# 7/10/17

Planning Commission Meeting Document added after Agenda posted

#### Minutes of the LEMOORE PLANNING COMMISSION June 12, 2017

#### PLEDGE OF ALLEGIANACE

#### MEETING CALLED TO ORDER At 7:00 p.m. the meeting was called to order.

ROLL CALL

Chair:MeadeCommissioners:Badasci, Clement, Dow, EtchegoinAbsent:Koelewyn, Marvin

City Staff and Contract Employees Present: Development Services Director Holwell; City Planner Brandt; Associate Planner Gutierrez; Commission Secretary Baley

#### PUBLIC COMMENTS AND INQUIRIES

ITEM NO. 3 There were no comments or inquiries from the public.

#### **REQUESTS FOR APPROVAL**

#### ITEM NO. 4 REGULAR MEETING MAY 8, 2017 Motion by Commissioner Clement, seconded by Commissioner Etchegoin, to approve the Minutes of the Planning Commission Regular Meeting of May 8, 2017.

Ayes: Clement, Etchegoin, Meade Abstain: Badasci Absent: Marvin, Koelewyn

#### **PUBLIC HEARINGS**

ITEM NO. 5 PUBLIC HEARING – MAJOR HOME OCCUPATION PERMIT NO. 2017-02 – A REQUEST BY JACK CLOUD FOR A MAJOR HOME OCCUPATION PERMIT TO ALLOW WOODWORKING AT THE HOME WITH SALES OFF-SITE, LOCATED AT 1443 CHIMNEY WAY IN THE CITY OF LEMOORE (APN 023-540-191)

Chair Meade opened the public hearing at 7:07 p.m.

Jack Cloud, 1443 Chimney Way, Lemoore CA spoke.

There was no other comment from the public.

Chair Meade closed the public hearing at 7:13 p.m.

Motion by Commissioner Clement, seconded by Commissioner Badasci to approve Resolution No. 2017-10, a Resolution of the Planning Commission approving Major Home Occupation No. 2017-02.

Ayes: Clement, Badasci, Dow, Etchegoin, Meade Absent: Koelewyn, Marvin

ITEM NO. 6 – PUBLIC HEARING – CONDITIONAL USE PERMIT NO. 2017-02 A REQUEST BY NASSER SALAH FOR A CONDITIONAL USE PERMIT TO ALLOW A SMOKE SHOP SELLING CIGARETTES, TABACCO, AND ACCESSORIES IN AN EXISTING 2,210 SQ. FT. COMMERCIAL BUILDING, LOCATED AT 718 N. LEMOORE AVENUE IN THE CITY OF LEMOORE (APN 021-340-005)

Chair Meade opened the public hearing at 7:16 p.m.

There was no comment from the public.

Chair Meade closed the public hearing at 7:17 p.m.

Motion by Commissioner Etchegoin, seconded by Commissioner Dow to approve Resolution No. 2017-11, a Resolution of the Planning Commission approving Conditional Use Permit No. 2017-02.

Ayes: Etchegoin, Dow, Badasci, Clement, Meade Absent: Koelewyn, Marvin

ITEM NO. 7 – PUBLIC HEARING – GENERAL PLAN AMENDMENT NO. 2016-02 AND ZONE CHANGE NO. 2016-02 – A REQUEST BY DALEY HOMES TO RE-ESTABLISH THE LOW DENSITY RESIDENTIAL AND LOW MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATIONS ON THE PROPOSED UNDESIGNATED SITE, AND RE-ESTABLISH THE LOW-MEDIUM DENSITY RESIDENTIAL (RLMD) AND THE LOW DENSITY RESIDENTIAL (RLD) ZONES ON THE PROPOSED UNZONED SITE. THE RE-ESTABLISHMENT OF THE GENERAL PLAN DESIGNATION AND ZONING WOULD ACCOMMODATE UP TO APPROXIMATELY 134 RESIDENTIAL UNITS. THE SITE IS LOCATED AT THE NORTHEAST CORNER OF STATE ROUTE 198 AND STATE ROUTE 41, SOUTH OF SAN SIMEON DRIVE AND WEST OF ARCATA AVENUE IN THE CITY OF LEMOORE (APN 023-320-005)

Chair Meade opened the public hearing at 7:25 p.m.

Steve Rossi, 788 Crescent Court, Lemoore CA spoke.

Darren Escue, 733 Crescent Court, Lemoore CA spoke.

Paul Daley, 1356 E. Tulare Avenue, Tulare CA spoke

Chair Meade closed the public hearing at 7:41 p.m.

Motion by Commissioner Etchegoin, seconded by Commissioner Badasci to approve Resolution No. 2017-12, a Resolution of the Planning Commission recommending approval of a modified version of General Plan Amendment No. 2016-02 and Zone Change No. 2016-02 where the entire site (APN 023-320-005) is designated Low Density Residential and zoned Low Density Residential (RLD), based on the evidence present and specific findings.

Ayes: Etchegoin, Badasci, Clement, Dow, Meade Absent: Koelewyn, Marvin

### DEVELOPMENT SERVICES DIRECTOR'S REPORT

ITEM NO. 8

Development Services Director Judy Holwell provided the Commission with the following information:

Bill Stone, owner of 80 acres south of 198. Stone attended the International Council of Shopping Centers (ICSC) Retail Real Estate Convention in Las Vegas, but has not been in contact with the City. Staff is scheduled to meet with Cris Com June 15<sup>th</sup> and expect to hear something at that time. The option agreement between Bill Stone and the City expires in August of 2017.

Holwell asked if Commissioners have any concerns regarding peddler permits issued by the City. The Commissioners did not have any concerns at this time.

A petition to amend CC&R's allowing rear yard gates on subdivision properties abutting the golf course to be presented to the City Council June 20, 2017.

Lennar Homes, Tract 920 request for annexation and pre-zoning to be presented to the City Council June 20, 2017. If approved, an application will be prepared and sent to LAFCO.

A request for approval a major site plan and conditional use permit to build an ARCO gas station and convenience store to be presented to the Planning Commission July 10, 2017.

Staff is still working with Dollar General to create a design consistent with neighboring buildings and future development in the area.

Staff meeting with Tim Palmquist, Landworks Development Services June 13, 2017 regarding a proposed multifamily project west of State Route 41, east of the Victory Village, Tract 845 property.

Staff is working with Wathen Castanos Homes to meet conditions of approval for the Capistrano V, Tract 908 subdivision, in particular, the undergrounding of existing power lines.

#### COMMISSIONER'S REPORTS AND REQUESTS FOR INFORMATION

Item No. 9

There were no reports or requests for information.

#### ANNOUNCEMENTS

There were no announcements.

#### ADJOURNMENT

At 8:10 p.m., the meeting adjourned.

Approved the 10<sup>th</sup> day of July 2017.

ATTEST:

APPROVED:

Kristie Baley, Commission Secretary

Ronald Meade, Chairperson

City Manager's Office

JUL 1 0 2017

Comments of Phyllis A. Whitten on the Public Hearing—Vesting Tentative Subdivision Map No. **REOFIVED** (Tract 920) Planned Unit Development No. 2017-01 and Major Site Plan Review No. 2017-01—a request by Lennar Homes to Divide 40 Acres into 175 single-family lots and a park/ponding basic, for approval of new single-family lots and a park/ponding basin, and for approval of a new single family home master plan (floor plans and elevation plans) located at the northeast corner of Hanford-Armona Road and the 18 3/4 Ave (APN 021-570-001 and 021-560-001

<u>Standing</u>: I am the Trustee of a Whitten family trust that owns over 20 acres of land near the subject property on Hanford-Armona Road in Kings County. I comment as a party with a direct interest and fiduciary duty to protect the interests of the trust and my family. The land is current is in agricultural use. I note that the City initiated the annexation process by accepting a flawed Initial Study/Mitigated Negative Declaration (Declaration) for the project prepared to meet CEQA requirements and was "accepted" by the City Council on June 20, 2017, closing the comment period for the Declaration before public hearings on this matter, and before consultation with the LAFCO. According to Ad # 3284, "Notice of Public Hearing" published by the City of Lemoore (City) in the Hanford Sentinel on June 29, 2017, any legal challenges to the City's actions are limited to those issues raised by the public at the public hearing or in written correspondence delivered to the City at, or prior to the public hearing. This written statement is delivered to the City on July 10, 2017, the day of the hearing, and I will appear in person at the hearing to relay my public interest concerns and encourage the City will still need LAFCO approval, and the parties should be able to comment on the issues addressed (or failed to be addressed) in the Declaration during the LAFCO process.

<u>Notice:</u> If legal proceedings are brought in this matter, the court should consider whether adequate notice was provided to all interested/affected parties of the issues presented in the case.

Adequacy of Mitigation Measures to Support the Negative Declaration: The CEQA report was presented to the City Counsel and "accepted" prior to any public hearings on the proposed annexation and the mitigation measures have not been described with any particularity. For example, the Declaration states, somewhat disingenuously (at page 81), that the proposed annexation of rural land would have "no impact" to utilities and service system as "no new development would occur as the result of the annexation," when they are seeking, in the same series of proceedings and documents to give approval to a subdivision development. The document fails to adequately address the impact of the development on nearby agricultural land, on water and sewer services and stormwater management. The developer seeks authority to build a pond/basin/ park, presumably to address stormwater management issues, but there is no evaluation of the proposed mitigation because the plan is not yet in existence. It is also not clear whether the developer has accepted the proposed mitigation plan, because it appears that many of the details remain to be worked out.

<u>Special Districts and Overlay Zoning:</u> It appears that in subsequent phases of the proposed project, the developer will be seeking to have the City enact an overlay PUD and a special maintenance district. It is not clear how water and sewer will connect, and it is not clear if one or more special districts will be proposed to address infrastructure issues, and if so, how these districts will be funded, and how these

page 1

ay 145 A. Whitten,

districts will related to existing city and county services and funding. These issues should be available for public review and comment (and in some instances, perhaps a vote) and should be included in both the City and LAFCO projects.

<u>Piecemeal Approach</u>: This planning process for annexation does not appear to have adequately considered surrounding uses (such as agricultural) and potential future annexation of nearby properties. It does not consider how the proposed infrastructure needs of the property (water, sewer and other utilities—telecommunication and electrical) would relate to other nearby county and City properties, and how these improvements would be funded.

<u>Proposed non-contiguous</u> annexation of <u>Riley Jones property</u>: This proposed annexation seems to have no relation to the proposed Project, but merely seems to "piggy-back" on this Lennar project as a way to formalize the provision of City services to a single house in a neighborhood. The City and Lennar should explain why this property was included in the Declaration, and why the plan does not include proposed City services to others in the neighborhood.

<u>Scope of "Project"</u> The scope of what is considered in this project is not clearly defined.

No build option: The report does not appear to include a "no-build" option.

<u>Additional time necessary for meaningful public participation</u>: It does not appear that the City has given parties sufficient time to consider the issues presented.

Respectfully submitted,

Phylis A. Whitten

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July 7, 2017

Lemoore Planning Commission 119 Fox Street Lemoore, CA 93245

BIELCO TIED JUL 1 0 2017 BY: K3

Re: Conditional Use Permit No. 2017-01 & Major Site Plan Review No. 2017-04

Dear Planning Commissioners,

I am writing on behalf of our Client, El Centro Corner Petroleum, LLC, with a request to review the verbiage in the mitigated negative declaration pertaining to the biological resources section.

Mitigation measure 3.8.5-9, 10, 24, 25 request that an employee education program be conducted on the site. Our client has already authorized a biologist to perform a preconstruction survey of the site and there were no kit foxes or kit fox dens identified on the site. We would like to ask that the mitigation measures listed above be revised to clearly state that the education program would only be required if either a kit fox or kit fox den is found on the site. Attached is a copy of the biological survey noting that no kit foxes were observed on the site.

We appreciate your consideration of this request and we are excited to begin the design and construction of this project.

Thank You,

Visalia, California 93292 P: (559) 802.3052 F: (559) 802.3215 Civil Engineer

Porterville Office 881 W. Morton Ave., Suite D Porterville, California 93257 P: (559) 781. 0102 F: (559) 781.6840

Visalia Office

324 S. Santa Fe St. Ste. A

www.4-creeks.com



LIVE OAK ASSOCIATES, INC.

an Ecological Consulting Firm

June 29, 2017

PECENEED JUL 10 2017 BY: KB

Steven J. Macias 4Creeks, Inc. 324 South Santa Fe, Suite A Visalia, CA 93292

# Subject: Results of Preconstruction Survey for Sensitive Biological Resources, Lemoore Arco Gas Station Project, Lemoore, California

Dear Mr. Macias,

As requested, Live Oak Associates, Inc. (LOA) conducted a preconstruction survey for sensitive biological resources on and adjacent to the proposed location of the Lemoore Arco Gas Station Project ("project site"). The project site is approximately 1 acre in size, and is located at the southeastern corner of Bush Street and 19 ½ Avenue in the City of Lemoore, California. The project entails the removal of several existing buildings and trees from the site, followed by the construction of a gas station.

LOA's preconstruction survey was conducted in accordance with the project's Initial Study / Mitigated Negative Declaration (IS/MND), prepared for the City of Lemoore in June 2017.

#### **Site Conditions**

Located at a busy intersection just a block east of State Route 41, the project site consists entirely of previously disturbed lands within the City of Lemoore. At the time of the field survey, the site encompassed compacted dirt and paved surfaces, weedy areas, and four dilapidated homes and two outbuildings, most of which appeared to have been abandoned. Where present, ground vegetation comprised common weeds such as foxtail barley (*Hordeum murinum* spp. *leporinum*), Canadian horseweed (*Erigeron canadensis*), prickly lettuce (*Lactuca serriola*), and puncturevine (*Tribulus terrestris*). Trees on the site included tamarisk (*Tamarix* sp.), fig (*Ficus* sp.), and several unidentified ornamentals. The site was scattered with household garbage, and appeared to be used regularly as a turnaround for passing motorists.

#### Survey Methodology

Oakhurst: P.O. Box 2697 • 39930 Sierra Way, Suite B • Oakhurst, CA 93644 • Phone: (559) 642-4880 • (559) 642-4883 San Jose: 6840 Via Del Oro, Suite 220 • San Jose, CA 95119 • Phone: (408) 224-8300 • Fax: (408) 224-1411 Truckee: 11050 Pioneer Trail, Suite 203 • Truckee, CA 96161 • Phone: (530) 214-8947

The project's IS/MND required preconstruction surveys for the San Joaquin kit fox (*Vulpes macrotis mutica*), burrowing owl (*Athene cunicularia*), and American badger (*Taxidea taxus*). Additionally, because construction is planned for the avian nesting season, defined in the IS/MND as February 15-August 15, a preconstruction survey for nesting migratory birds including the Swainson's hawk (*Buteo swainsoni*) was required. Accordingly, on June 27, I surveyed the project site and surrounding lands for the San Joaquin kit fox, burrowing owl, American badger, and nesting migratory birds.

Survey area boundaries and survey methodologies varied by species, in accordance with parameters given in the IS/MND. The survey for nesting Swainson's hawks was conducted by driving accessible roads within ½ mile of the project site, while using high-powered binoculars to scan mature trees for the presence of hawks and nests. The survey for all remaining target species was conducted on foot, and entailed searching the project site and accessible surrounding lands within 500 feet for individuals and sign of the species. The survey for the kit fox, burrowing owl, and badger included inspecting burrows suitable as refugia for these species for scat, tracks, owl pellets, and whitewash. The survey for nesting migratory birds entailed searching trees, shrubs, and the ground for active bird nests. Where adjacent lands could not be accessed on foot, they were visually scanned with binoculars.

During the surveys, I took representative photos of the project site (Attachment 1) and recorded my field observations, including all vertebrate species observed, on data sheets (Attachment 2).

#### **Results and Discussion**

No evidence of any of the target species was found on the project site or surrounding lands within the specified survey distances. No burrows suitable for use by the kit fox, burrowing owl, or badger were observed on or adjacent to the site, nor did I observe individuals or sign of these species. No active raptor or migratory bird nests were detected on or adjacent to the site, and no active Swainson's hawk nests were detected within  $\frac{1}{2}$  mile of the site.

Because burrows suitable for use by the San Joaquin kit fox were absent from the survey area, no follow-up monitoring of "potential dens" was required.

Please feel free to contact me with any questions or comments related to LOA's preconstruction survey for the Lemoore Arco Gas Station Project. I can be reached at (559) 642-4880 or rjensen@loainc.com.

Sincerely,

berd knoen

Rebekah Jensen Staff Ecologist / Project Manager

ATTACHMENT 1: PHOTOGRAPHS OF THE PROJECT SITE



**Photo 1 (above).** Project site facing northeast, showing the four homes to be removed. **Photo 2 (below).** Project site facing south, showing a large expanse of compacted dirt that appears regularly used as a turnaround for passing motorists.

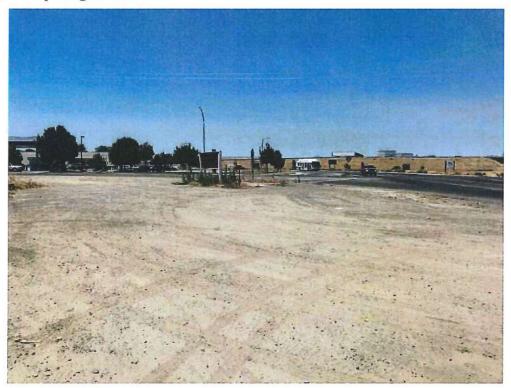
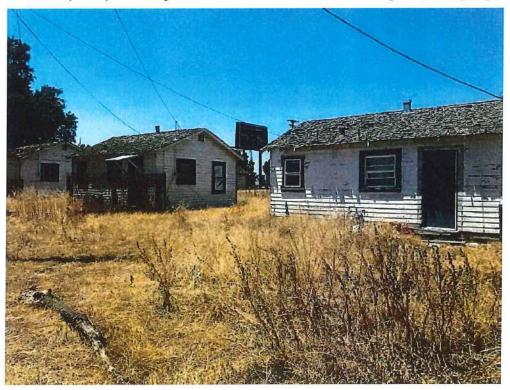




Photo 3 (above). Northernmost home of the project site, along with several of the ornamental trees to be removed. Photo 4 (below). Close-up of the on-site homes and areas of overgrown, weedy vegetation.



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ATTACHMENT 2: FIELD DATA SHEET

-

Field Data Form						
Date: $b_{127/17}$	Crew: P.O	Proj#:	Activity: precon sorry			
Vehicle/Miles:	Weather: Suppy 85	Start Time:	End Time:			
Birds	Herps		Plants			
Hose		Lactura				
WEKI		E. conudent.s				
EUC D		Hordenn m-1				
		Heliotopum				
Nono		Lisimbryium				
WEST		Er bonariansis				
EUST		Tr. bulus				
Amcf						
AMCR BARS	Mammals					
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#### LEMOORE PLANNING COMMISSION Regular Meeting AGENDA Lemoore Council Chamber 429 'C' Street

#### July 10, 2017 7:00 p.m.

#### 1. Pledge of Allegiance

- 2. Meeting Called to Order and Roll Call
- 3. Public Comments and Inquiries

If you wish to comment on an item, which is not on the agenda, you may do so under "Public Comment." In order to allow time for all public comments, each individual's comments are limited to five minutes. When addressing the Commission, you are requested to come forward to the speaker's microphone, state your name and address, and then proceed with your presentation.

- 4. Approval Minutes Regular Meeting, June 12, 2017
- Public Hearing Conditional Use Permit No. 2017-03 A request by George Enriquez for a conditional use permit to allow a tattoo business, located at 130 E. Hanford-Armona Road, Suite D in the City of Lemoore (APN 021-300-004)

The project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1 – Existing Structures.)

 Public Hearing – Major Site Plan Review No. 2017-07 – A request by developer Woodside Homes for approval of new single-family home master plans (floor plans and elevation plans) to be constructed in conjunction with the approved Brisbane East Subdivision Tract 921, located at 830 Daphne Lane (APN 023-020-010)

The project is statutorily exempt from the California Environmental Quality Act (CEQA) requirements [Reference: State CEQA Guidelines Section 15268, Ministerial Exemption.]

 Public Hearing – Vesting Tentative Subdivision Map No. 2017-01 (Tract 920), Planned Unit Development No. 2017-01 and Major Site Plan Review No. 2017-01 – A request by Lennar Homes to divide 40 acres into 175 single-family lots and a park/ponding basin, and for approval of new singlefamily home master plans (floor plans and elevation plans), located at the northeast corner of Hanford-Armona Road and 18<sup>3</sup>/<sub>4</sub> Avenue (APN 021-570-001 and 021-560-001)

An Initial Study/Mitigated Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act (CEQA.) The document was accepted by the City Council when the annexation proceedings were initiated on June 20, 2017.

