Mitigation Measures Proposed to Minimize the Significant Effects.

(f) Alternatives to the Proposed Project.

15126.2 Consideration and Discussion of Significant Environmental Impacts

(a) The Significant Environmental Effects of the Proposed Project. An EIR shall identify and focus on the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced. Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. The EIR shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected. For example, an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision. The subdivision would have the effect of attracting people to the location and exposing them to the hazards found there. Similarly, the EIR should evaluate any potential significant impacts of locating development in other areas susceptible to hazardous conditions (e.g. floodplains, coastlines,wildlife fire risk areas) as identified in authoritative hazard maps, risk assessments, or in land use plans addressing such hazards.

FINAL
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

2010 MONTEREY BAY AREA METROPOLITAN TRANSPORTATION PLAN
ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS

CONSISTING OF:

2010 MONTEREY COUNTY
REGIONAL TRANSPORTATION PLAN
TRANSPORTATION AGENCY FOR MONTEREY COUNTY

2010 SANTA CRUZ COUNTY
REGIONAL TRANSPORTATION PLAN
SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION

2010 SAN BENITO COUNTY
REGIONAL TRANSPORTATION PLAN
SAN BENITO COUNTY COUNCIL OF GOVERNMENTS

State Clearinghouse #2004061013

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PMC

MAY 2010

FINAL
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

2010 MONTEREY BAY AREA METROPOLITAN TRANSPORTATION PLAN

SCH No. 2004061013

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MAY 2010

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- Quantify and document project relationship to nearby land uses to demonstrate reductions is vehicle miles traveled (~~VTM~~ VMT) consistent with SB375.

- Quantify transportation efficiency created by the project (improvements in levels of service, reduction in ~~VTM~~ VMT, reductions in idling, etc.) to demonstrate resulting reductions in GHGs.

Pages ES-13; 3.3-25; 3.3-26

IMPACT 3.3.7: Secondary Effects of Sea Level Rise

The potential impacts of sea level rise are considered a secondary effect of global climate change, a cumulative effect that extends well beyond this region. This potential effect is not a direct result of this project, but rather the potential exposure of coastal transportation projects to this phenomenon. As identified in **Table 3-3**, the potential effects of climate change on transportation facilities includes the potential operational and infrastructure impacts that may occur from sea level rise. Sea level rise, including increased range and intensity of storm surge events, may result in interruptions in travel and circulation, inundation of roads and rail lines, erosion and scour of road base and bridge supports, and reduced bridge clearance. Projections for levels of sea level rise along the California coast vary greatly, and most modeled timelines, which often project out to year 2100, greatly exceed the 2035 timeframe of this MTP. However, even modest increases in sea level rise in the near term could have ramifications for transportation facilities located directly along the coastline, particularly in areas that are more susceptible to erosion, and where bluff and dune retreat is already occurring. Specific vulnerabilities for individual projects within the MTP cannot be predicted at this time. However, the implications of sea level rise as a secondary effect of climate change and GHG emission should not be ignored, and is considered a **potentially significant** effect ~~of~~ related to MTP implementation.

Mitigation Measure 3.3.7: Addressing Secondary Effects – Sea Level Rise

In those instances where MTP/RTP projects are exposed to risk or hazards from ~~If increases in GHG emissions are a potentially significant direct effect of transportation projects,~~ changes or rises in sea level in coastal areas, this exposure ~~in the vicinity of transportation projects~~ can be considered a secondary effect of long term changes in climate conditions. To address long term secondary effects the following strategies are recommended to address long term transportation planning ~~prescribed~~:

- AMBAG and the RTPAs in coastal areas shall work with the ~~TAMC~~, Coastal Commission, coastal land use agencies, and other partners to address vulnerability of the region's transportation infrastructure and appropriate adaptation strategies to protect transportation related capital improvements. Examples could include, but are not be limited to:

- Designs for new transportation projects in coastal areas ~~shall~~ should demonstrate that they have factored in sea level rise and potential increases in storm surge inundation, and have budgeted for necessary mitigation measures to adapt to projected sea level rise and storm surge.
- For transportation projects that increase the capacity of existing infrastructure, project sponsors ~~shall~~ should demonstrate they have investigated existing facilities' vulnerability to sea level rise and potential increases in storm surge inundation.

Budgeting for adaptation, avoidance, abandonment, relocation or other measures shall be considered in transportation planning in coastal areas. Similarly, any mitigation strategy pursued to address sea level rise shall consider the effects of that strategy on other coastal zone resources as identified by the Coastal Act.

~~AMBAG recognizes that mitigation measures related to reducing GHG emissions are evolving and frequently updated as new information and technologies become available, and will change in the coming years. For this reason, as individual transportation system improvement projects are implemented, additional review by the project-specific lead agency shall be required to ensure that the most current and applicable measures have been incorporated.~~

Chapter 3.4 – Biological Resources

Page ES-12:

MITIGATION MEASURE 3.4.1a: Avoidance and Design Modification

For each project identified in the financially constrained Action Element of the 2010 MTP where habitat modification may be anticipated, the following measures may be used by the implementing agency to reduce modification of areas which currently provide habitat for candidate, sensitive, or special status species, and interference with the movement of resident or migratory fish or wildlife species::

A. ~~Prior to the finalization~~ As early as possible in the development of project design, the area in which the project is proposed should be thoroughly surveyed to determine the presence or absence of habitat for candidate, sensitive, or special status species, and to determine the extent to which project construction may interfere with the movement of any resident or migratory fish or wildlife species. If special status species are known to occur or have the potential to occur, appropriate resource agency contacts shall, where appropriate, be made and mitigation developed in consultation with a qualified biologist and the resource agencies.

B. If initial biological assessments for a proposed project identified in the 2010 MTP determine the presence or potential presence of a state or federally listed species on the site, the implementing agency shall, where appropriate, consult with the California Department of

Draft Environmental Impact Report

Airport West Stadium and Great Oaks Place Project

File No. GP07-02-01, PDC07-098, and PDC09-004
SCH # 2009052053

Prepared by the:

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

September 2009

While CEQA does not specifically define what amount of noise level increase is considered significant, generally, in high noise environments, a project is considered by the City to have a significant impact if the project would: 1) substantially and permanently increase existing noise levels more than three dBA DNL (three decibels is the minimum increase generally perceptible by the human ear); or 2) would cause ambient noise levels to exceed the guidelines established by the General Plan.

Per the General Plan, the City's acceptable noise level objectives are 55 dBA DNL as the long-range exterior noise quality level, 60 dBA DNL as the short-range exterior noise quality level, 45 dBA DNL as the interior noise quality level, and 76 dBA DNL as the maximum exterior noise level necessary to avoid significant adverse health effects (Noise Policy 1). The objectives are established for the City, recognizing that the attainment of exterior noise quality levels in the environs of the San José International Airport, the Downtown Core Area, and along major roadways may not be achieved in the time frame of the General Plan.

Based on the above thresholds and the City's standards, a significant noise impact would result if:

- Exterior noise levels at proposed sensitive land uses (e.g., residences) would exceed 60 dBA DNL or if the interior day-night average noise levels would exceed 45 dBA DNL;
- The project would expose sensitive residential receptors to day-night average noise levels exceeding the General Plan noise standard of 55 dBA DNL (or the ambient noise level if existing noise levels currently exceed the standard);
- A permanent noise level increase resulting from the project is three dBA DNL or greater, with a future noise level of 60 dBA DNL or greater; or
- A temporary noise level increase would occur where noise from project construction activities exceed 60 dBA L_{eq} and the ambient noise environment by at least five dBA L_{eq} at noise-sensitive uses in the project vicinity for a period greater than one year.

The following discussion distinguishes between the noise impacts from the project upon the surrounding environment and impacts resulting to the project from the surrounding environment.

2.4.3.1 *Airport West Stadium Component*

Noise Impacts to the Airport West Stadium Component

Ambient Noise Impacts

As discussed previously, primary sources of noise at the Airport West Stadium site are vehicular traffic on Coleman Avenue, aircraft noise from the airport, and railroad noise from the railroad tracks south of the site. The existing ambient noise level at the Airport West stadium site is 66 dBA DNL. The Airport West Stadium component proposes a stadium, which is not considered a noise sensitive land use. For this reason, the ambient noise level at the Airport West Stadium site would not significantly impact the proposed stadium.

Impact NOI – 1: The Airport West Stadium component would not be subject to significant ambient noise impacts. **(Less Than Significant Impact)**

2.4.3.2 *Great Oaks Place Component*

Noise Impacts to the Great Oaks Place Component

Future Exterior Noise Levels

Noise From Transportation Noise Sources

The future noise environment at the Great Oaks Place site would result primarily from vehicular traffic along SR 85, Monterey Highway, and railroad operations along the UPRR. Future transportation-related noise levels at the Great Oaks Place site were calculated based on adjustments made to existing noise level data assuming future increased traffic along area roadways and the railroad. Exterior noise levels throughout the Great Oaks Place site are estimated to range from 63 dBA DNL near the fruit dehydrator building on-site to 77 dBA DNL near SR 85. Noise levels throughout the Great Oaks Place site would exceed the City's short-range exterior noise level of 60 dBA DNL, but would vary depending on the proximity of the residential units to the roadways and the presence of shielding features, such as buildings. Exterior noise levels in outdoor use areas nearest SR 85 would likely exceed the City's short-term noise goal of 60 dBA DNL, however, the City recognizes that it may not be possible to reduce exterior noise levels to meet the noise goal near major roadways (e.g., SR 85), in the downtown core area, or near the airport.