Public Hearing - Conditional Use Permit No. 2017-01 and Major Site Plan Review No. 2017-04: A request by AGC Design Concepts, Inc. for a conditional use permit and site plan review for a new 3,800 sq. ft. convenience store that includes alcohol sales and gas station with eight pumps and canopy structure. The site is located on the southeast corner of Bush Street and 19<sup>1</sup>/<sub>2</sub> Avenue in the City of Lemoore (APNs 023-420-001, 023-420-002)

In accordance with the California Environmental Quality Act (CEQA), an Initial Study / Mitigated Negative Declaration was prepared for the project.

- 9. Director's Report Judy Holwell, Development Services Director.
- 10. Commission's Report and Request for Information.
- 11. Adjournment

# **Tentative Future Items**

#### <u>August 14, 2017</u>

PH – Major Site Plan Review No. 2017-06 – Two 37,000 sq. ft. Commercial Buildings – Conditional Use Permit No. 2017-04 – Enterprise and Commerce LLC

PH – Major Site Plan Review – Multi-Family Project - Granville Homes

Notice of ADA Compliance: If you or anyone in your party needs reasonable accommodation to attend, or participate in, any Planning Commission Meeting, please make arrangements by contacting City Hall at least 24 hours prior to the meeting. They can be reached by calling 924-6700, or by mail at 119 Fox Street, Lemoore, CA 93245.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the Development Services Department located at 711 W. Cinnamon Drive, Lemoore, CA during normal business hours. In addition, most documents will be posted on the City's website at <u>www.lemoore.com</u>.

#### CERTIFICATION OF POSTING

I, Kristie Baley, Planning Commission Secretary, do hereby declare that the foregoing Agenda for the Lemoore Planning Commission Regular Meeting of Monday, July 10, 2017 at 7:00 p.m. was posted on the outside bulletin board located at City Hall, 119 Fox Street in accordance with applicable legal requirements. Dated this 7<sup>th</sup> day of July, 2017.

//s// Kristie Baley, Commission Secretary



119 Fox Street • Lemoore, California 93245 • (559) 924-6700 • Fax (559) 924-9003

# **Staff Report**

To: Lemoore Planning Commission

Item No. 5

From: Kimber Gutierrez, Associate Planner

Date: June 27, 2017 Meeting Date: July 10, 2017

Subject: Conditional Use Permit No. 2017-03: A request by George Enriquez for a conditional use permit to allow a tattoo parlor in the NC (Neighborhood Commercial) zone, located at 130 E. Hanford-Armona Road, Suite D.

# Proposed Motion:

I move to adopt Resolution No. 2017-13, approving Conditional Use Permit No. 2017-03, (or as amended by the Planning Commission at the meeting.)

#### Project Proposal:

The applicant, George Enriquez, requests a Conditional Use Permit to use a vacant suite in an existing 6,000 sq.ft. building for a tattoo parlor. The building is located at 130 E. Hanford-Armona Road, Suite D between Lemoore Avenue and Beverly Drive. The building is split up into six suites, most of the suites are occupied by various uses including a barber shop, a bottled water supplier and hair salon.

Only tattooing services would be provided. Body piercing services (including ear piercing) and other body art services (such as branding, scarring, or cutting) would not be provided. Tattooing needles used would be of a disposable, single-use type that eliminates the need for needle cleaning.

No exterior or site improvements to the property site are proposed, with the exception of signage. The use would share the existing 47 public parking spaces with the other building occupants and adjacent businesses.

Applicant	George Enriquez
Location	130 E. Hanford Armona Road
Existing Land Use	Vacant office/retail space
APN(s)	021-300-004

Total Building Size	approximately 6,000 sq.ft.
Lot Size	approximately 11,500 sq.ft.
Zoning	Neighborhood Commercial (NC)
General Plan	Neighborhood Commercial

# Adjacent Land Use, Zone and General Plan Designation

Direction	Current Use	Zone	General Plan
North	Apartment	RMD	Medium Density Multi- Family Residential
South	Apartment	RHD	High Density Residential
East	Retail store	NC	Neighborhood Commercial
West	Barber shop	NC	Neighborhood Commercial

# Previous Relevant Actions:

There are three known, conditional use permits for tattoo services (unrelated to this applicant) that were previously approved by the Planning Commission. A conditional use permit was approved at 214 Heinlen in 1999 for tattoo and body piercing services. A conditional use permit was approved at 55 East D Street for tattoo services only. A conditional use permit was approved at 350 West D Street in 2016 for tattoo services and retail sales. Piercings, cutting, branding, and similar services were not approved as a part of that permit.

#### Zoning/General Plan:

The site is zoned Neighborhood Commercial (NC) and designated Neighborhood Commercial in the General Plan. Tattoo parlors are allowed in the NC zone upon approval of a conditional use permit.

#### Access and Right of Way:

Access to the project space is available from East Hanford Armona Road. There is an existing sidewalk and drive approach to the site.

#### Parking:

There is a total of 47 parking spaces and three handicap spaces on the site that serve the project space, the other building occupants and adjacent retail building. The Zoning Ordinance sets the required number of spaces based on use and building size. Shopping centers with mix of retail, restaurants, and/or office uses require 4.25 spaces per 1,000 sq.ft. This means that the total spaces required would be 46.75 parking spaces. All parking

demand was anticipated during the development of the shopping center. Parking demand from the tattoo parlor would be met on the site from the existing spaces.

### Health and Safety Issues:

Tattooing services are regulated by the Kings County Environmental Health Department. AB 300, the Safe Body Art Act, was made State law in 2012. It establishes requirements for certain businesses involved in tattooing, branding, body piercing, and permanent cosmetics. The law requires practitioners of tattooing, branding, body piercing, and permanent cosmetics to register with the county in which they practice. It also requires them to comply with its standards, provide the county health department with certain business specific information, and pay a registration fee of \$25 as well as an annual inspection fee of \$105 to the county health department. The county health department is required to annually inspect the locations where tattooing, body piercing, and permanent cosmetics are practiced in order to verify adherence to the required standards. A copy of the Environmental Health Department's Body Art Evaluation Form that they use to evaluate tattoo establishments is included for reference. Staff is recommending that proof of compliance be provided to the City upon request at any time.

Staff is recommending limits on the hours of operation. The recommendation is between 9:00 a.m. and 10:00 p.m. This is to avoid late night tattooing that can sometimes result in public safety issues resulting in police calls for service.

Staff is also recommending that other body art services such as piercing, scarring, cutting, painting, or branding of the skin or body be specifically not allowed by this conditional use permit.

# Architectural and Site Design Standards:

No changes to the architecture or site are proposed. All modifications would be made in the interior of the building.

#### Landscaping and Parks:

No changes to existing landscaped areas are proposed.

#### Signage:

All new signage would be required to meet the City Zoning Ordinance, which requires a separate building permit.

#### **Environmental Assessment:**

The project is categorically exempt from the California Environmental Quality Act (CEQA) requirements per the exemption in Section 15303 of the CEQA Guidelines, pertaining to new, small structures. [Reference: State CEQA Guidelines sec. 150303(c), New Construction or Conversion of Small Structures]

# **Recommended Findings:**

A conditional use permit shall be granted only when the designated approving authority determines that the proposed use or activity complies with all of the following findings:

- 1. The proposed use is consistent with the General Plan, any applicable specific plans, and all applicable provisions of this title. The proposed use of the building is consistent with the General Plan; the proposed uses are compatible with other uses in the NC zone.
- 2. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.
- 3. The site of the proposed use is physically suitable for the type, density, and intensity of the use being proposed. The proposed site does provide sufficient parking.
- 4. It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located.

City staff recommends that these findings be made based upon review of the project as described in this staff report, and with the recommended conditions of approval.

# **Recommended Conditions:**

Staff recommends the following conditions be applied to the approval of the Conditional Use Permit:

- 1. The site shall be developed and operated consistent with the submitted floor plan and applicable development standards found in the Zoning Ordinance.
- 2. The operation shall be conducted in accordance with this conditional use permit. Any deviations from the approvals shall require an amendment to the prior approvals or approval of a new permit or entitlement(s) as determined by the City.
- 3. The operation's hours of business shall be limited to between 9:00 a.m. and 10:00 p.m.
- 4. Services other than tattooing, such as body art (piercing, scarring, cutting, painting, or branding of the skin or body) are not allowed.
- 5. All requirements of the Kings County Environmental Health Department shall be complied with at all times. Proof of compliance shall be provided to the City of Lemoore at any time upon request.

- 6. The operation shall not provide tattoo services to those who are intoxicated or are under the influence of a prohibited substance.
- 7. The operation shall not provide tattoo services to those persons who are under the age of 18 (Penal Code 653).
- 8. The project and all subsequent uses must meet the requirements found in Section 9-5B-2 of the Zoning Ordinance related to noise, odor, and vibration, and maintenance.
- 9. All business owners shall obtain a business license from the City of Lemoore.
- 10. A sign permit shall be obtained for all signage, as required by the Zoning Ordinance.
- 11. All portions of the City Municipal Code shall be complied with at all times.
- 12. The time limits and potential extensions and expiration of this conditional use permits are established per Section 9-2A-9 of the City of Lemoore Zoning Ordinance.

#### Attachments:

Draft Resolution Site Location - Aerial Photo Floor Plan County of Kings – Environmental Health Division: Body Art Evaluation Form Presentation prepared by Applicant

#### **RESOLUTION NO. 2017-13**

#### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE APPROVING CONDITIONAL USE PERMIT NO. 2017-03 TO ALLOW A TATTOO PARLOR IN THE NC (NEIGHBORHOOD COMMERCIAL) ZONE LOCATED AT 130 E HANFORD ARMONA ROAD, SUITE D IN THE CITY OF LEMOORE

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on July 10, 2017, at 7:00 p.m. on said day, it was moved by Commissioner \_\_\_\_\_\_, seconded by Commissioner \_\_\_\_\_\_ and carried that the following Resolution be adopted:

WHEREAS, George Enriquez has requested a Conditional Use Permit to use a vacant suite in a 6,000 sq.ft. building for a tattoo parlor located at 130 E Hanford Armona Road, Suite D, in the City of Lemoore (APN: 021-300-004); and

WHEREAS, the zoning on the parcel is NC (Neighborhood Commercial); and

WHEREAS, the project is categorically exempt from CEQA requirements per the exemption in Section 15303 of the CEQA Guidelines pertaining to the conversion of small structures; and

**WHEREAS**, the Lemoore Planning Commission held a duly noticed public hearing at its July 10, 2017, meeting.

**NOW THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Lemoore hereby makes the following findings regarding the proposed conditional use permit:

- 1. The proposed use is consistent with the General Plan, any applicable specific plans, and all applicable provisions of this title. The proposed use of the building is consistent with the General Plan; the proposed uses are compatible with other uses in the NC zone.
- The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.
- 3. The site of the proposed use is physically suitable for the type, density, and intensity of the use being proposed. The proposed site does provide sufficient parking.
- 4. It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Lemoore approves Conditional Use Permit No. 2017-03, subject to the following conditions:

- 1. The site shall be developed and operated consistent with the submitted floor plan and applicable development standards found in the Zoning Ordinance.
- 2. The operation shall be conducted in accordance with this conditional use permit. Any deviations from the approvals shall require an amendment to the prior approvals or approval of a new permit or entitlement(s) as determined by the City.

- 3. The operation's hours of business shall be limited to between 9:00 a.m. and 10:00 p.m.
- 4. Services other than tattooing, such as body art (piercing, scarring, cutting, painting, or branding of the skin or body) are not allowed.
- 5. All requirements of the Kings County Environmental Health Department shall be complied with at all times. Proof of compliance shall be provided to the City of Lemoore at any time upon request.
- 6. The operation shall not provide tattoo services to those who are intoxicated or are under the influence of a prohibited substance.
- 7. The operation shall not provide tattoo services to those persons who are under the age of 18 (Penal Code 653).
- 8. The project and all subsequent uses must meet the requirements found in Section 9-5B-2 of the Zoning Ordinance related to noise, odor, and vibration, and maintenance.
- 9. All business owners shall obtain a business license from the City of Lemoore.
- 10. A sign permit shall be obtained for all signage, as required by the Zoning Ordinance.
- 11. All portions of the City Municipal Code shall be complied with at all times.
- 12. The time limits and potential extensions and expiration of this conditional use permits are established per Section 9-2A-9 of the City of Lemoore Zoning Ordinance.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on July 10, 2017, by the following votes:

AYES: NOES: ABSTAINING: ABSENT:

APPROVED:

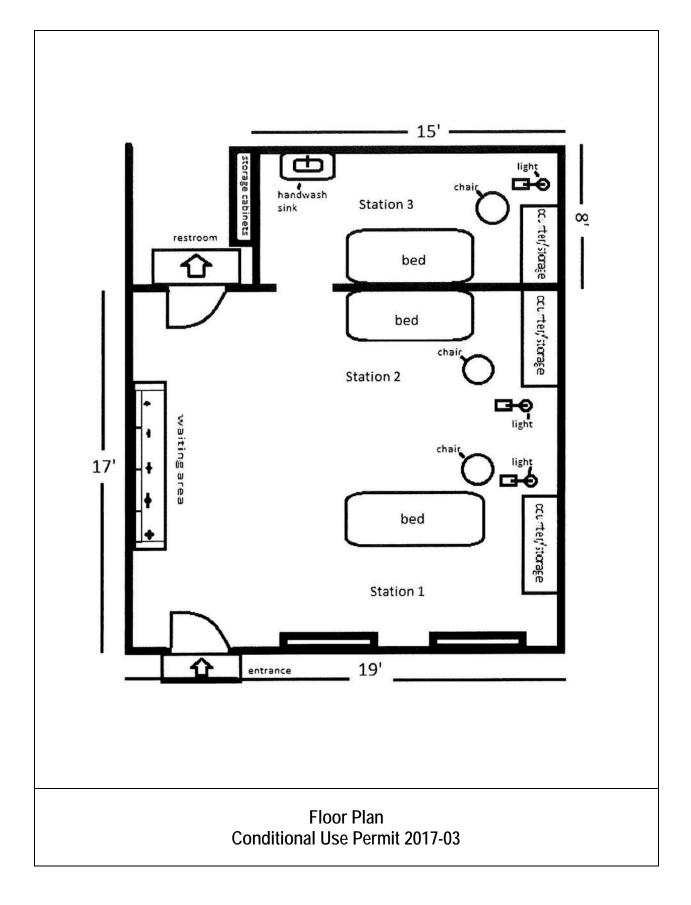
Ron Meade, Chairperson

ATTEST:

Kristie Baley, Commission Secretary



Conditional Use Permit 2017-03





#### County of Kings - Department of Public Health Environmental Health Serivces Division 330 Campus Drive Hanford, CA 93230 Phone - 559-584-1411 Fax - 559-584-6040 Internet - www.countyofkings.com/health/ehs

City

#### **BODY ART EVALUATION FORM**

Facility/Event Name

Address

Zip

Date

COS = Corrected on site

Permit Owner

In N/O N/A

20.

#### RISK FACTORS AND INTERVENTIONS N/A = Not applicable OUT = Volation observed

	In = In co	mpliance		N/A	= Not a	pplicable
			CLEANING AND STERILIZATION	OUT	COS	
In N	V/O N/A	1.	Autoclave is approved and effective - passed integrator test			In
In N	WO N/A	2.	Process of cleaning, labeling, packaging and sterliziing items appropropriate			In
In N	WO N/A	3.	Autoclave loaded correctly/packages allowed to dry			In
In N	V/O N/A	4.	Integrators used/monthly spore test/log maintained			In
In N	V/O N/A	5.	Decontamination/sanitation area separate and supplied appropriately *			In
In N	V/O N/A	6.	Invoices and log kept for disposable, pre-sterilized equipmen backup supplies adequate *	<sup>t,</sup> 🗖		In
In N	V/O N/A	7.	Sharps containers supplied, labeled, used and disposed of appropriately *			In
In N	N/O N/A	8.	Jewelry, tattoo and piercing equipment – storage and use			In
			PRACTITIONER HEALTH AND HYGIENE			
In N	V/O N/A	9.	No eating, drinking or smoking - clean clothes			In
In N	V/O N/A	10.	Hands washed effectively and timely			In
In N	N/O N/A	11.	Handwashing facilities properly supplied and accessible, warn potable water *			In
In N	V/O N/A	12.	Appropriate personal protective equipment available and used eyewash station available *	<sup>i,</sup> D		In
			CUSTOMERS/CLIENTS			In
In N	V/O N/A	13.	Branding is completed with no other customers in procedure area			In
In N	V/O N/A	14.	Customers eighteen (18) years of age or older			
In N	V/O N/A	15.	Skin adequately prepared for procedure.			
In N	V/O N/A	16.	Client records approved and available - Consent form & questionnaire			
In N	V/O N/A	17.	Appropriate aftercare instructions given to client			1
	ΤΑΤΤΟΟ		ERMANENT COSMETICS MACHINE SAFETY AND S		N	
In N	WO N/A	18.	Safe machine design			
In N	N/O N/A	19.	Machines cleaned and disinfected between clients			

Parts replaced between clients - grommets, elastic bands, etc.

		PREVENTING CROSS-CONTAMINATION	OUT	COS
In N/O N/A	21.	Workstation/procedure area decontaminated		
In N/O N/A	22.	Appropriate chemical disinfectant used Chemical used:		
In N/O N/A	23.	Disinfectant used appropriately/sufficient contact time Wet contact time provided:		
In N/O N/A	24.	Barriers available and used appropriately *		
In N/O N/A	25.	Products applied to skin are single use/dispensed aseptically		
In N/O N/A	26.	Storage of inks, pigments, needles, tubes, etc.,		
In N/O N/A	27.	Jewelry, Inks, Needles etc approved and used		
In N/O N/A	28.	Cross-contamination avoided during all phases of procedure		
		BEST BUSINESS PRACTICES		
In N/O N/A	29.	Areas separated/no living or sleeping quarters/no animals *		
In N/O N/A	30.	Floors and walls clean and in good repair, adequate light $^{\star}$		
In N/O N/A	31.	Workstation, surfaces, including chairs, armrests, etc. in good repair; trash removed frequently *		
In N/O N/A	32.	Permit/registration and required signs posted *		
In N/O N/A	33.	IPCP and employee training records and Hepatitiis B vaccination status present		
In N/O N/A	34	Restrooms available, stocked *		
		COMPLIANCE AND ENFORCEMENT		ICE JED
	35.	Plan Review	Ľ	]
	36	Permits Obtained & Available *		
	37.	Impoundment		
	38.	Hearing Scheduled		
	39.	Closure *		
Items marked with an asterisk * may also have specific requirements for temporary events				

REG #	PRACTITIONER/ARTIST NAME	REG #	PRACTITIONER/ARTIST NAME

**OBSERVATIONS AND CORRECTIVE ACTIONS** 

To promote and protect the physical, mental, social and environmental health of the people in Kings County through education and prevention

Arts and Tattooing in the community Presentation by George Enriquez

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SAFETY	14-18		

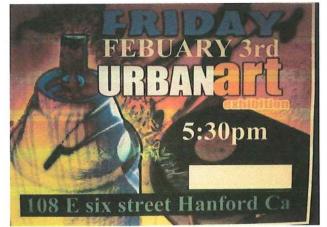
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# Opening Statement

As an Artist, I feel it is natural to want to share ideas, thoughts and feelings through art, but being able to construed it into an abstract form and still get the message across to the viewer. After the message has been received to the viewer from the artwork, there is a new understanding between the artist and viewer. As an artist can create that feeling with a painting, a tattoo has that same power, but permanently etched into the human skin.

Art has a power to create connectedness within a community even though every artist has a different story to tell. I have been honored to be part of that community through my career as an artist and tattoo artist. I have met many people that are willing to give through their art to the community. I have myself created that through showing artwork in different communities in Hanford, Visalia and Fresno. Each time I came out having a wider appreciation for that action. Growing up in a smaller community as in Lemoore, it doesn't have an art scene so whenever I could get a small dose of art from any part in the city, I would be so enthralled by it I would take in all that I can for as long as I can and I would still have a deeper hunger for art. From that hunger I grew to wanting to reach out in any direction for it, but it took me away from my hometown here in Lemoore to other communities in Kings County and also to Visalia and Fresno.

With that hunger I have proudly pursued a 5 year career in tattooing, learning from others and teaching along the way and making many connections with others and there artwork. What I want to do with this hunger is bring all that connectedness and community into Lemoore and try to inspire that group of children or adults that need to satisfy that hunger. The only way I feel I can do this is by opening my own tattoo shop and while having my career in tattooing continue in it, I will also open a full time art gallery in it, so I can bring other artist, local and from other city's in to show their work to the community with art shows that will be open to the community for free. I want to bring others stories and narration on life into this little community and give people a chance to be inspired by it, the same way I have been able too. Artshows



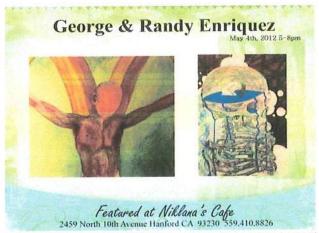
First Urban Art Exhibition .Feb-2012, located in Hanford



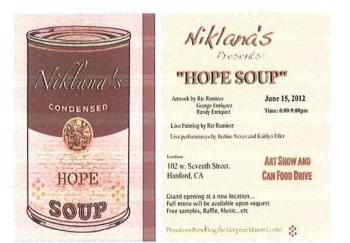
Second Urban Art Exhibition. April-2012, located in Hanford



Third Urban Art Exhibition. November 2012, located in Hanford



Mine Of His, & His Of Mine, May 2012, Located in Hanford at Niklana's Café



Hope Soup, June 2012, Located in Hanford at Niklana's Café



Urbanists Collective, Taste The Arts, September 2012, Located in Visalia



Urbanists Collective, Taste The Arts, October 2015, Located in Visalia



Urbanists Collective, Taste The Arts, October 2016, Located in Visalia

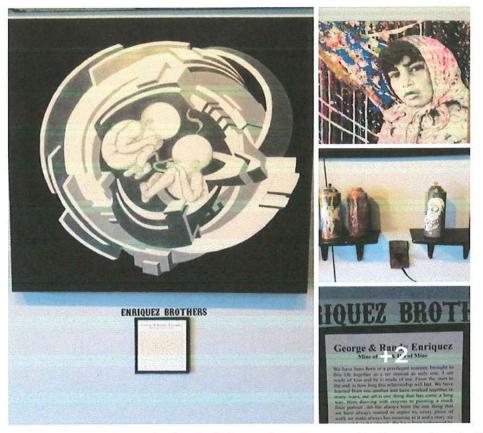


Arthouse, August 2014, Located in Fresno

Arthouse added 5 new photos. August 16, 2014 · 📀

Unique works by twin brothers George and Randy Enriquez.

#### www.fresnoarthouse.com



A screenshot from the Arthouse facebook of the artshow that was also featured on the Ventura Broadcasting Company talk show.

## Letters of Recommendation

I have been honored to have met several notable figures in the art/tattoo community and every single person has affected me in a positive way, and left me with a higher respect for art and it helped me pursue a career in this profession. From showing art in a professional gallery setting, to pursuing a career in tattooing. I'm happy and honored to have received a letter of recommendation to present to you.





SPECIAL PROGRAMS Art. Community Culture.

June 23, 2017

Letter of Support

Dear City of Lemoore Administrator,

On behalf of Urbanists, Urban Art Collective, it is my pleasure to write a letter of support for George Enriquez in support of his efforts to enhance your community through arts. Kindly acknowledge Urbanists as major supporter of the George Enriquez and his mission.

Since 2011, Urbanists has hosted a series of public arts and culture events throughout Tulare County and surrounding communities. We are also co curators of the Visalia Taste the Arts festival, the largest art festival of it's kind in our region. George Enriquez has participated as a guest artist and art educator at Taste the Arts numerous years. He has a charming personality, great character and has very professional attitude. We acknowledge tattoo as an art form and recognize it's artistic value.

Together we have carried out successful program outcomes and have enriched the artist community in Visalia. We hope he can do the same for the community of Lemoore and look forward to collaborating with him in your city.

Please visit www.urbanistscollective.com to learn more about our work.

Sincerely,

ERIK GONZALEZ

## JOHN ROBINSON EDUCATOR - ART CURATOR

EDUCATOR - ART CURATOR 709 Shotwell St. San Francisco, CA 94110

To whom it May Concern:

It is my pleasure to recommend George Enriquez, in his application to open a tattoo shop in your city.

As the former curator for the Kings Art Center, Hanford CA, my knowledge of George centers on his involvement as an exhibiting artist at the Art Center. And, although I can't vouch for his skills as a tattoo artist, I can speak to what I viewed as a sterling character and a commitment to being an artist.

In a community where many artists are older and paint in watercolor or acrylic, George and his art stood out. First, because he was young, serious, and a committed artist, and, second, because he challenged himself to address personal opinions through his art. The resulting work was always well developed, beautifully crafted, and received positive feedback.

George was always polite, willing to offer help, and presented himself as a responsible person. I can only expect that these qualities, combined with his talent, will serve him well in business.

I wish this young man the best of luck in his desire to better himself as a businessman in his chosen profession.

Sincerely,

John Robinson, former curator, Kings Art Center Hanford, CA



June 10,2017

letter of Support

Dear City of Lemoore Administrator,

On behalf of Fabian Aguilera previous owner of tattoo shop and now founder of Royal Arts Tattoo, also as guest at various tattoo shops in the Central Valley all well-known. I am honored to write this letter for George Enriquez as a form of support for what he has planned for the City of Lemoore and all that he has to offer as an Artistic Element to the community.

He's a great person full of professionalism and a great artist all the way around . George Enriquez work with me as an employee and as a co-worker for a few years as full-time artist. He is a great educator upon his work in the Artistic Elements.

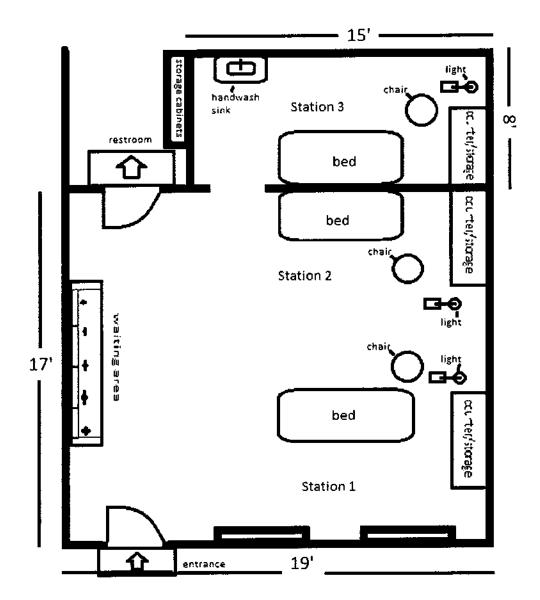
I know him for quite a few years now he's never took a step back always move forward. I know he could bring much more to the city of Lemoore and it's community. I support him and his mission 100% he deserves every opportunity available for him definitely looking forward to working with him in the city of Lemoore.

Thank you .

Sincerely Fabian Aguilera

## Site Plan

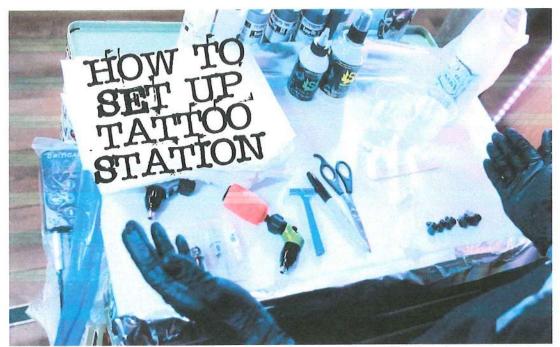
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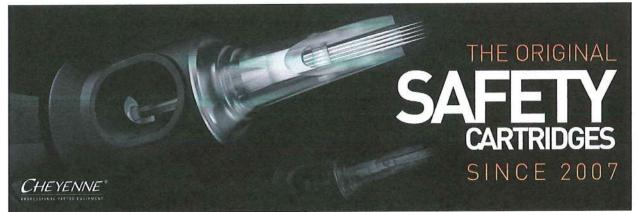
# Safety

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The safety section will be a overview of all the techniques and equipment and tools, along with chemicals used for sanitation, that are used on a daily routine to ensure the safety of the artist and client.

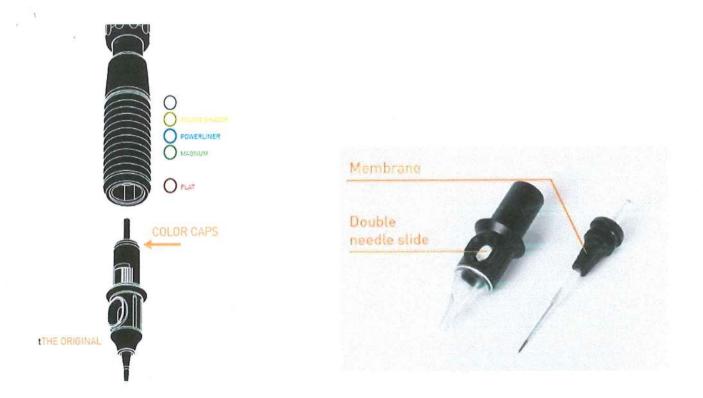


In the picture above is a presentation of a proper setup for a tattoo, with all surface completely covered with a protective layer

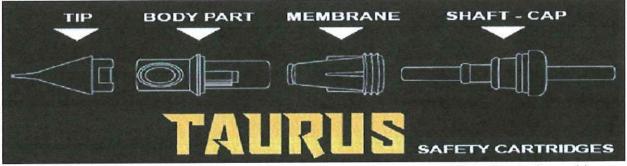


The newest of tattoo safety has came as the safety cartridge, a all in one needle and tube that allows for quicker and safer change between needle sizes

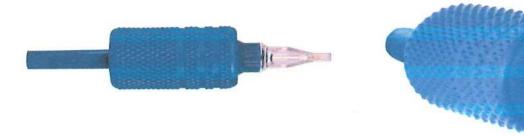




The safety cartiridge system allows for easy and fast needle change with a safety membrane that does not allow ink to travel up the tube to cross contaminate the machine



An example of the inner workings of the safety cartridge system. Bottom photos show a disposable one time use tube which the cartridge locks into.



From saving space and time, to being super hygienic by being sterilized and individually packed and intentionally made for single use and sophisticated that it does not allow the ink, that is taken in, to pass into the grip or deeper in the machine. Also the sterilization process guarantees a 5 year shelf life –safe and easy



A sealable, rigid and puncture resistant sharps container will be provided in each procedure area for the disposal of single-use sharp object that come in contact with blood and/or body fluids.



Green soap is a vegetable oil-based, water-soluble, environmentally safe soap that's commonly used in tattoo and piercing studios. It is used before and during and after tattooing. First it is used to clean and sanitize the area being tattooed and while tattooing its used as a wiping agent to clean ink off the design, then the last use is to clean all the ink and make sure the tattoo is sanitized for aftercare process.



Mada-Cide-1 is a Medical disinfectant/cleaner/deodorizer that has no alcohol content. It is a general one-step, ready to use, hospital-level product that is designed specifically for use as a bactericide, virucide, and fungicide. It is formulated to disinfect hard, non-porous inanimate, environmental surfaces equipment. Kills influenza A, HIV, Hepatitis A,B & C, TB, MRSA, VRE, and SARS Quality Training: When you want it, where you want it.



Dear George,

.

Above you will find your California Compliant Bloodborne for Body Art certification card. You may also access this page at a later time by logging into ca.probloodborne.com and clicking the Print Certificate button.



## **County Of Kings**

Kings County Environmental Health Svcs - 411500 330 Campus Drive Hanford, CA 93230 559-584-1401

Tattoo Artist Registration	Project 415400	25.00
Subtotal		25.00
Sales Tax	Taxable Items @ 7.25%	0.00
Total Due		25.00
Cash		30.00
Total Tendered		30.00
Change Due		5.00
Payee: ENRIQUEZ , GEORGE		

#### **CREATIVE DESIGNS**

Receipt Nbr: EH17000698 05/30/2017 EHS265 \* indicates a taxable item



119 Fox Street • Lemoore, California 93245 • (559) 924-6700 • Fax (559) 924-9003

## **Staff Report**

To: Lemoore Planning Commission

Item No. 6

From: Kimber Gutierrez, Associate Planner

Date: June 30, 2017 Meeting Date: July 10, 2017

Subject: Major Site Plan Review No. 2017-07: a request by Woodside Homes for approval of new single-family home master plans (floor plans and elevation plans) to be constructed in conjunction with the approved Brisbane East Subdivision, located at 830 Daphne Lane (APN 023-020-010).

## Proposed Motion:

I move to adopt Resolution No. 2017-14, approving Major Site Plan No. 2017-07 for the home master plans for Woodside Homes at Brisbane East Subdivision, (or as amended by the Planning Commission at the meeting.)

#### Project Proposal:

This project is requesting approval of the single-family home master plans for the Brisbane East Subdivision. Since the tentative subdivision map is already approved, this Planning Commission action is limited to review of the home plans for consistency with the single-family home architectural design standards that are in the Zoning Ordinance.

Applicant	Woodside Homes	
Location	830 Daphne Lane	
Existing Land Use	Vacant Land	
APN(s)	023-020-010	
Total Building Size	Min. 1,571 sq.ft. – Max. 2,316 sq.ft.	
Lot Size	Min. 6,000 sq.ft. – Max. 11,616 sq.ft. Average 8,808 sq.ft.	
Zoning	RLD, RLMD, PR	
General Plan	Low Density Single-Family Residential, Low-Medium Density Residential, Greenway	

Adjacent Land Use	, Zone and General	Plan Designation
-------------------	--------------------	------------------

Direction	Current Use	Zone	General Plan
North	Railroad and Residential Subdivision	RLD	Low Density Single Family Residential
South	Residence, Medical Clinic	MU	Mixed Use
East	Lemoore Canal and Agricultural Fields	PR	Greenway
West	Religious Sanctuary and Residences	RLD and PR	Low Density Single Family Residential and Greenway

#### Previous Relevant Actions:

The tentative subdivision map for Brisbane East was approved on July 11, 2016. After the approval, the land was sold by Greg Nunley, the original applicant, to Woodside Homes.

## **Residential Master Home Plans:**

The architecture of the home plans is depicted in the attached floor plan and elevation plans. Four floor plans were submitted with square footages of 1,571, 1,778, 1,855, and 2,316 square feet. The three smallest homes are single-story homes, while the largest is a two-story home. All the homes have their garages set back behind first-floor living space and/or a front porch. All homes will have tile roofs.

Plan BE-4010 has three bedrooms while plans BE-4020, BE-4045, and BE-4015 have three bedrooms with an optional fourth bedroom or den. Each plan is available in three types of front facades, which results in 12 possible front facades in the neighborhood. The types of facades are differentiated by changes to roof pitch in the front of the home and in front facade detailing.

Staff reviewed the home master plans and elevations for conformance with Lemoore's Zoning Ordinance Section 9-5C-3 (Design Standards for Residential Projects.) In all, a total of 12 possible different front elevation "looks" would be available to meet the City's "six pack" rule.

Staff also added the standards requirement that the detailing placed on the front of the house be wrapped around to the side of the house and on the street side of corner lots. All other requirements for new master plan home designs are being met, including the requirement that 50% of the home plans have garages that are flush or behind the living space.

## **Building Setbacks**

When the Brisbane East Subdivision Map was approved in 2016, special building setbacks were not approved. Therefore, the building setbacks will be the typical setbacks that are in the Zoning Ordinance for the RLD zone.

#### **Environmental Assessment:**

The project has been determined to be statutorily exempt from CEQA because a Major Site Plan Review is not a discretionary action.

#### **Recommended Findings:**

- 1. The proposed project is consistent with the objectives of the General Plan and complies with applicable zoning regulations, specific plan provisions, and improvement standards adopted by the city.
- 2. The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.
- 3. The architecture, character, and scale of the building and the site are compatible with the character of buildings on adjoining and nearby properties.
- 4. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

#### **Recommended Conditions**

- 1. The site shall be developed consistent with the approved tentative map and applicable development standards found in the Zoning Ordinance and City Municipal Code.
- 2. The homes shall be developed consistent with the attached floor and elevation plans, except as modified by these conditions.
- 3. For homes placed on corner lots, the stone/brick veneer placed on the front of the homes shall be wrapped around the street side of the home up to the fence, and stucco/foam window treatments used on the front of the home shall also be used on the street side of the home where windows are visible from the street.

#### Attachments:

Draft Resolution Site Location - Aerial Photo Approved Tentative Subdivision Map Floor and Elevation Plans

#### **RESOLUTION NO. 2017-14**

#### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE APPROVING MAJOR SITE PLAN REVIEW NO. 2017-07 FOR NEW SINGLE-FAMILY HOME MASTER PLANS (FLOOR PLANS AND ELEVATIONS) FOR THE BRISBANE EAST SUBDIVISION LOCATED AT 830 DAPHNE LANE, IN THE CITY OF LEMOORE

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on July 10, 2017, at 7:00 p.m. on said day, it was moved by Commissioner \_\_\_\_\_\_, seconded by Commissioner \_\_\_\_\_\_ and carried that the following Resolution be adopted:

WHEREAS, Woodside Homes has requested a major site plan review for approval of new single-family home master plans (floor plans and elevations) for the Brisbane East Subdivision located at 830 Daphne Lane, in the City of Lemoore (APN: 023-020-010); and

WHEREAS, Brisbane East Subdivision is an approved tentative subdivision map; and

**WHEREAS**, the project is statutorily exempt from the California Environmental Quality Act (CEQA) because the approval is a non-discretionary action; and

**WHEREAS**, the Lemoore Planning Commission held a duly noticed public hearing at its July 10, 2017, meeting.

**NOW THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Lemoore hereby makes the following findings regarding the proposed major site plan review:

- 1. The proposed project is consistent with the objectives of the General Plan and complies with applicable zoning regulations, specific plan provisions, and improvement standards adopted by the city.
- 2. The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.
- 3. The architecture, character, and scale of the building and the site are compatible with the character of buildings on adjoining and nearby properties.
- 4. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Lemoore approves the Major Site Plan Review No. 2017-07, subject to the following conditions:

- 1. The site shall be developed consistent with the approved tentative map and applicable development standards found in the Zoning Ordinance and City Municipal Code.
- 2. The homes shall be developed consistent with the attached floor and elevation plans, except as modified by these conditions.
- 3. For homes placed on corner lots, the stone/brick veneer placed on the front of the homes shall be wrapped around the street side of the home up to the fence, and stucco/foam window treatments used on the front of the home shall also be used on the street side of the home where windows are visible from the street.