Impact NOI – 7: The Great Oaks Place development (especially those nearest SR 85) would be exposed to exterior noise levels above the City's short-term exterior noise quality level of 60 dBA DNL. **(Significant Impact)**

Noise From Adjacent Equinix Operations (Existing and Proposed)

While the City's General Plan property line noise guideline of 55 dBA DNL is intended to avoid noise compatibility issues between non-residential and residential land uses, the use this metric is not necessarily the most appropriate method for assessing intermittent noise sources, such as the emergency generators (existing and proposed) at the Equinix property. A more appropriate comparison for such intermittent noise sources would be made using the Equivalent Noise Level (L_{eq}). The L_{eq} measures the average noise level over a given period of time such as the noisiest hour (e.g., when generators are being tested).

Currently, the existing noise level at the property line between the Great Oaks Place site and the Equinix property ranges from 63 to 68 dBA L_{eq}. As discussed previously, the testing of the existing diesel generators at the SV1 building would yield average noise levels of about 83 to 84 dBA L_{eq} at the portion of the Great Oaks Place site nearest to the SV1 building. Testing and emergency operations at SV1 would substantially increase ambient noise levels, as operational noise levels would exceed ambient conditions by 15 to 21 dBA L_{eq}. Operational noise levels resulting form the proposed SV5 project are calculated to be 48 dBA L_{eq} at the nearest Great Oaks Place property line.

While the proposed SV5 facility would not increase noise levels at the property line between the Great Oaks Place site and the Equinix property, the testing of the existing generators at the SV1 facility would substantially increase the existing property line noise levels from 63 to 68 dBA L_{eq} to 83 to 84 dBA L_{eq} (an increase of 15 to 21 dBA).

The implementation of this measure would reduce concert noise at the nearby residences located south of the stadium by directing the sound in the opposite direction and restricting the noise level of concerts to existing conditions. However, it is estimated that concert noise would still increase ambient noise levels by three to four dBA DNL.

Great Oaks Place Component

As a condition of approval, the project proponent shall implement MM NOI – 7.1, 8.1, and 9.1 to reduce noise impacts:

MM NOI – 7.1: To reduce exterior noise impacts, the Great Oaks Place component shall include the following measures in the project design to maintain exterior noise levels at or below 60 dBA DNL:

- When refining the Great Oaks Place component site plan, locate private or common outdoor use in areas shielded by buildings where possible. Residential buildings should be set back as far as possible from SR 85 and Monterey Highway. Outdoor residential activity areas should be located on the sides of the buildings facing away from these noise sources. Noise levels in private or common exterior areas should not exceed 60 dBA DNL.
- In the event that residential outdoor activity areas cannot be located in areas shielded by the residential buildings, noise barrier shall be designed and constructed to reduce exterior noise levels to 60 dBA DNL or lower. These noise barriers could include acoustically effective patio fences and/or soundwalls along SR 85 and Monterey Highway/UPRR. Noise barriers shall be constructed airtight over the face and at the base of the barrier (i.e., without cracks or gaps) out of materials with a minimum surface weight of three pounds/square feet. Depending on the final site and grading plans, noise barriers along SR 85 and Monterey Highway/UPRR ranging from 12 to 16 feet in height may be required.[34] The soundwalls would be shorter than the proposed residential buildings, therefore, the soundwalls would not result in greater visual impacts than the proposed project.

Implementation of MM NOI – 7.1 would reduce the Great Oaks Place component's exterior noise impact to a less than significant level by requiring design and noise attenuation measures to reduce exterior noise levels at the site to the City's standard of 60 dBA DNL.