4. Building setbacks shall be determined as per the current version of the City Zoning Ordinance for the RLD zone.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on July 10, 2017, by the following votes:

AYES: NOES: ABSTAINING: ABSENT:

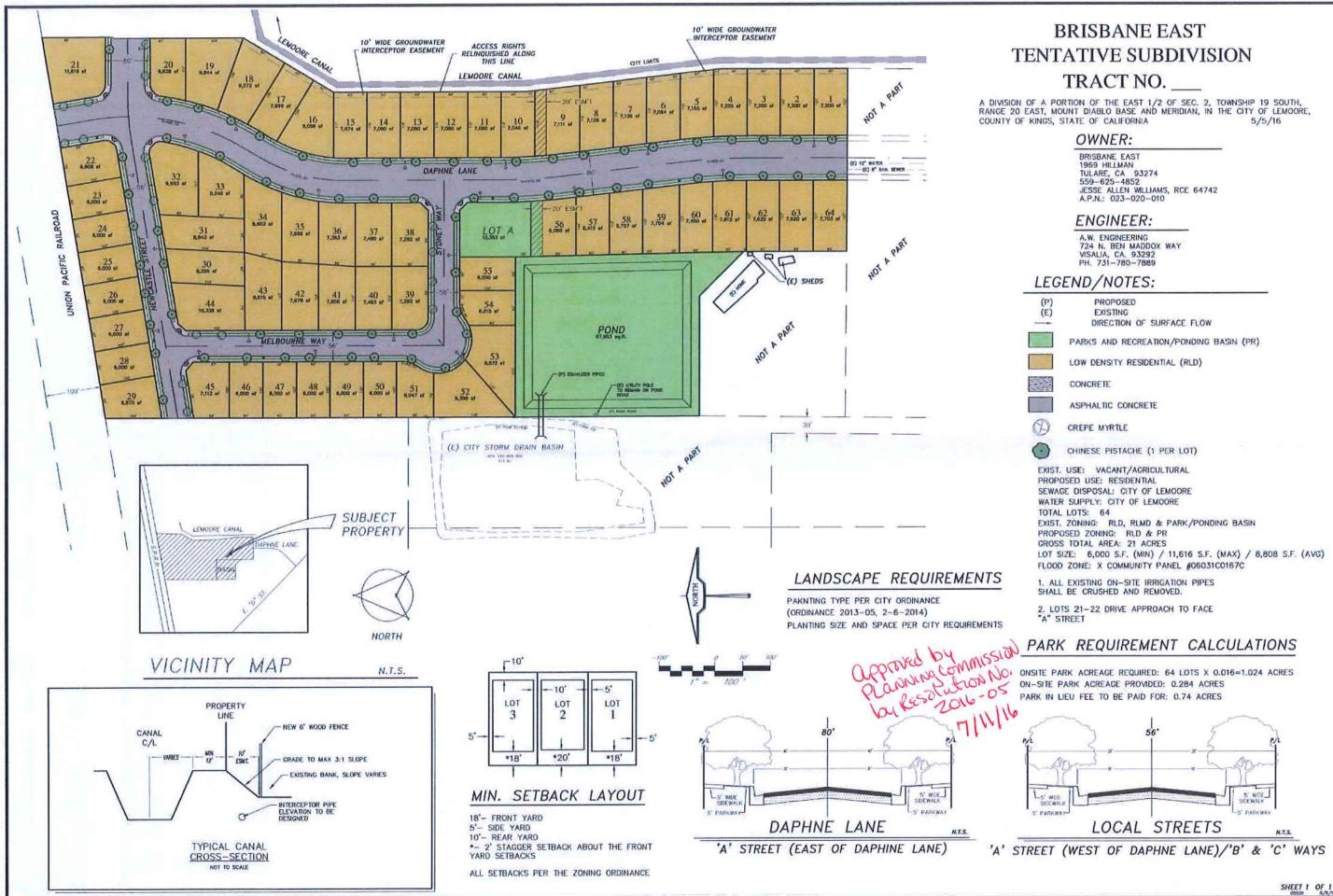
**APPROVED:** 

Ron Meade, Chairperson

ATTEST:

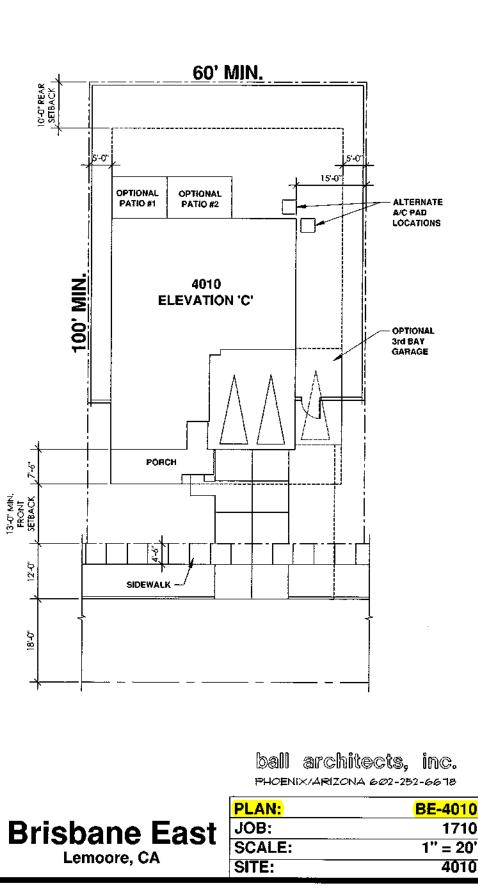
Kristie Baley, Commission Secretary

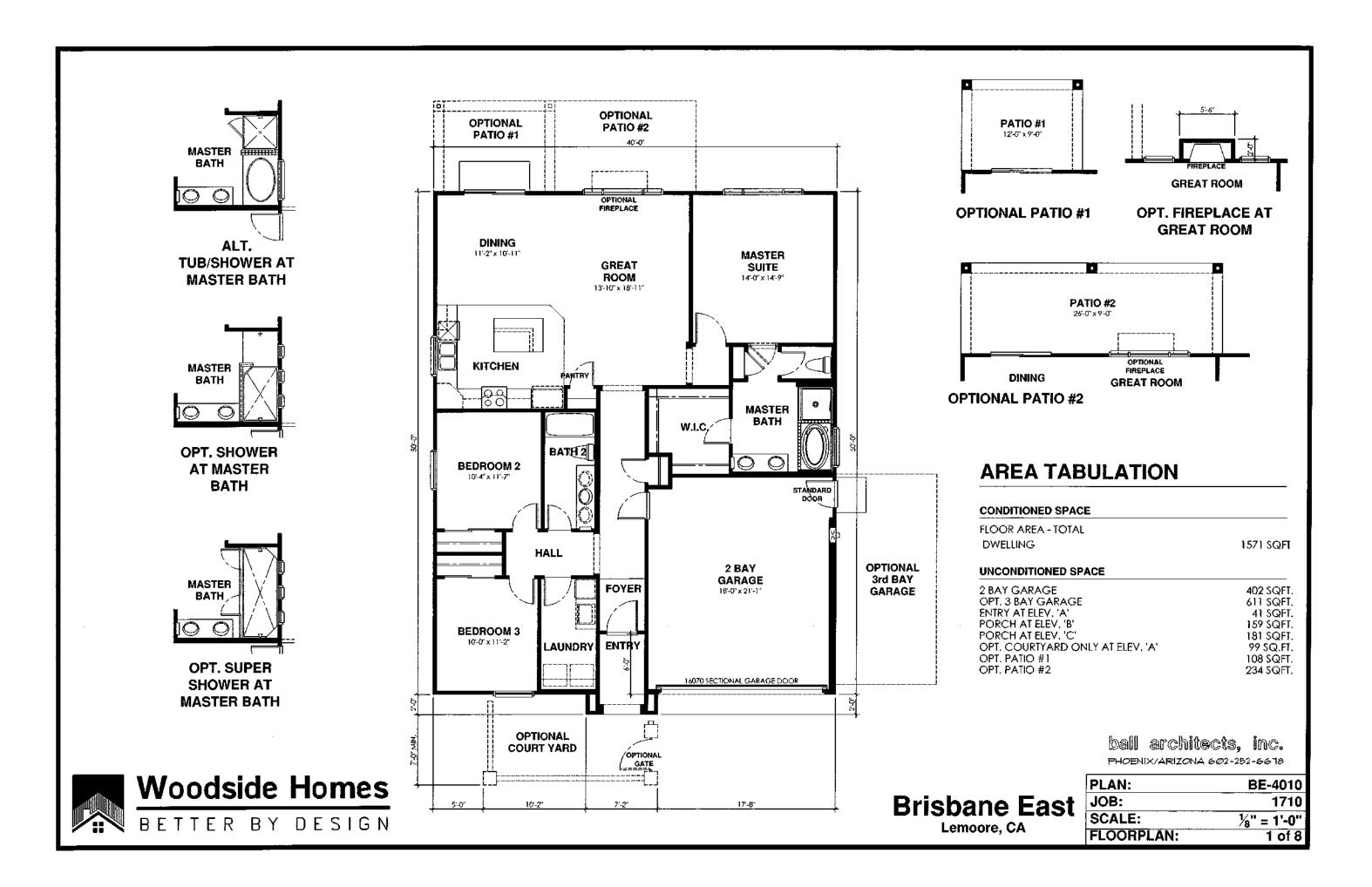


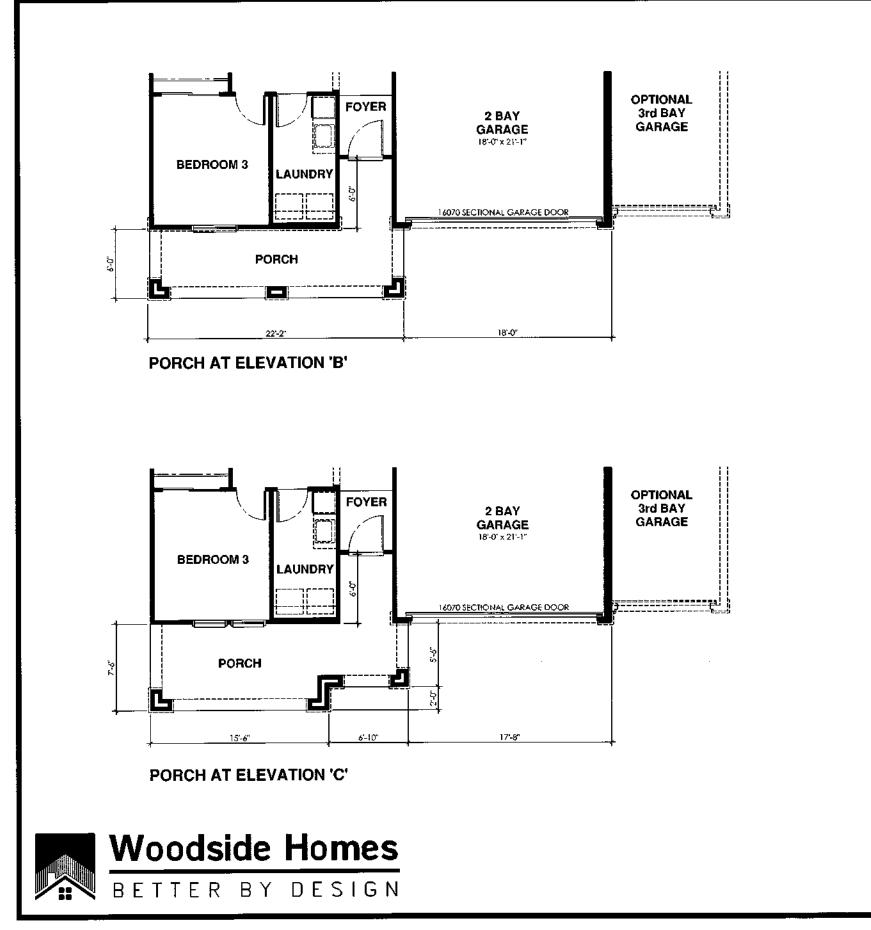


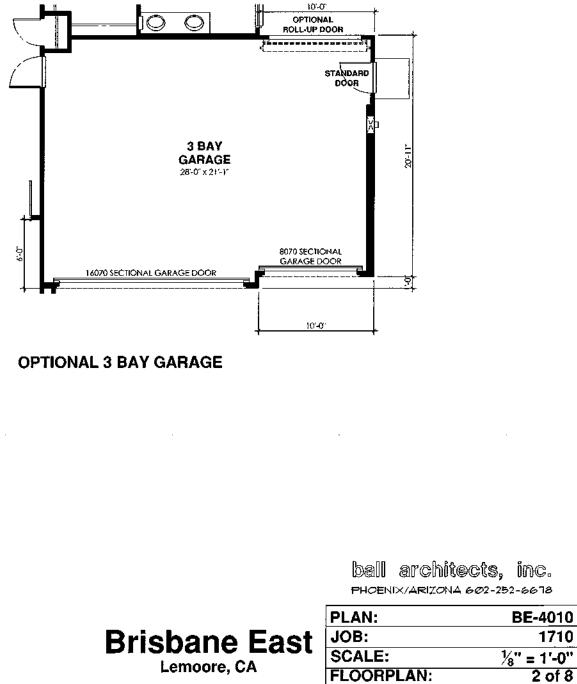
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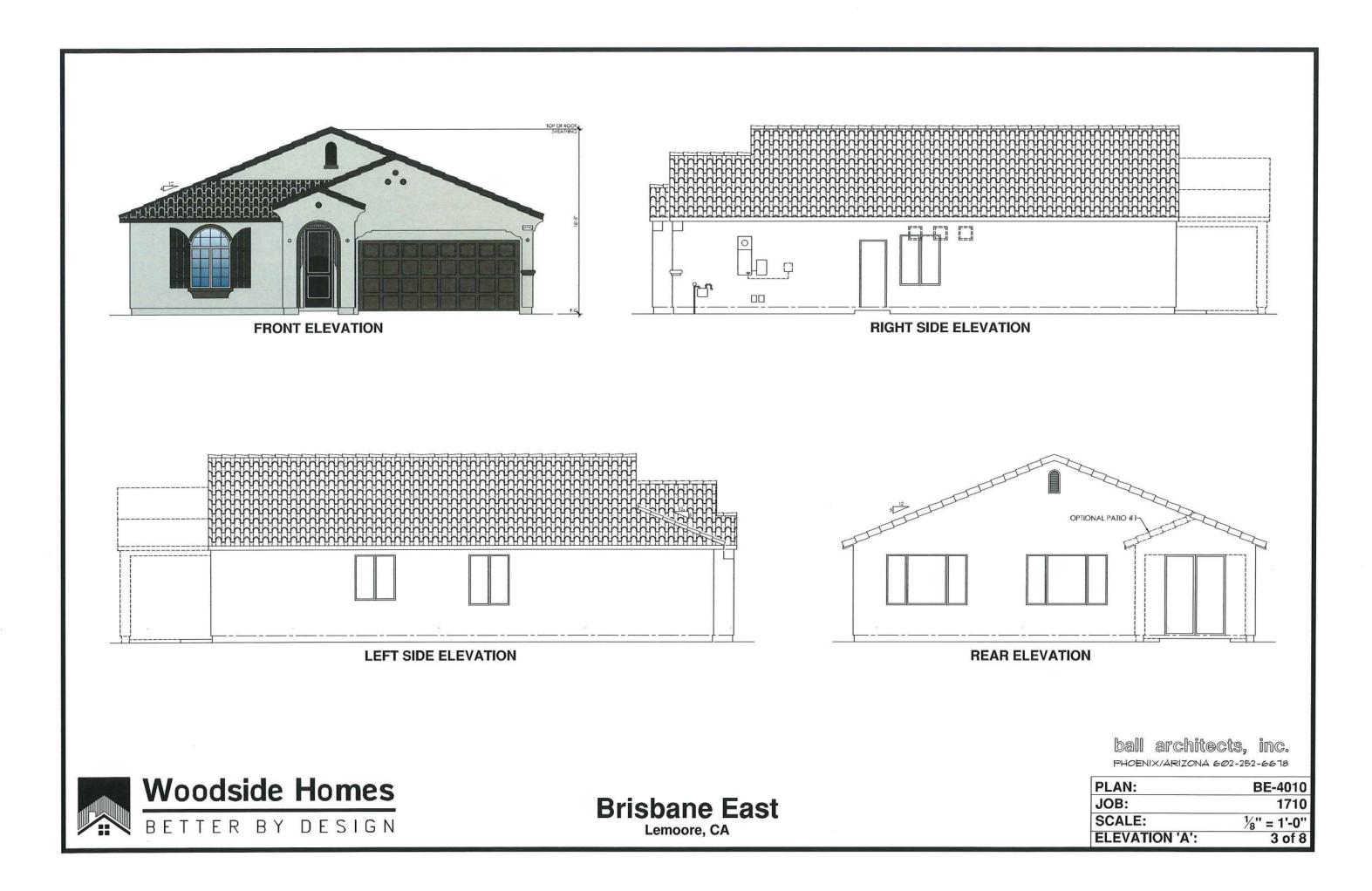


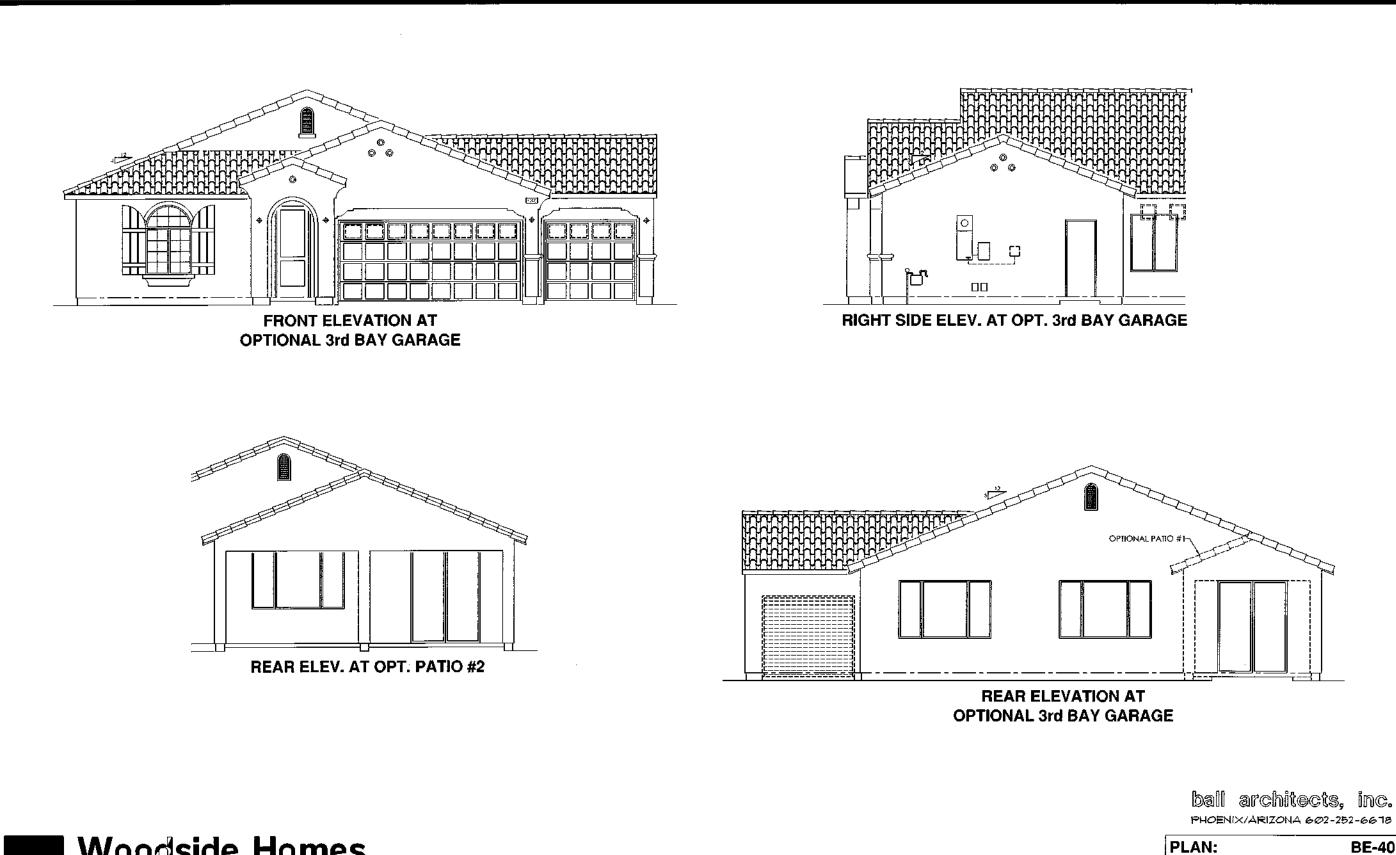








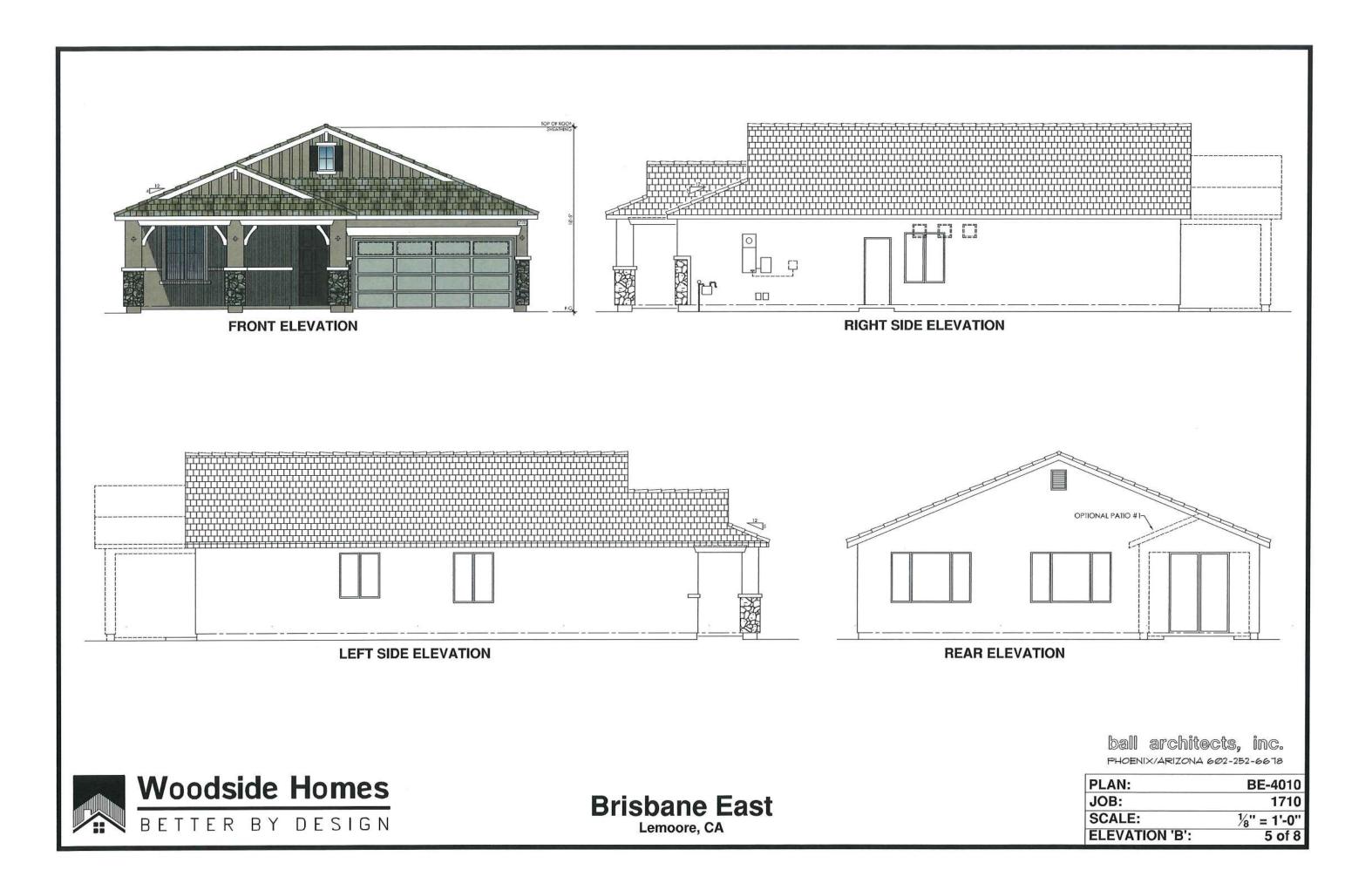


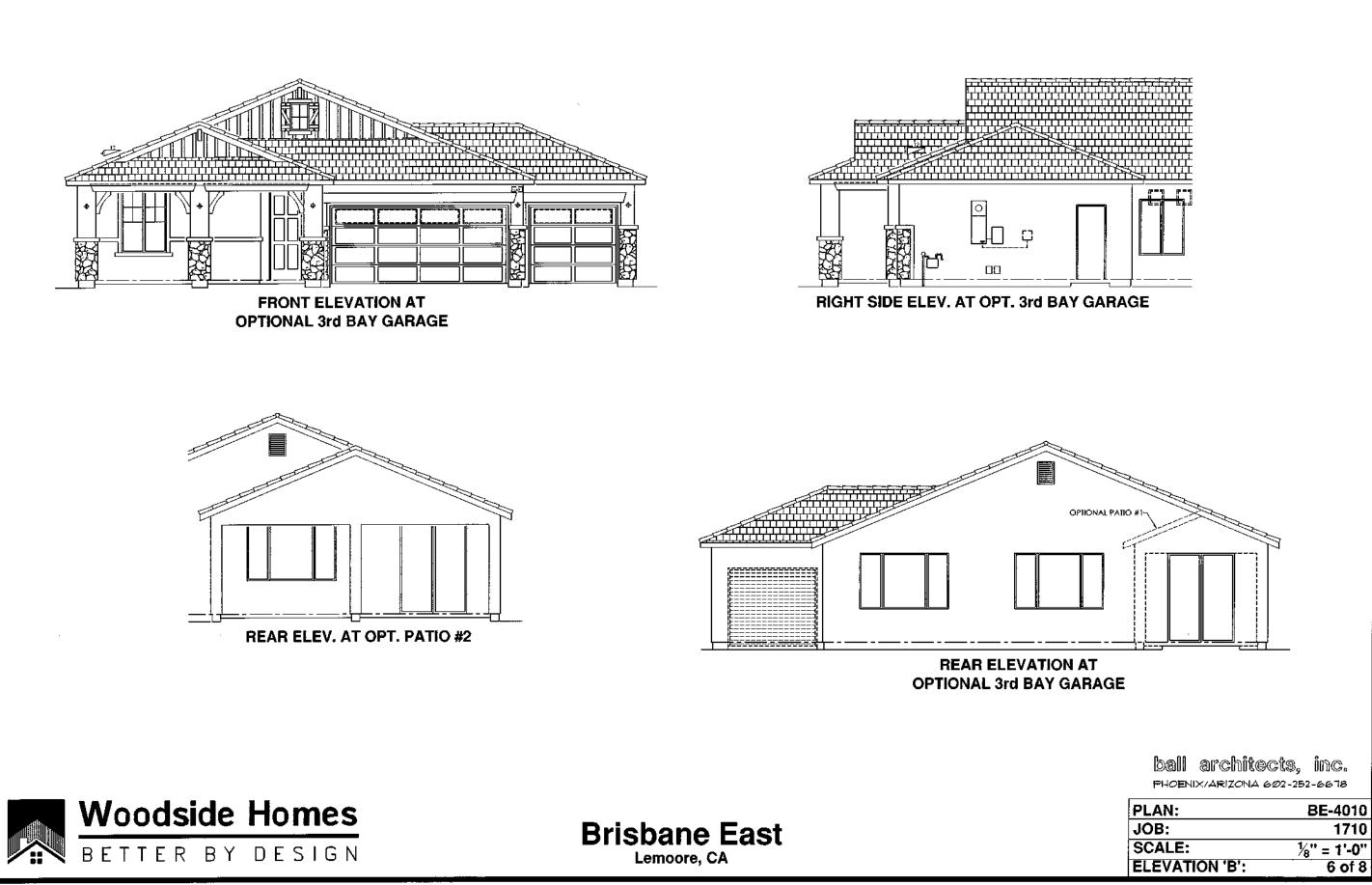


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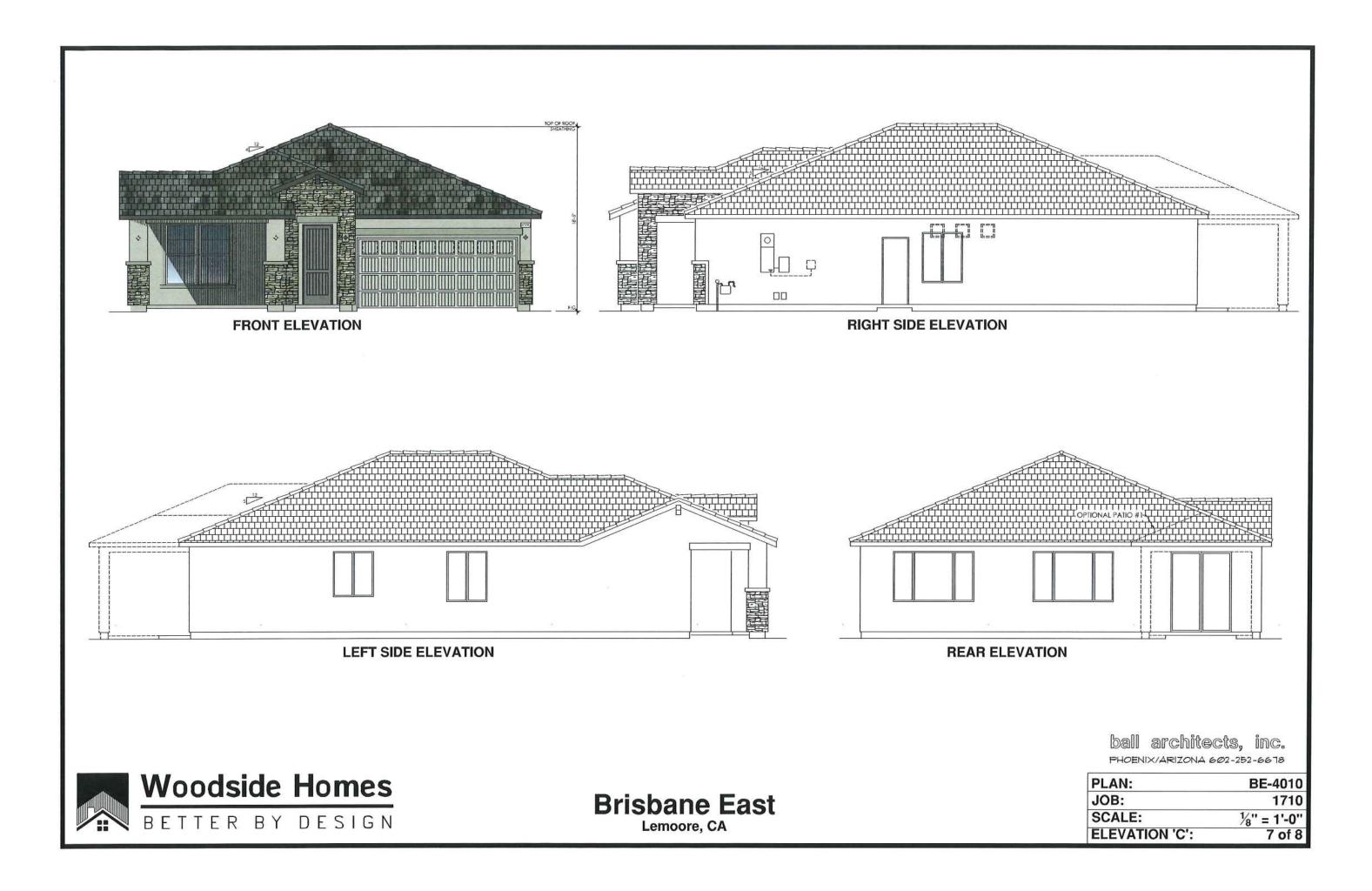
Brisbane East Lemoore, CA

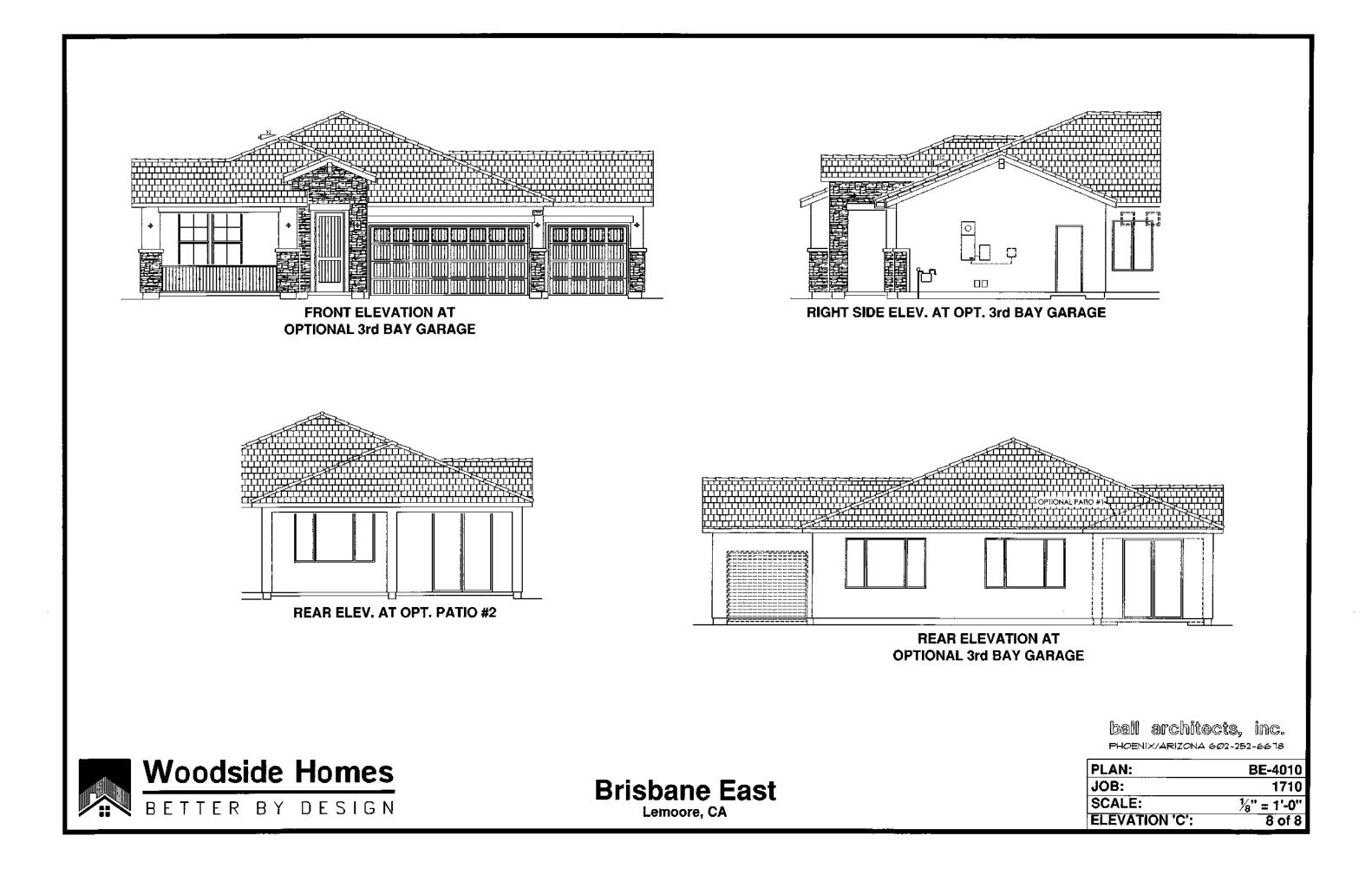
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JOB:	1710
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ELEVATION 'A':	4 of 8