MM NOI – 8.1: The project proponent shall implement design-level noise attenuation measures to reduce the noise level at the property line between the Great Oaks Place site and the adjacent Equinix property to existing noise levels. To accomplish this, the project proponent shall work with Equinix to review existing noise control systems and determine what additional noise controls could be provided, such as additional sound attenuators, mufflers, absorptive materials, or acoustical louvers. The project proponent would be responsible for providing these measures/features. It is estimated that the design of the sound attenuation systems could reduce generator noise levels by about 20

[34] The construction of noise barriers along SR 85 at the top of the fill section within the SR 85 right-of-way may require coordination with Caltrans.

dBA L_{eq} at the portion of the Great Oaks Place site nearest the intake and exhaust of the existing SV1 generators. Additional measures may include additional setbacks of proposed residential units, and noise barriers.

Implementation of MM NOI – 8.1 would reduce the Great Oaks Place component's impact from existing operations at the adjacent Equinix property to a less than significant level by requiring noise attenuation measures be incorporated to reduce the noise level at the property line to existing levels.

If it is determined that the required noise reduction identified in MM NOI – 8.1 is not feasible, the impact would be significant and unavoidable.

MM NOI – 9.1: To reduce interior noise impacts, the Great Oaks Place component shall incorporate building sound installation to reduce interior noise levels to the City's and state's standard of 45 dBA DNL prior to issuance of occupancy permits.

Building sound insulation treatments would include the provision of forced-air mechanical ventilation for units throughout the site so that windows could be kept closed at the occupant's discretion to control noise. Special building techniques (e.g., sound-rate windows and building facade treatments) may be required to maintain interior noise levels at or below acceptable levels. These treatments would include, but are not limited to, sound rated windows and doors, sound rated wall constructions, acoustical caulking, protected ventilation openings, etc. Preliminary calculations indicate that residential units nearest SR 85 and with direct line of site to the roadway would require sound rated windows and doors ranging from STC 35-40 to assure that the 45 dBA DNL interior standard is met.

The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City along with the building plans and be approved prior to issuance of a building permit.

Implementation of MM NOI – 9.1 would reduce the Great Oaks Place component's interior noise impact to less than significant by requiring noise attenuation measures be incorporated to reduce interior noise levels to the City's and state's standard.

2.4.5 Conclusion

2.4.5.1 *Airport West Stadium Component*

Impact NOI – 1: The Airport West Stadium component would not be subject to significant ambient noise impacts. **(Less Than Significant Impact)**

Impact NOI – 2: The Airport West Stadium component proposes a compatible recreational land use within the 65 CNEL contour and would not pose constraints on the functionality of the proposed stadium or expose stadium occupants (including employees) to excessive aircraft noise levels. **(Less Than Significant Impact)**

General Plan Amendment

Based on BAAQMD CEQA Guidelines (1999), a General Plan or amendment to a General Plan is determined to be inconsistent with the most current Clean Air Plan (CAP), and therefore, to have a significant air quality impact, if the plan or plan change would:

- Result in population growth that would exceed the values included in the current Clean Air Plan (CAP) for the City of San José; and
- Cause the rate of increase in vehicle miles traveled (VMT) to be greater than the rate of increase in population.

The above thresholds would be applicable to the GPA proposed as part of the Great Oaks Place component.

Specific Development Project

For the purpose of this EIR, an air quality impact is considered significant if the project would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Violate any air quality standard or contribute substantially to an existing or project air quality violation;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors);
- Expose sensitive receptors to substantial pollutant concentrations; or
- Create objectionable odors affecting a substantial number of people.

The above thresholds would be applicable to the proposed PD zonings proposed as part of the Airport West Stadium component and the Great Oaks Place component.

2.5.2.1 *Both Project Components*

Regional Air Quality

The Bay Area is considered a non-attainment area for ground-level ozone under both the federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for respirable particulates or particulate matter with a diameter of less than 10 micrometers (PM_{10}), and particulate matter with a diameter of less than 2.5 micrometers ($PM_{2.5}$) under the California Clean Air Act, but not the federal Act. The area has attained both state and federal ambient air quality standards for carbon monoxide. As part of an effort to attain and maintain ambient air quality standards for ozone and PM_{10}, BAAQMD has established thresholds of significance for air pollutants. These thresholds are for ozone precursor pollutants (reactive organic gases and nitrogen oxides) and PM_{10}. A project that generates more than 15 tons per year or 80 pounds per day of reactive organic gases (ROG), nitrogen oxides, or PM_{10} is considered to have a significant impact on regional air quality, according to the BAAQMD CEQA Guidelines (1999). The Bay Area has attained carbon monoxide standards. Both project components would add new traffic trips (refer to **Section 2.3 Transportation**), which would lead to increased emissions of air pollutants that can

Place residential component would result in lower peak hour volumes when compared to the entitled retail uses on the site. Consequently, the levels of service at some of the study intersections actually improve from background conditions to project conditions. See **Section 2.3 Transportation** for more discussion on this matter.

The results of this screening analysis indicate that carbon monoxide levels under project conditions for the Great Oaks Place component would be below BAAQMD's threshold of 9.0 ppm; therefore, the impact is less than significant.

Impact AIR – 7: The Great Oaks Place component would not result in significant impacts related to carbon monoxide exposure. **(Less Than Significant Impact)**

Table 2.5-8: Great Oaks Place – Estimated Roadside 8-Hour Carbon Monoxide Concentrations

Intersection	Existing Conditions	Background Conditions	Project Conditions
	(in ppm)		
Monterey Highway and Blossom Hill Road (N)	6.4	7.0	6.9
Monterey Highway and Blossom Hill Road (S)	6.3	6.9	6.8
US 101 SB Ramps and Blossom Hill Road	7.2	7.2	7.3
US 101 NB Ramps and Blossom Hill Road	6.8	7.5	7.5
San Ignacio Avenue and Great Oaks Boulevard	5.4	6.4	5.6
San Ignacio Avenue and Bernal Road	6.3	7.0	6.5
SR 85 and Bernal Road	6.1	6.6	6.5
BAAQMD Threshold	***9.0 (CAAQS)***		

Diesel Particulate Matter Exposure

Exposure of Proposed Residences from Freeway Traffic

In April 2005, California Air Resources Board (CARB) released the final version of the Air Quality and Land Use Handbook, which is intended to encourage local land use agencies to consider the risks from air pollution prior to making decisions that approve the siting of new sensitive receptors (e.g., schools, homes or daycare centers) near sources of air pollution. The project would locate new residences within 500 feet from SR 85. CARB recommends that new residential construction be setback 500 feet from freeways to avoid chronic health effects from traffic air pollution exposure. Diesel particulate matter (DPM) emitted from trucks is the primary pollutant of concern. Diesel particulate matter has been identified as a TAC by CARB. SR 85 is an urban freeway that currently carries about 100,000 average daily vehicle trips through the project area. A very low percentage of these, between one and two percent, are trucks. Large trucks are prohibited from using this freeway.

The chronic health risk associated with almost continuous exposure to DPM concentrations was calculated and compared against BAAQMD Risk Management policy thresholds. Details regarding the methodology and assumptions used to estimate DPM concentrations are provided in Appendix F of this EIR.

BAAQMD considers an incremental risk of greater than 10 excess cases of cancer per million at the maximally exposed residences for a 70-year exposure period a significant impact. A screening health risk assessment was completed by *Illingworth & Rodkin* to predict potential health risks associated with exposure to diesel exhaust from SR 85 traffic. Additional details regarding the assessment, including the model used and data inputs, are included in Appendix F of this EIR. The results from the analysis show that over the course of a 70-year lifetime exposure, the incremental risk at the maximally exposed proposed residences at the Great Oaks Place site is calculated to be at 2.1 excess cancer cases per million people near the freeway.

Impact AIR – 8: The Great Oaks Place component would not expose future residents to significant levels of DPM. **(Less Than Significant Impact)**

Exposure of Proposed Residences from Existing, Nearby Stationary Sources

The Great Oaks Place site is located to industrial land uses that have stationary sources. The Hitachi Campus is located to the west of the Great Oaks Place site and the Equinix facility is located to the east of the Great Oaks Place site.

The Hitachi Campus has large emergency generators that use diesel fuel. The generators are tested periodically, about once per month or so. There use is considered infrequent. These generators are located about 0.25 miles or further away from the Great Oaks Place site and are not anticipated to adversely affect the proposed Great Oaks Place component.

The Equinix facility (SV1) currently has three 750-kilowatt generators and four two-megawatt generators that all operate using diesel fuel. These generators are tested about once per month. Modeling was completed to identify the incremental health risk at the Great Oaks Place site from the generators at the Equinix facility. Details regarding the methodology and model assumptions are provided in Appendix F of this EIR. The maximum predicted annual concentration of DPM at the Great Oaks Place site is 0.0114 $\mu g/m^3$. This equates to a 70-year lifetime cancer risk of 3.6 excess cancer cases per million people living near the source.

Equinix has submitted an application to expand its operations. Equinix is proposing a new building (SV5) that will have seven additional standby diesel generators. These generators would be subject to more stringent emission standards established by CARB and adopted by BAAQMD. Therefore, the modeled DPM concentrations from these proposed generators would be less than the existing generators. The maximum predicted annual concentration of DPM from SV5 would be 0.0060 $\mu g/m^3$, which equates to a 70-year lifetime cancer risk of 1.9 excess cancer cases per million people.