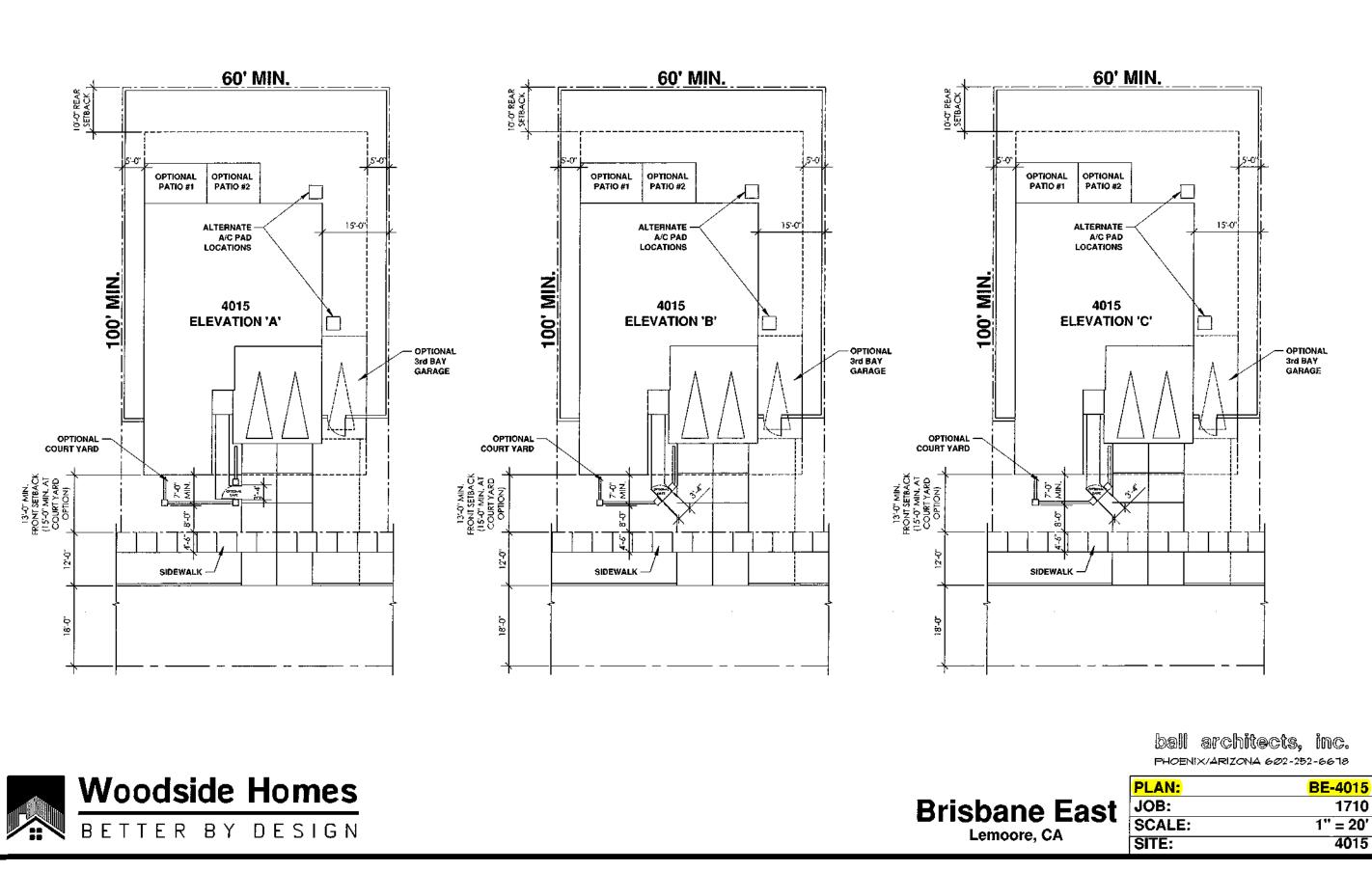


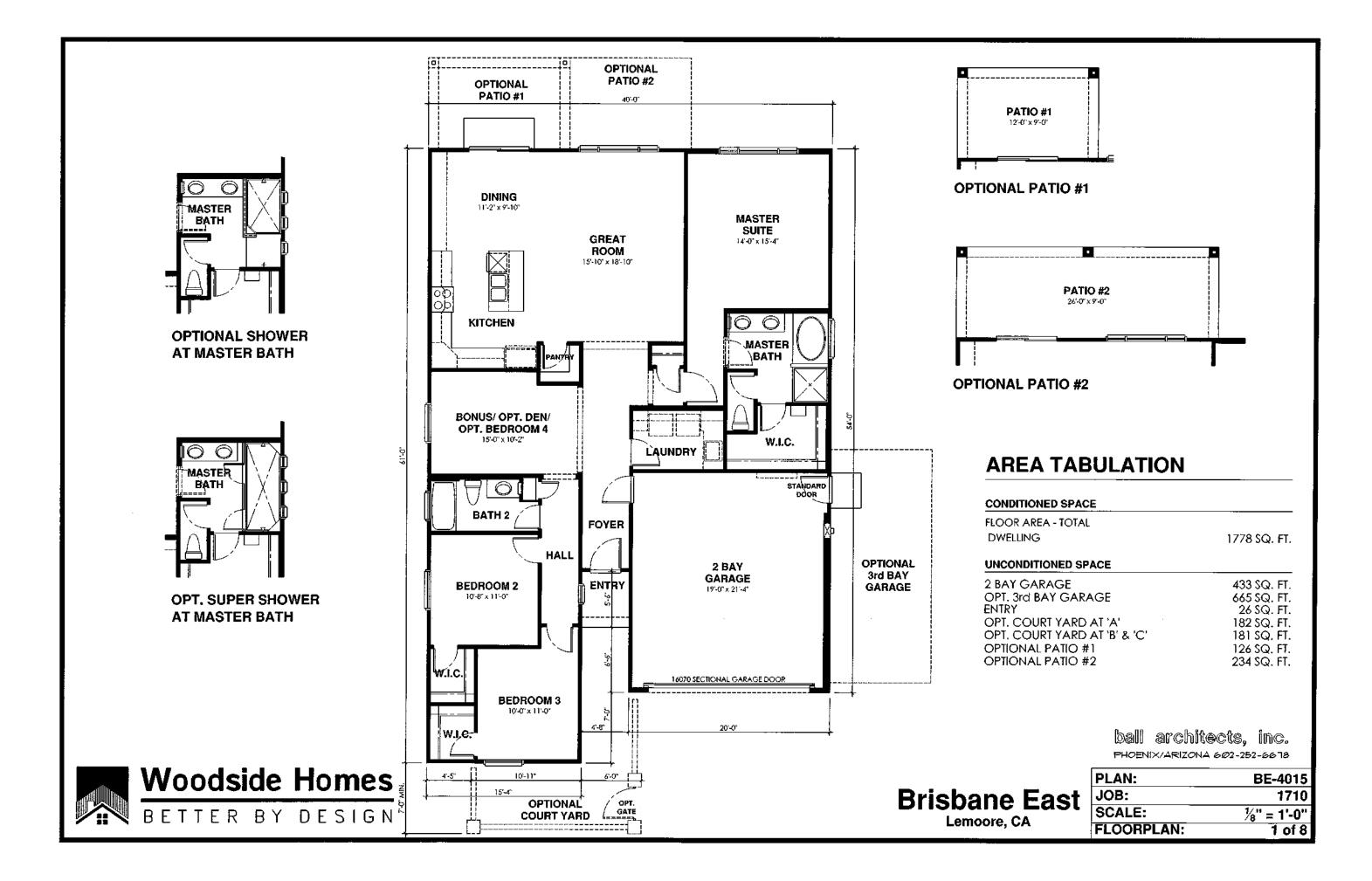


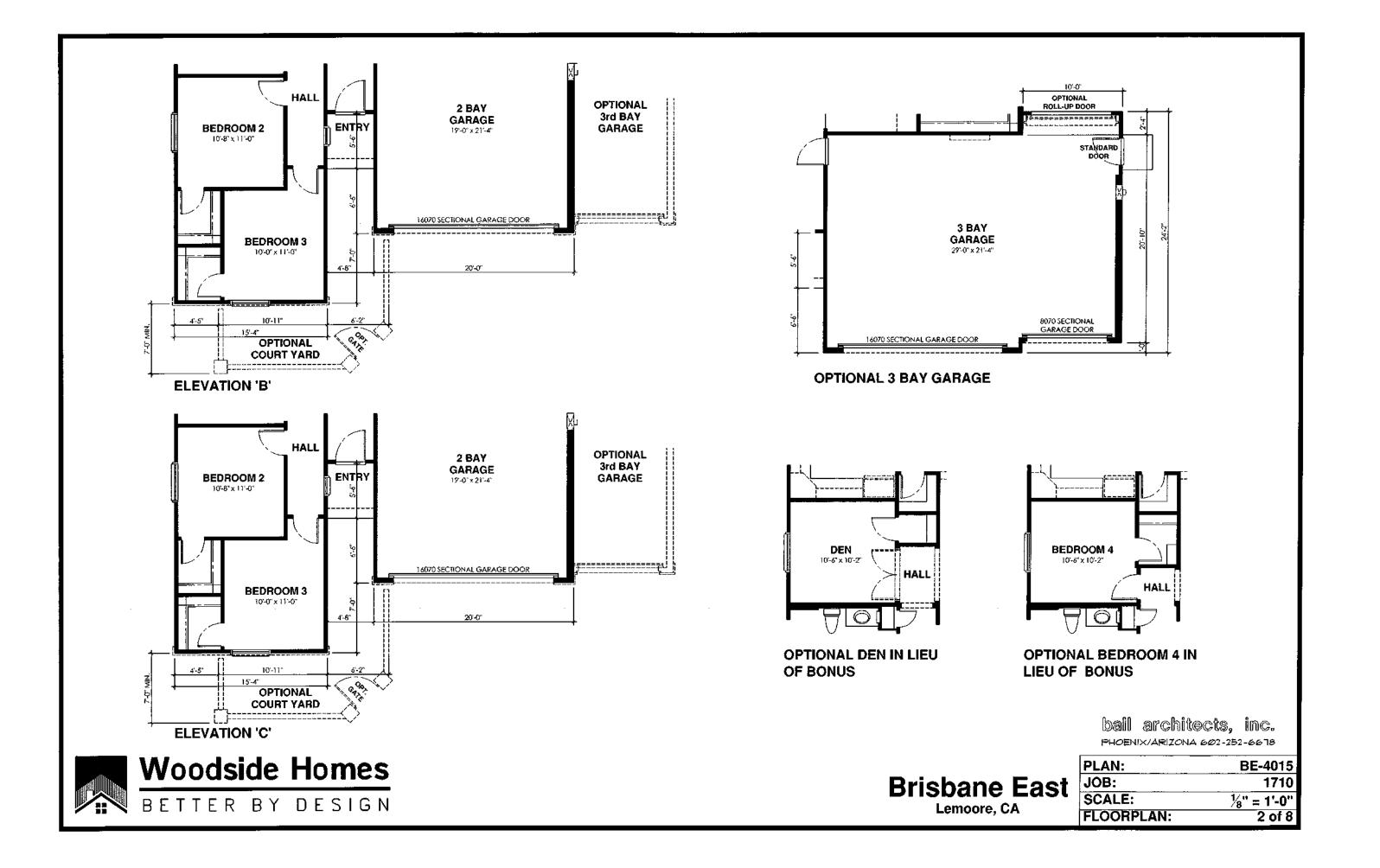




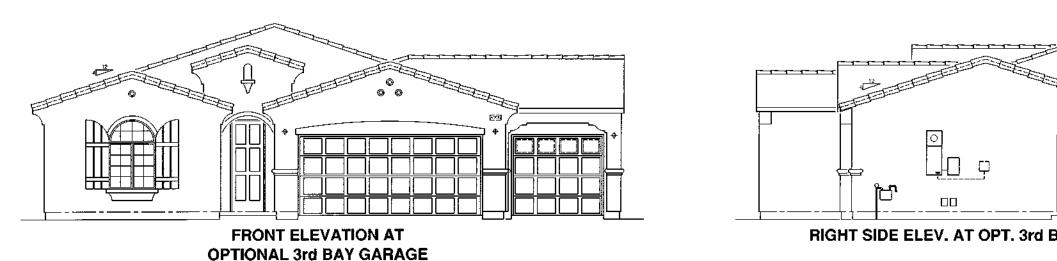


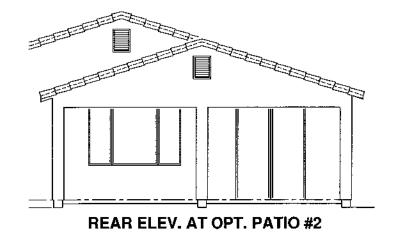


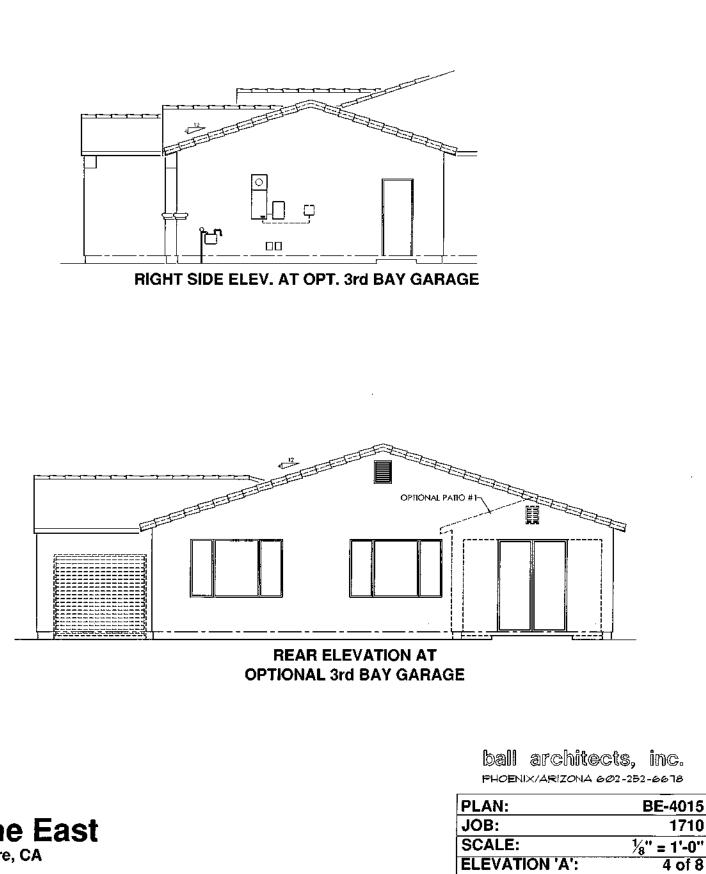








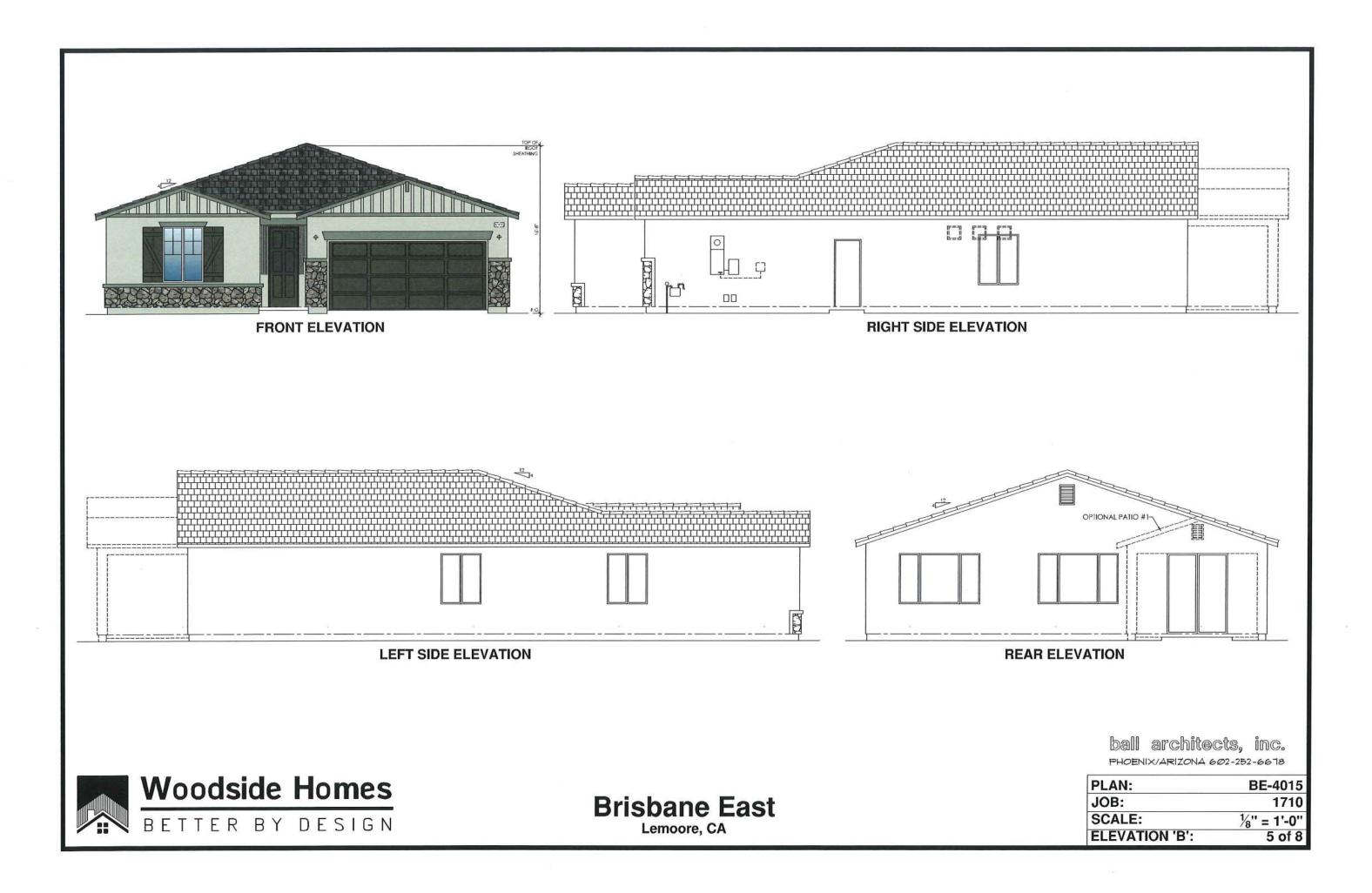


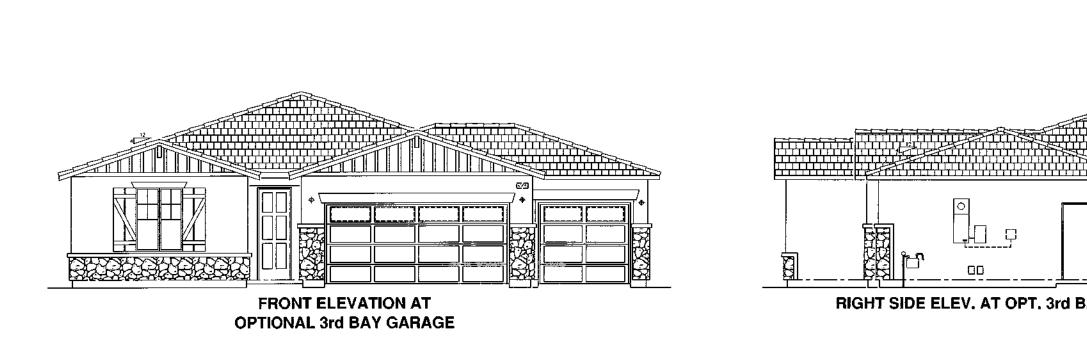


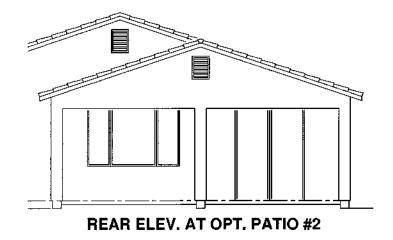


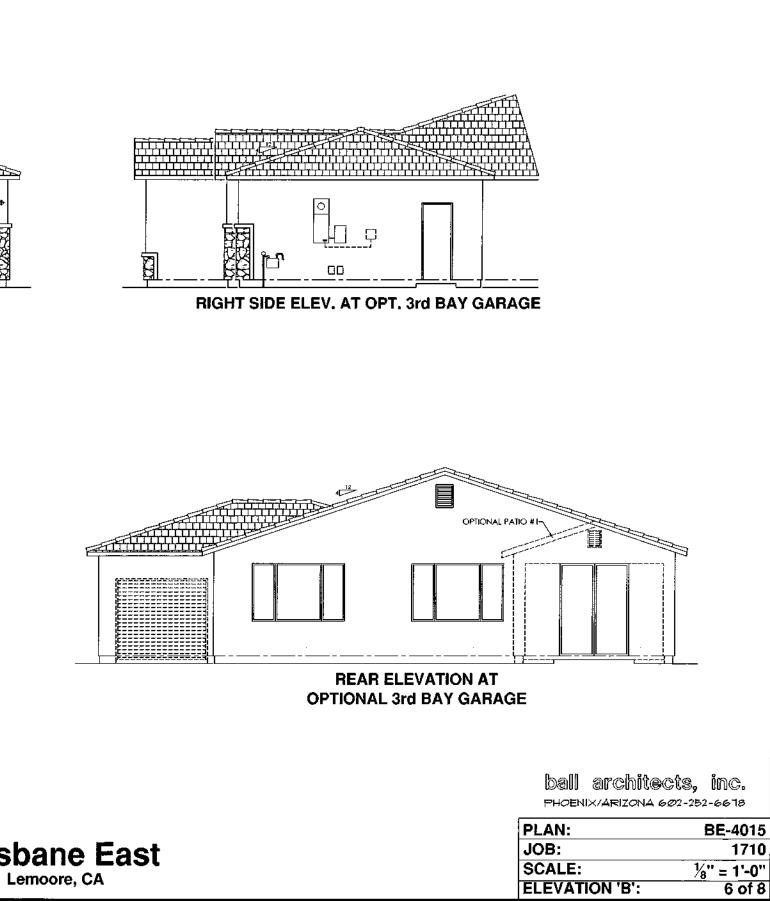