Combination of Nearby Sources (SR 85 and Equinix generators)

The combination of impacts from SR 85 and Equinix (SV1 and proposed SV5) was estimated by adding the maximum risk from all three sources. This is considered a conservative approach and estimate. Using this approach, the excess cancer risk due to exposure from these sources would be 7.6 excess cancer cases per million people, which is below the BAAQMD threshold of 10 excess cancer cases per million people. This is considered a less than significant impact. The actual cancer risks at the site, however, would be less because the receptors most affected by the freeway are not affected much by the Equinix sources.

Impact AIR – 9: The Great Oaks Place component would not be exposed to significant levels of DPM. **(Less Than Significant Impact)**

SCVWD. As discussed previously, the SCVWD operates a comprehensive dam safety program to ensure public safety through routine monitoring and studying of its dams.

A preliminary study that examined how Anderson Dam might perform after a major earthquake was recently completed in December 2008. The preliminary study, which was based on limited data, found the presence of some alluvial materials (sands and gravel) in part of the dam's foundation.[53] A comprehensive study is currently underway. If the comprehensive study finds that the encountered alluvial materials are widely present in the dam's foundation, a major earthquake on the Calaveras or Coyote Creek faults could pose a risk to downstream areas. The comprehensive study is expected to be completed in December 2010.[54]

The DSOD has imposed a temporary restriction on Anderson Dam to a level of 40 feet below the crest of the dam (20.6 feet below the spillway) as an extra measure of safety until further engineering analyses deem a restriction is no longer warranted.[55] In addition, the SCVWD has a comprehensive emergency action plan for Anderson Dam, which includes sending teams to inspect dams after moderate-or-greater earthquakes. If it were determined that a dam was at risk of failing, SCVWD would notify appropriate emergency response agencies, including fire and police departments.

In general, while the Great Oaks Place site is located within the inundation area for Anderson Dam, the SCVWD's comprehensive dam safety program and emergency action plan ensures public safety. For this reason, the site is not subject to a significant risk of loss, injury or death involving dam inundation.

Water Quality

The existing stormwater runoff quality from the site is similar to that of typical urban runoff (e.g., contaminated with oil and grease, plant and animal debris, pesticides, litter, and heavy metals), which have been found to adversely affect the aquatic habitats to which they drain.

2.8.3 Hydrology and Water Quality Impacts

Thresholds of Significance

The following thresholds of significance are derived from Appendix G of the CEQA Guidelines and the City of San José General Plan and policies. These thresholds have been used by the City of San José as a matter of practice in the environmental review process. For the purposes of this project, a hydrology and water quality impact is considered significant if the project would:

- Violate any water quality standards or waste discharge requirements;
- Substantially degrade or deplete groundwater resources or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level;

bin/pickdamx.pl. 2) Santa Clara Valley Water District. Anderson Dam EAP 2003 Flood Inundation Map. Sheet 5. March 2003.

[53] Santa Clara Valley Water District. Frequently Asked Questions. Anderson Reservoir. January 2009. Available at: http://www.valleywater.org/Water/Where_Your_Water_Comes_From/Local_Water/Reservoirs/Anderson.shtm.

[54] Hook, David. Email from the Santa Clara Valley Water District, Dam Safety Program Unit, Engineering Unit Manager. "Re: Information request re: inundation from Anderson Dam." 27 January 2009.

[55] Santa Clara Valley Water District. Frequently Asked Questions. Anderson Reservoir. January 2009. Available at: http://www.valleywater.org/Water/Where_Your_Water_Comes_From/Local_Water/Reservoirs/Anderson.shtm.

- Substantially alter the existing drainage pattern of the site or area, including through the alteration of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site;
- 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;
- Provide substantial additional sources of polluted runoff or otherwise substantially degrade surface or groundwater quality;
- Place within a 100-year flood hazard area structures which would impede or redirect flood flows;
- Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; or
- Expose people or structures to inundation by seiche, tsunami, or mudflow.

2.8.3.1 *Airport West Stadium Component*

Hydrology and Drainage

Currently, the Airport West Stadium site is approximately 89 percent (12.9 acres) impervious and approximately 11 percent (1.6 acres) pervious. With the construction of the proposed stadium, it is anticipated that the amount of impervious surfaces would decrease to 71 percent (10.3 acres). Runoff from the Airport West Stadium site is delivered to Guadalupe River, an ultimately to the San Francisco Bay, via a 15-inch line in Coleman Avenue.

Table 2.8-1 below summarizes the impervious and pervious surfaces of the Airport West Stadium site pre- and post-project. Development of the proposed project would decrease the amount of impervious surfaces on the Airport West Stadium site and therefore, decrease the quantity of stormwater runoff from that portion of the Airport West Stadium site as compared to existing conditions. For this reason, it is anticipated that the existing storm drain lines are adequate to serve the Airport West Stadium component and the proposed stadium would not result in significant hydrology and drainage impacts. In addition, because the Airport West Stadium component does not result in an increase of impervious surfaces, it is exempt from City Policy 8-14.

The Airport West Stadium site is not located within a natural or facility groundwater recharge area.[56] The Airport West Stadium component does not propose to draw significant amounts of groundwater supplies which could lead to a draw-down of the groundwater aquifer. For these reasons, the Airport West Stadium component would not impede groundwater recharge or adversely affect the local groundwater table level.

Impact HYD – 1: The Airport West Stadium component would not result in significant hydrology or drainage impacts, or impede groundwater recharge or adversely affect the local groundwater table level. **(Less Than Significant Impact)**

[56] Santa Clara Valley Water District. Santa Clara Valley Water District Groundwater Management Plan. July 2001.

Table 2.8-1: Airport West Stadium – Summary of Impervious and Pervious Surfaces On the 14.5-acre Stadium Portion of the Site						
Site Surface	**Existing/Pre-Construction (acres)**	**%**	**Project/Post-Construction (acres)**	**%**	**Difference (acres)**	**%**
Impervious						
Building Footprint	6.20	43	4.45	31	-1.75	-12
Parking/Streets	6.73	46	5.89	40	-0.84	-6
Subtotal	12.93	*89*	10.34	71	-2.59	-18
Pervious						
Landscaping	1.57	11	4.16	29	+2.59	+18
Subtotal	1.57	11	4.16	29	+2.59	+18
Total	**14.5**	**100**	14.5	**100**		

Flooding

On-Site Flood Impacts and Inundation

Based on FEMA FIRMs for the City of San José, the Airport West Stadium site is not within a 100-year flood plain and/or protected from 100-year floods by a levee, dike, or other structures. Therefore, the proposed stadium would not expose people to significant risks involving flooding. According to the FEMA FIRM, most of the Airport West Stadium site is located within Zone D, which is defined as an area of undetermined, but possible, flood hazards.[57] A small sliver of the Airport West Stadium site along Coleman Avenue near Newhall Drive is located in Zone X. The portion of the Airport West Stadium site that is within Zone X is protected from 100-year floods by a levee, dike, or other structures that are subject to possible failure during larger floods. The site is not subject to seiche or tsunami.[58]

As discussed previously, while the Airport West Stadium site is located within the inundation area for Lenihan Dam, Lenihan Dam is designed to have adequate seismic safety and is designed and operated to ensure adequate freeboard. In addition, the SCVWD's comprehensive dam safety program ensures public safety. For these reasons, the site is not subject to a significant risk of loss, injury or death involving dam inundation.

Impact HYD – 2: The Airport West Stadium site is not subject to seiche or tsunami. The Airport West Stadium component would not expose people to significant risk of flooding or inundation from dam failure. **(Less Than Significant Impact)**

[57] Federal Emergency Management Agency. Flood Insurance Rate Map. Community-Panel Number 06085C0018 D. Revised 25 October 2006. Available at: http://www.sanjoseca.gov/publicWorks/tds/PDFS/Flood/Panel%2018.pdf. Accessed: 19 May 2008.

[58] Association of Bay Area Governments. ABAG Geographic Information Systems, Hazard Maps, Tsunami Evacuation Planning Map for San Francisco & San Mateo Counties. ABAG. California Office of Emergency Services. 22 June 2005. http://www.abag.ca.gov/bayarea/eqmaps/tsunami/tsunami.html.

Table 2.9-2: Nearby Facilities That Could Impact the Great Oaks Place Site In the Event of a Release