**Brisbane East** Lemoore, CA





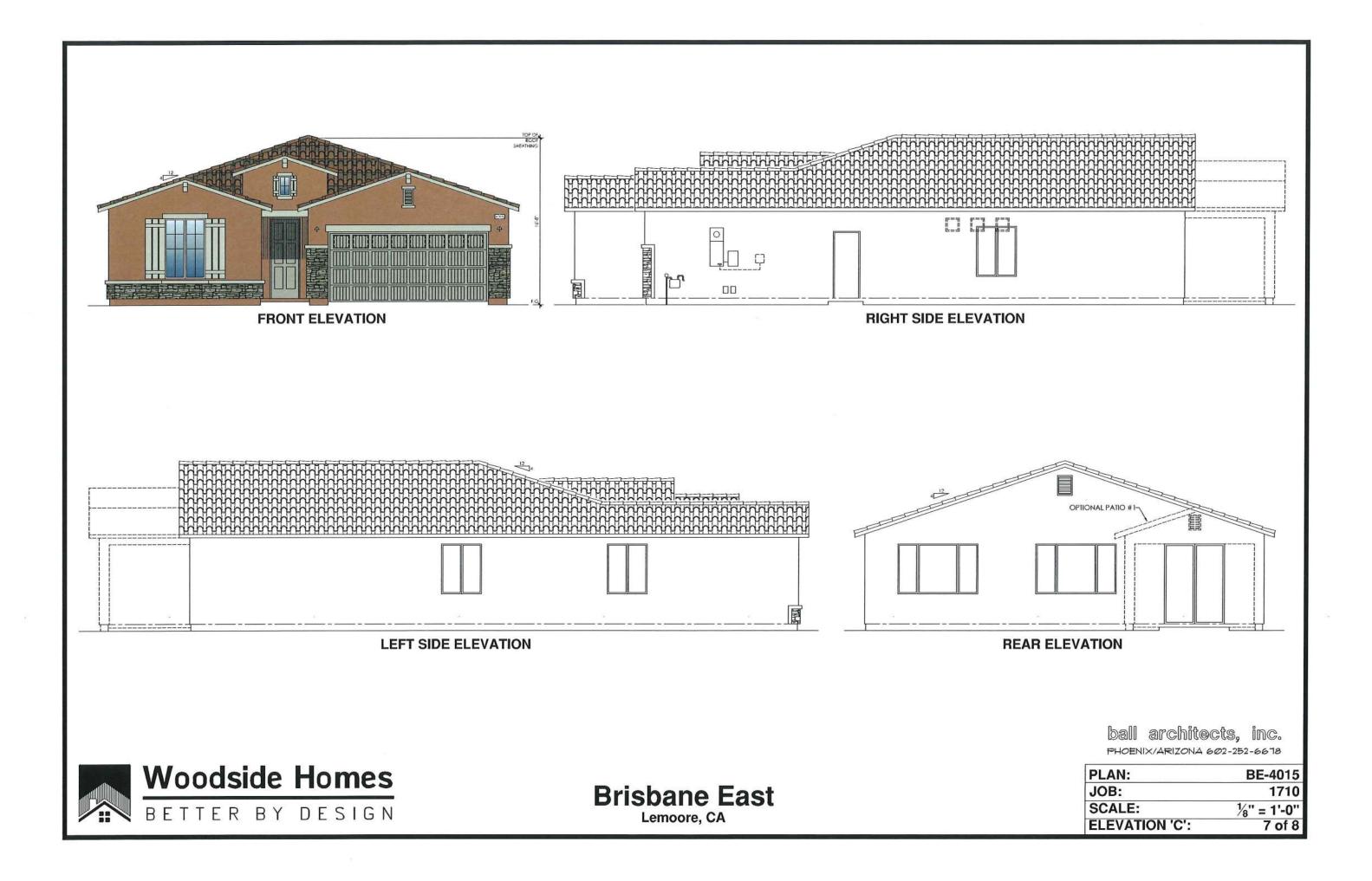


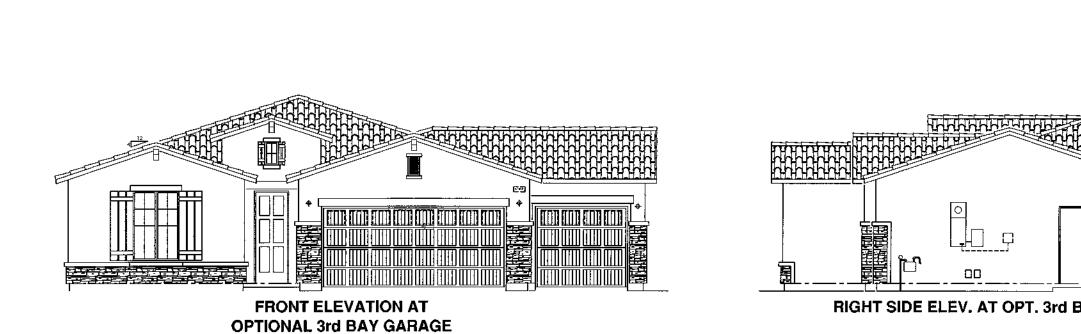


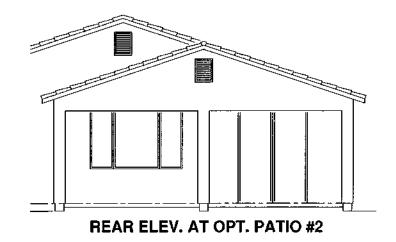


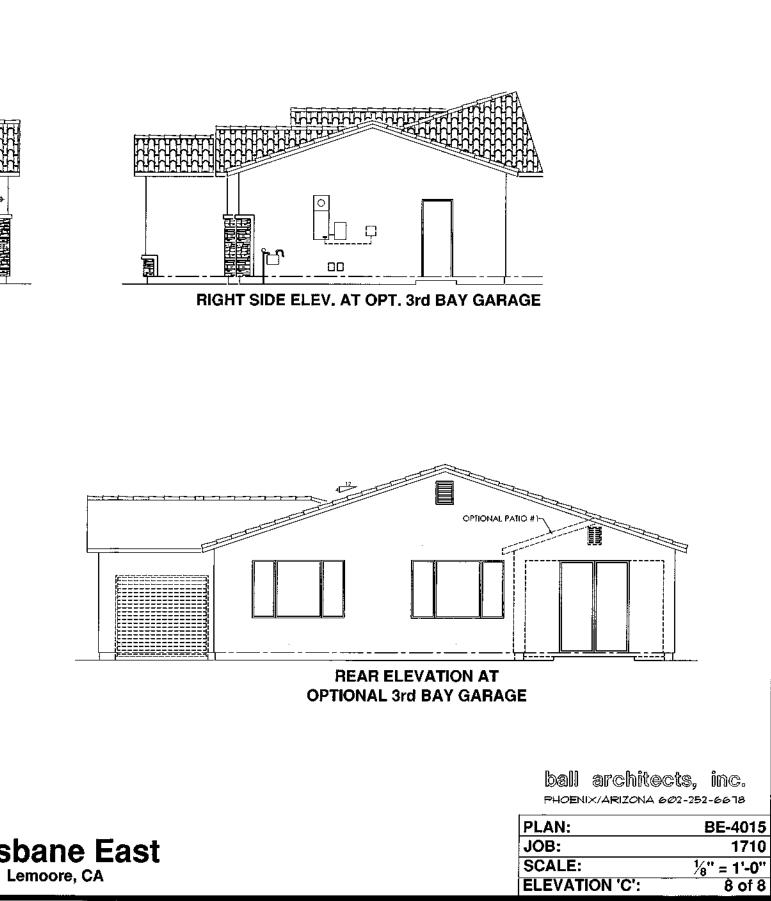


**Brisbane East** 



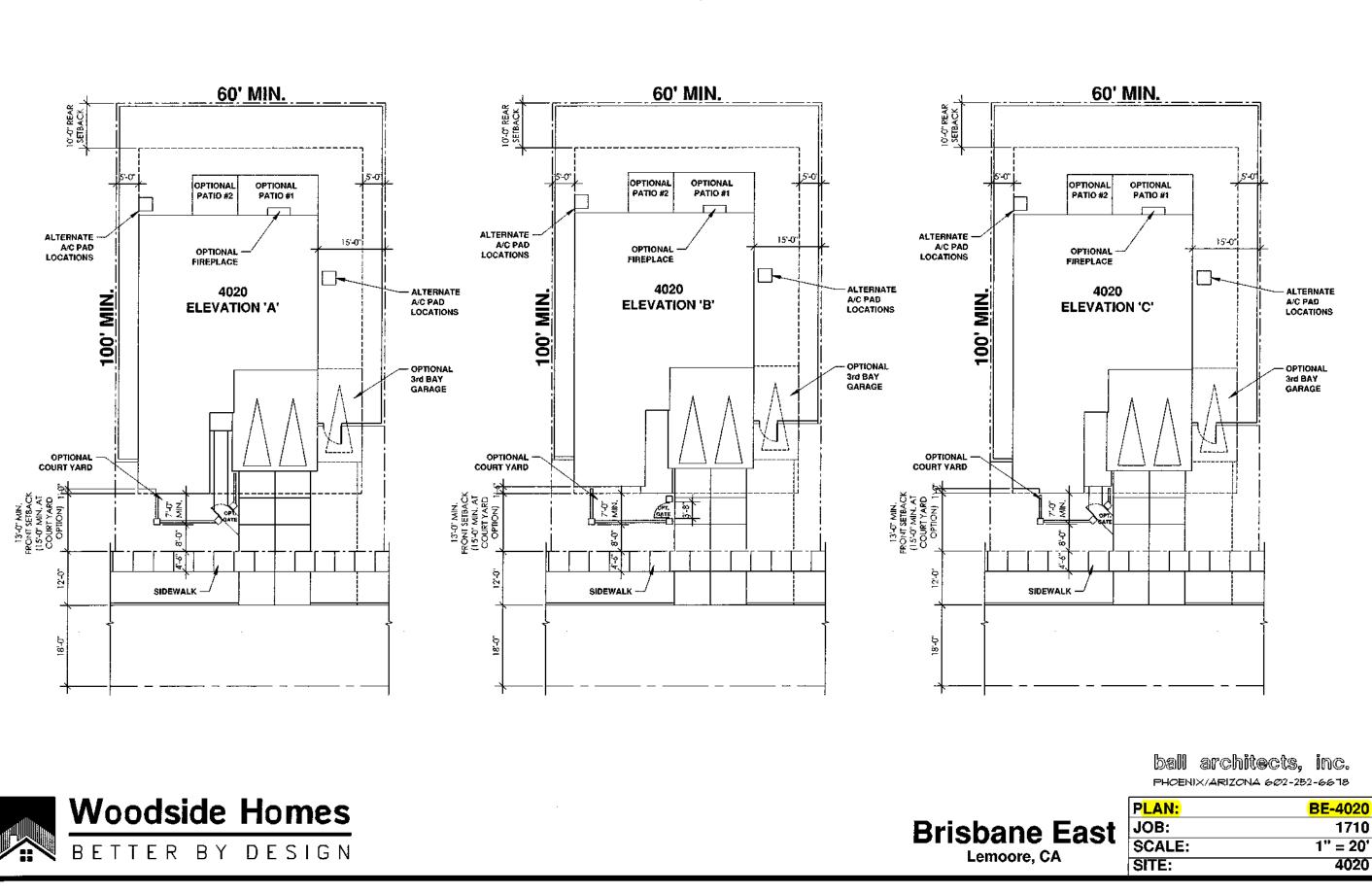




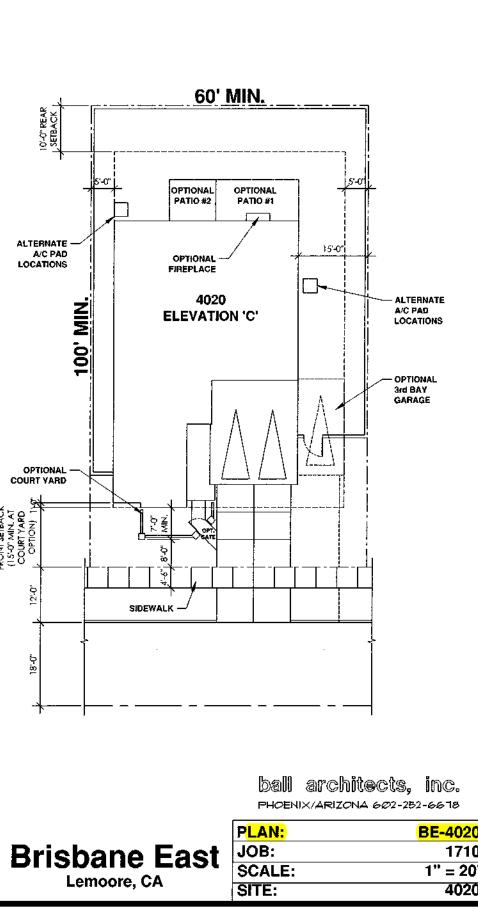


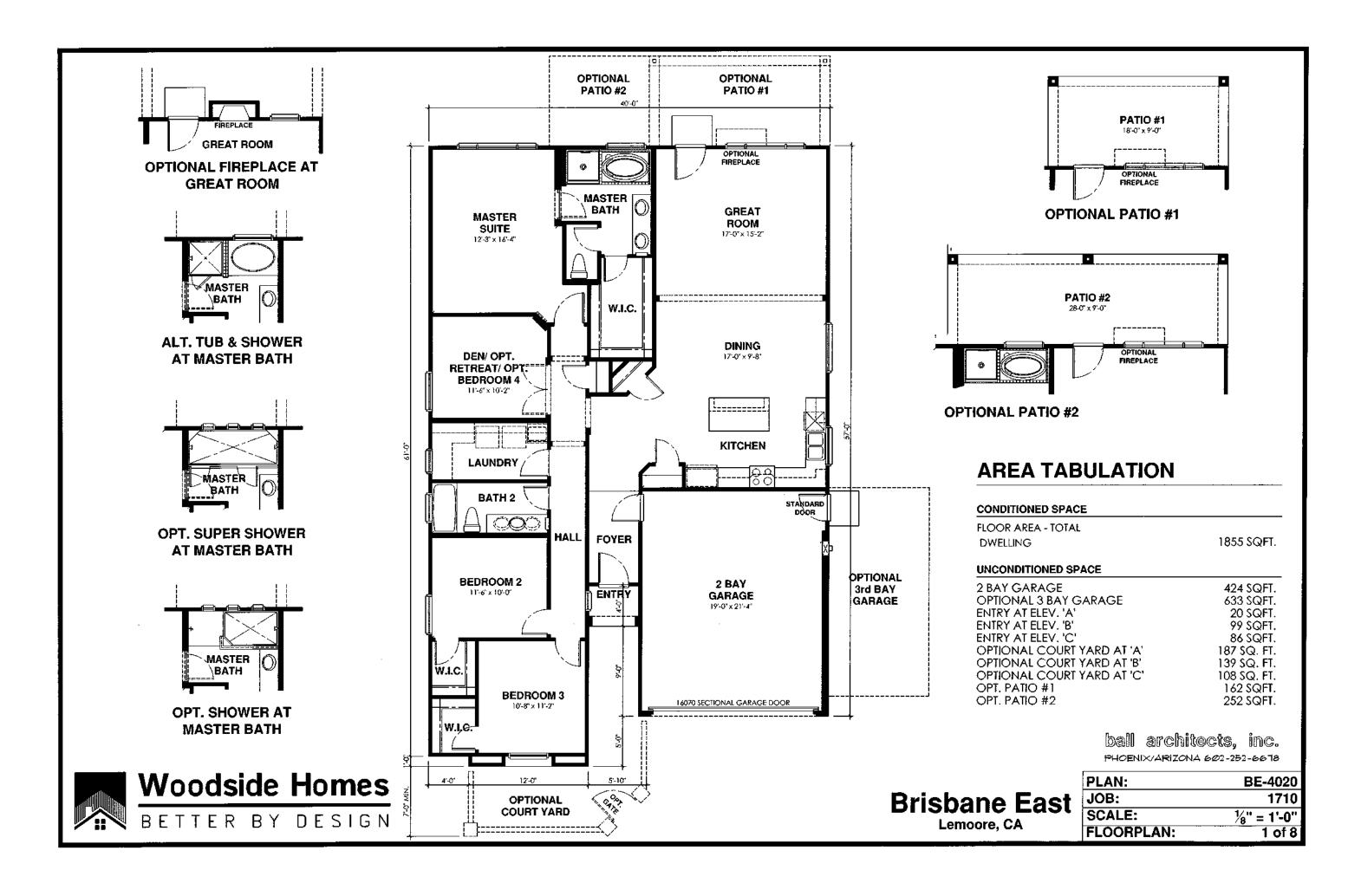


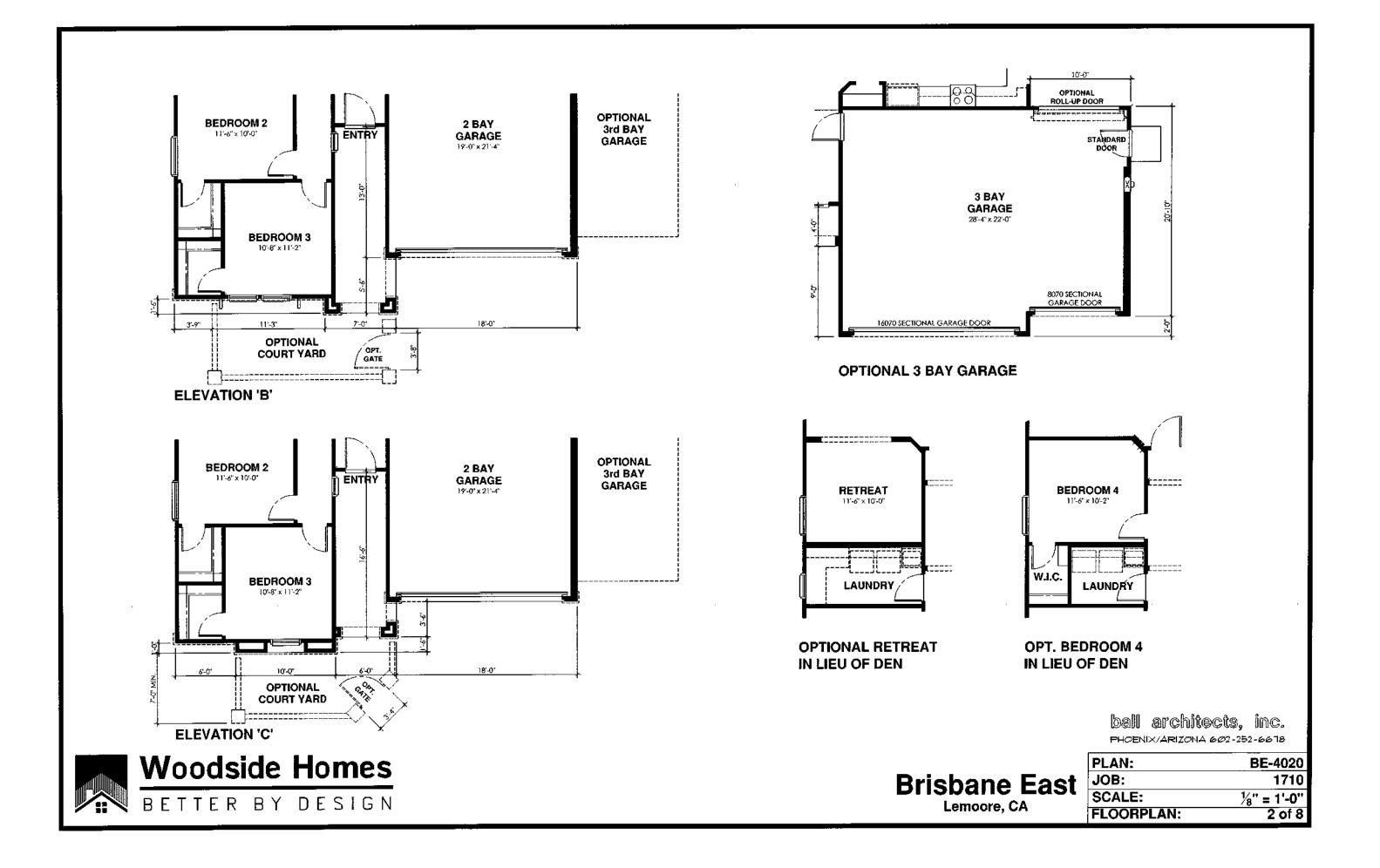
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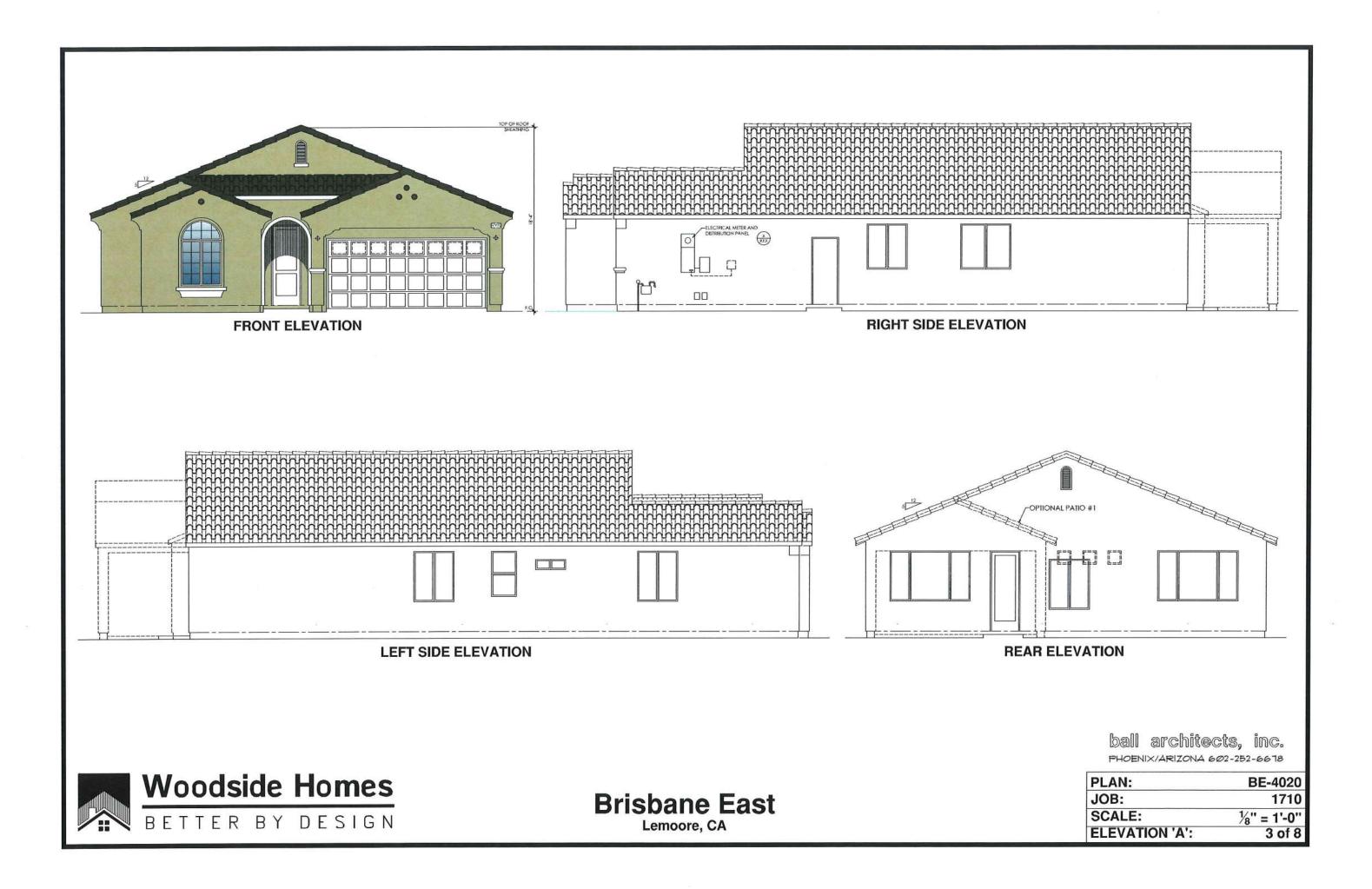