Facility Name	Location	Chemicals of Concern
AheadTek	6410 Via del Oro, approximately 370 feet south-southeast of the site	1% silane, 244 cubic feet of sulfur hexafluoride, 316 cubic feet of carbon tetrafluoride, 195 cubic feet of hydrogen, and 55 gallon quantities of waste solvents
The Enterprise Network/Alta Microtech	6580 Via del Oro, approximately 1,700 feet southeast of the site	35 gallon quantities of solvent wastes, 35 pounds of sulfur hexafluoride, one gallon of hydrofluoric acid, 70% nitric acid, and 200 gallons of dilute acid waste solution
Advanced Energy	6389 San Ignacio Avenue, approximately 1,715 feet south-southeast of the site	230 cubic feet of sulfur hexafluoride, 230 pounds of sulfur hexafluoride
Techarmonic	19 Great Oaks Boulevard, approximately 2,015 feet northeast of the site	Nine pounds of hydrobromic acid, one gallon of hydrochloric acid, 2.64 gallons of anhydrous ammonia, 200 cubic feet of nitrogen trifluoride, and 200 cubic feet of carbon tetrafluoride
Craftsman Printing	6660 Via del Oro, approximately 2,555 feet southeast of the site	80 pounds of propane and 55-gallons of hydrocarbon solvent
Shell Station	101 Bernal Road, approximately 4,185 feet east of the site	Two underground storage tanks at 20,000 gallons and 12,000 gallons
Hitachi Global Storage Technologies, Inc./IBM	5600 Cottle Road, approximately 650 feet west of the site	370 cubic feet of silane, 370 cubic feet of ammonia, 1,560 pounds of anhydrous ammonia, 2,600 gallons of mixed solvent wastes, and 7,000 gallons of waste isopropyl

2.9.3 Hazards and Hazardous Materials Impacts

Thresholds of Significance

The following thresholds of significance are derived from Appendix G of the CEQA Guidelines and the City of San José General Plan and policies. These thresholds have been used by the City of San José as a matter of practice in the environmental review process. For the purposes of this project, a hazardous materials impact is considered significant if the project would:

- Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials;
- 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;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school;

- 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;
- 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;
- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area;
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

2.9.3.1 *Airport West Stadium Component*

On-Site Sources of Contamination

Asbestos-Containing Materials and Lead-Based Paint

As discussed previously, the existing buildings on-site may contain asbestos and lead-based paint. The National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines require that all potentially friable asbestos containing materials be removed prior to building demolition or renovation that may disturb ACMs.

Demolition of buildings that contain lead-based paint may create lead-based dust at concentrations that would expose workers and nearby receptors to potential health risks. State regulations require that air monitoring be performed during and following renovation or demolition activities at sites containing lead-based paint. If the lead-based paint is peeling, flaking, or blistered, it would need to be removed prior to demolition. It is assumed that such paint would become separated from the building components during demolition activities; it must be managed and disposed of as a separate waste stream. If the lead-based paint is still bonded to the building materials, its removal is not required prior to demolition. Currently, the EPA and the U.S. Department of Housing and Urban Development are proposing additional lead-based paint regulations.

As conditions of approval, the project proponent shall be responsible for project conformance with the following regulatory programs and shall implement the following standard measures to reduce possible impacts due to the presence of ACMs and/or lead-based paint to a less than significant level.

Standard Measures:

SM HAZ – 1.1: A formal survey for ACMs and lead-based paint shall be conducted prior to demolition of site structures.

SM HAZ – 1.2: Requirements outlined by Cal/OSHA Lead in Construction Standard, Title 8, CCR 1532.1 shall be followed during demolition activities, including employee training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coating shall be disposed of at landfills that meet acceptance criteria for the waste being disposed.

DATE OF REQUEST	CALIFORNIA STATE ARCHIVES SECRETARY OF STATE REFERENCE REQUEST	DATE RETURNED
REQUESTED BY	DEPARTMENT / AFFILIATION	REFILED BY
ADDRESS		PHONE NO.

PLEASE DO NOT REMOVE THIS TAG

RECORD TITLE OR INFORMATION REQUESTED	DATE OF MATERIAL	LOCATION

COMMENTS

CSA-1 (1/84)

OSP 97 105371

League of California Cities

Consultant
5048

April 5, 1994

Senator Don Rogers
State Capitol
Room 5052
Sacramento, CA 95814

RE: SB 1453 (Rogers). **Notice of Support.**

Dear Senator Rogers:

We are pleased to inform you that following our initial review of your SB 1453, the League of California Cities supports this bill.

SB 1453 would provide guidance to local lead agencies in analyzing impacts and mitigation measures for airport related impacts under the California Environmental Quality Act. SB 1453 provides assistance without creating a new mandate. SB 1453 would encourage local lead agencies to utilize a standardized methodology for analyzing CEQA impacts. The League supports permissive significance thresholds.

Please do not hesitate to contact our office if we can be of any assistance in furthering the passage of this legislation.

Very truly yours,

Ernest Silva
Legislative Representative

cc: Members, Senate Governmental Organization Committee
Consultant, Senate Governmental Organization Committee

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