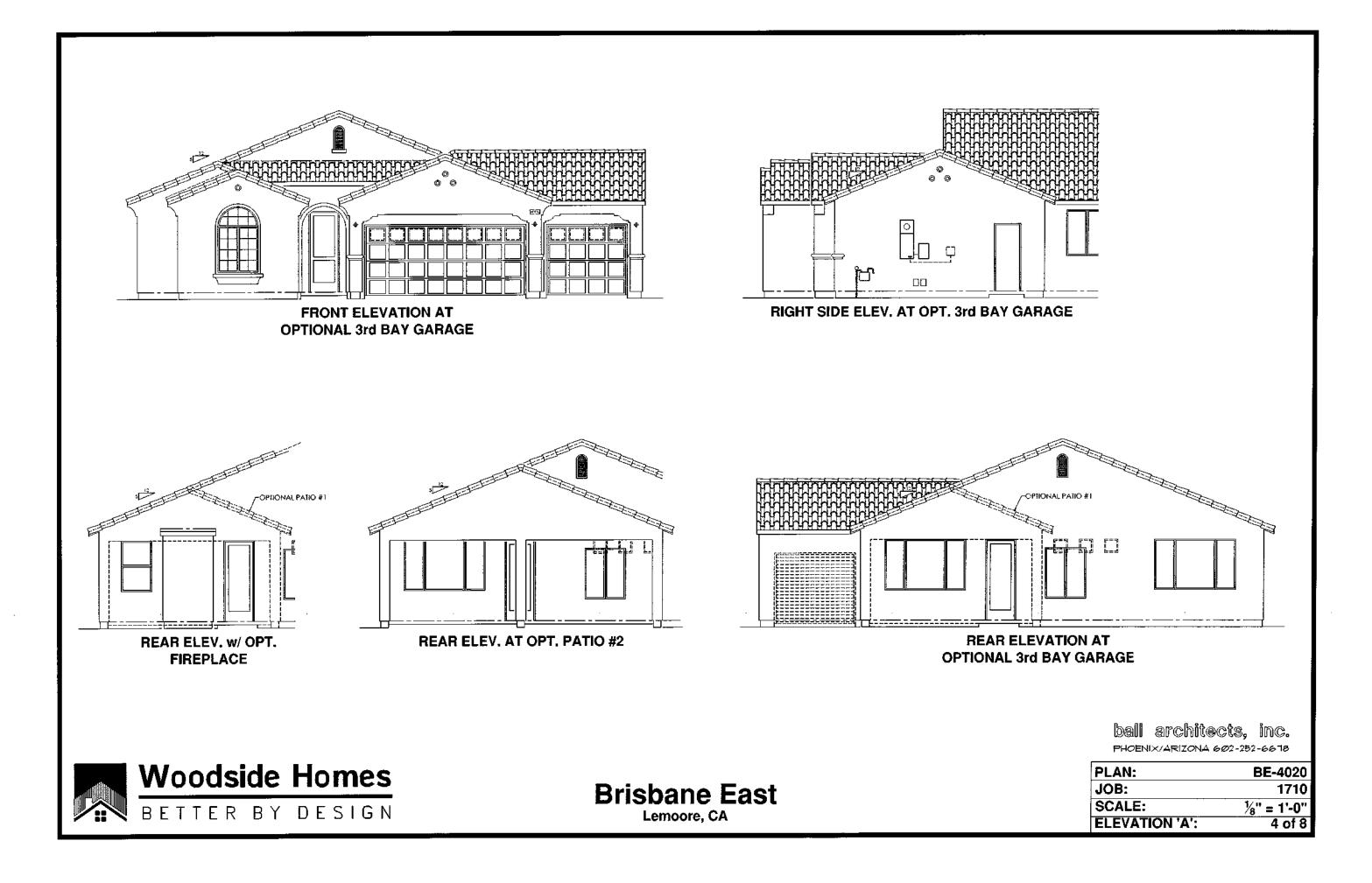


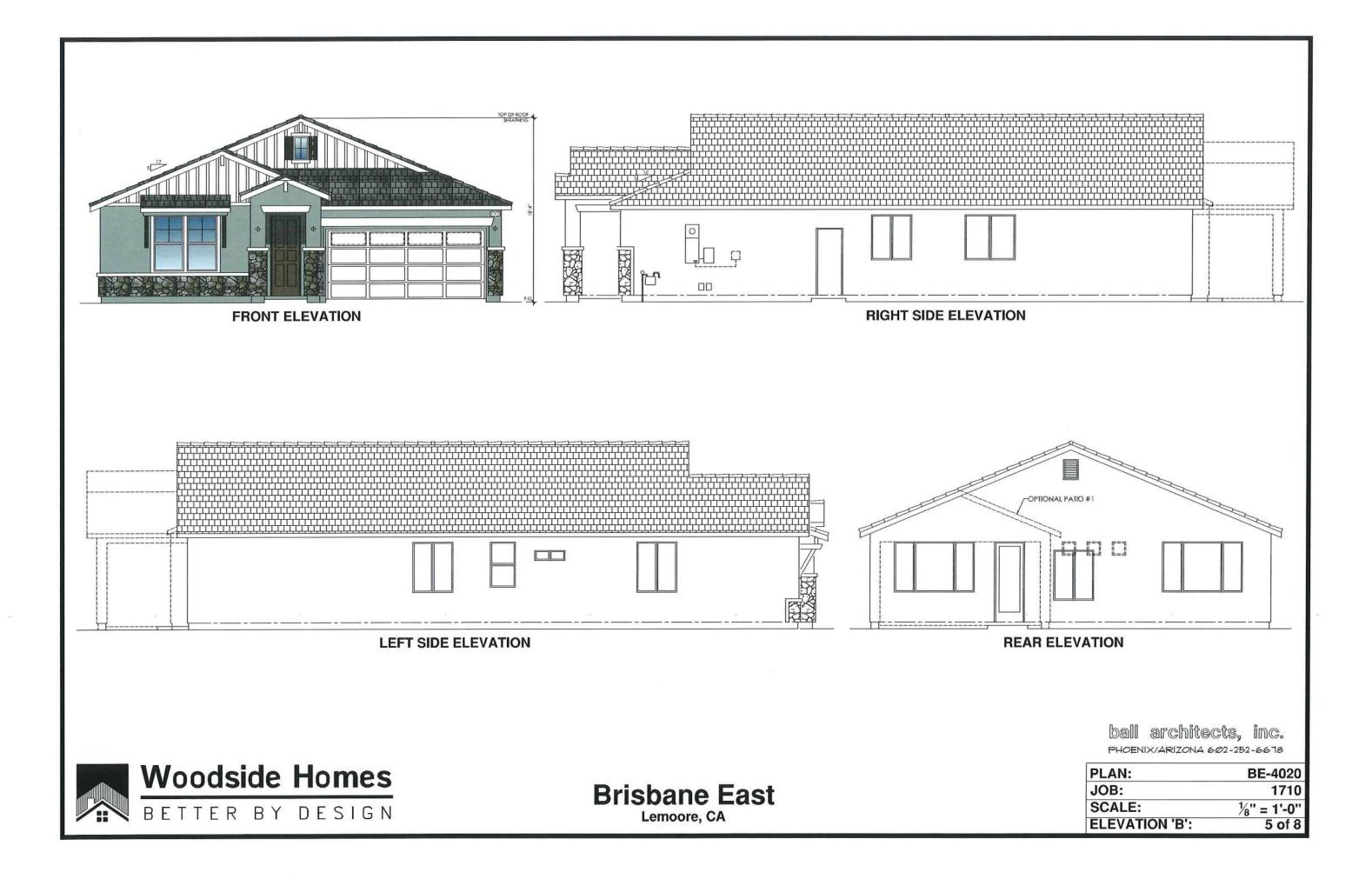


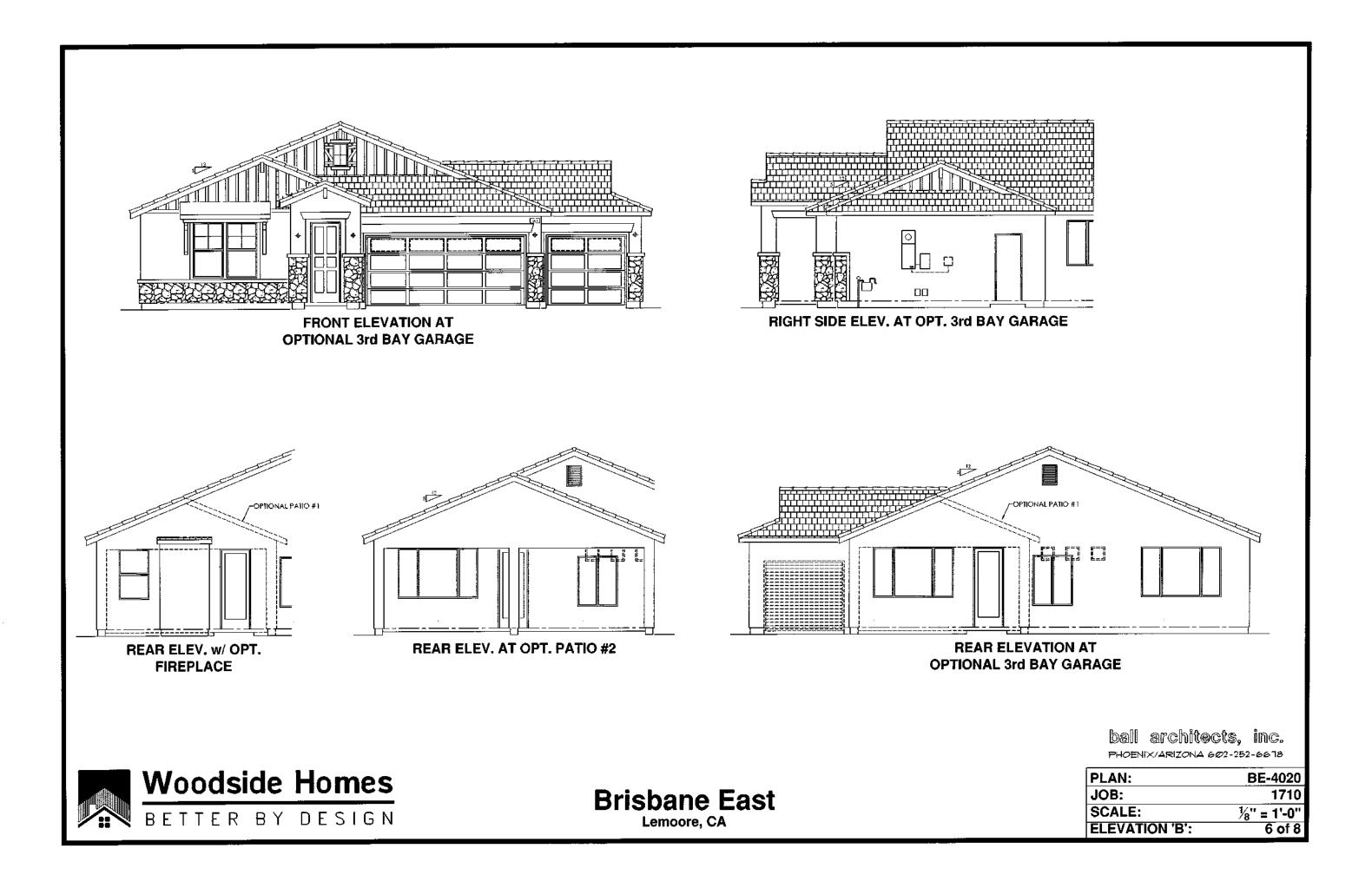


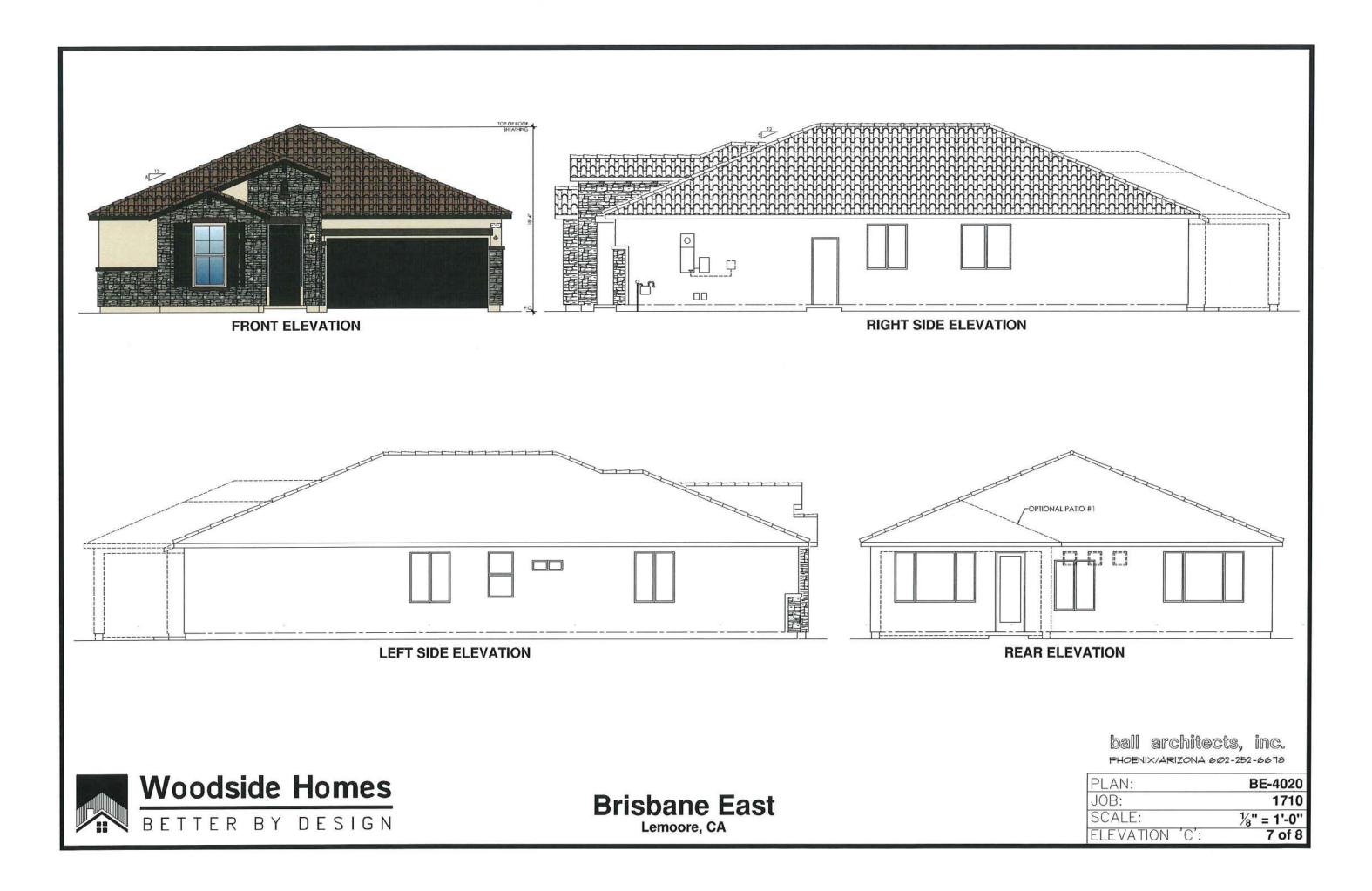


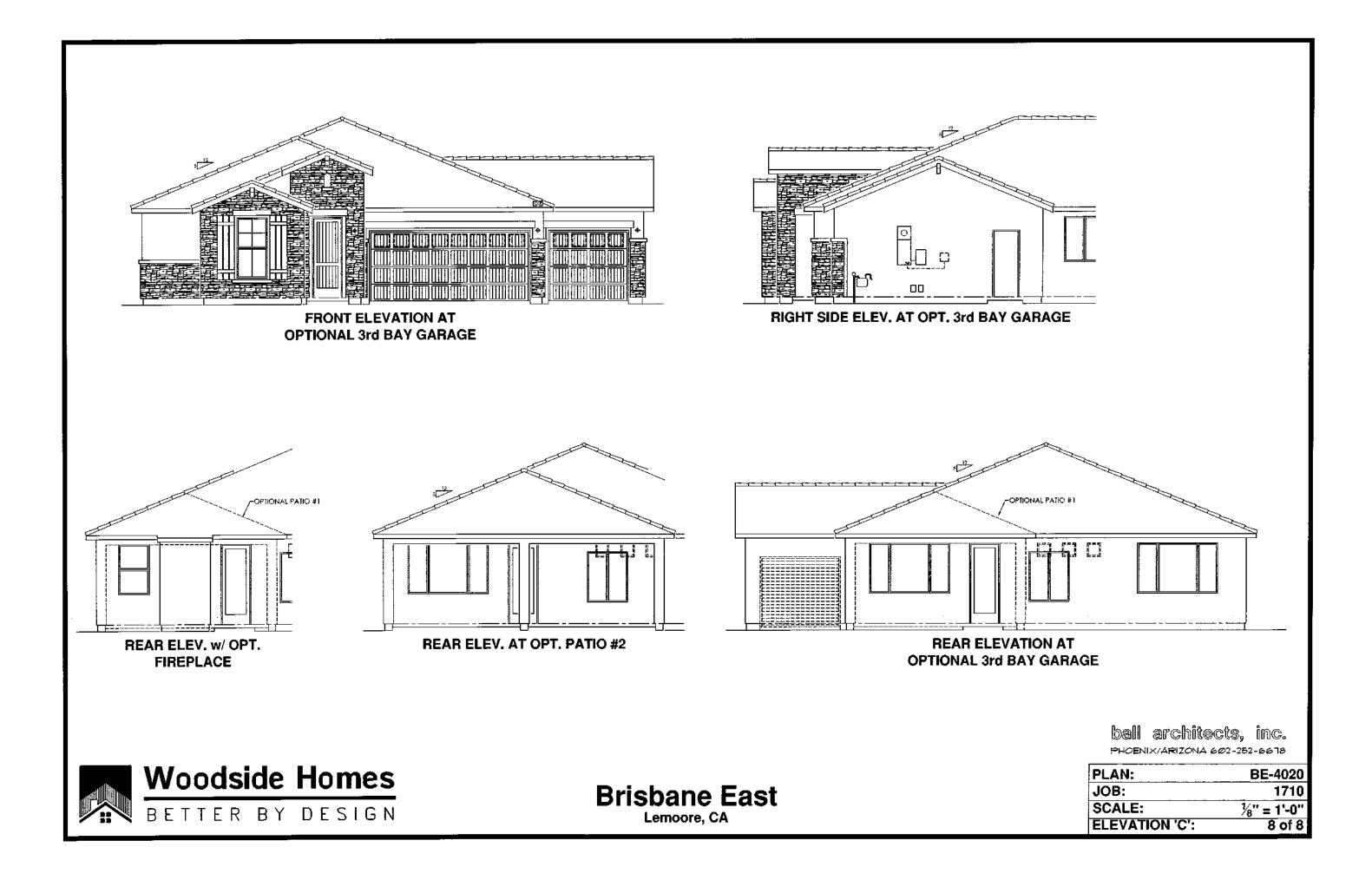


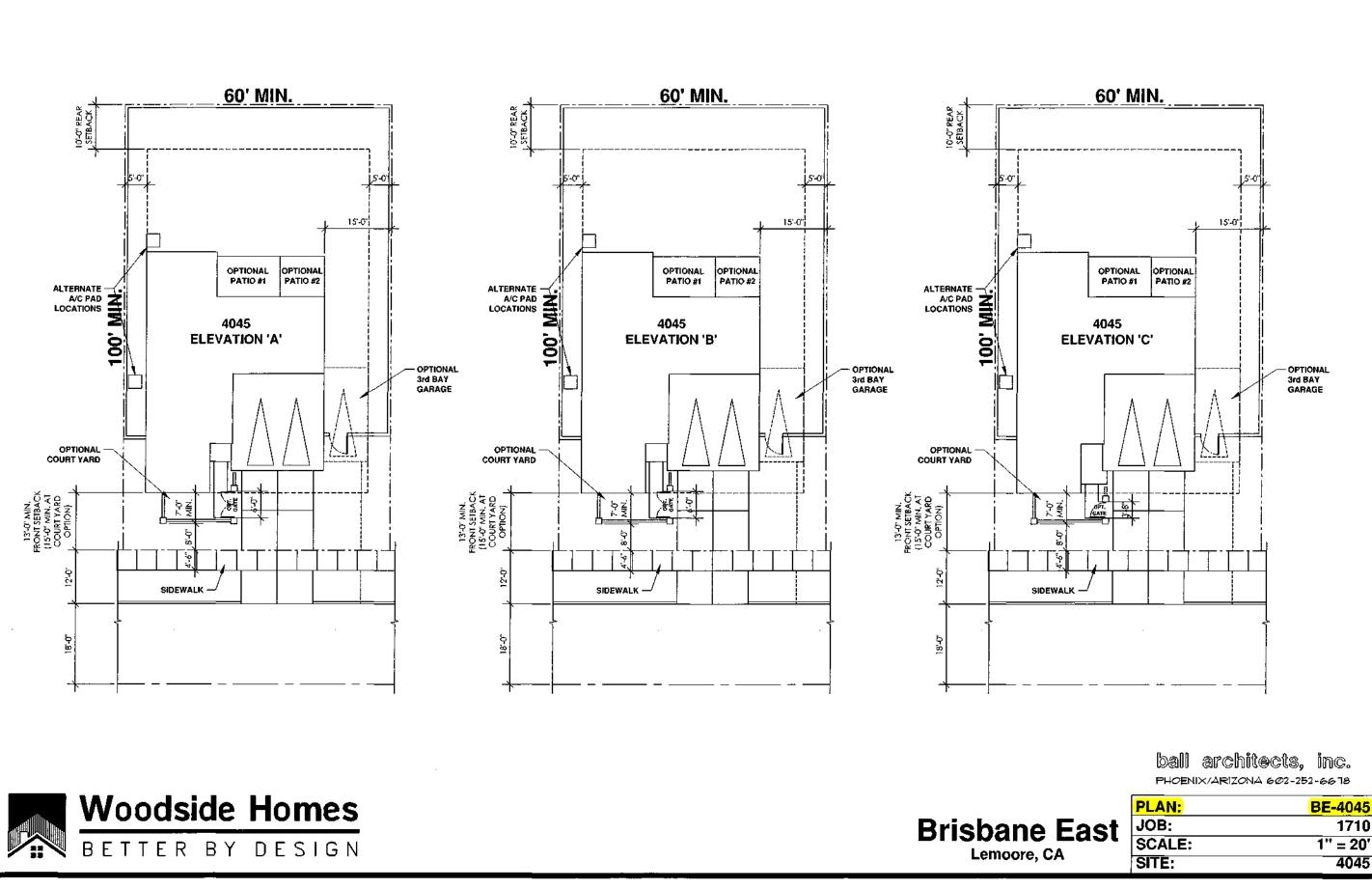




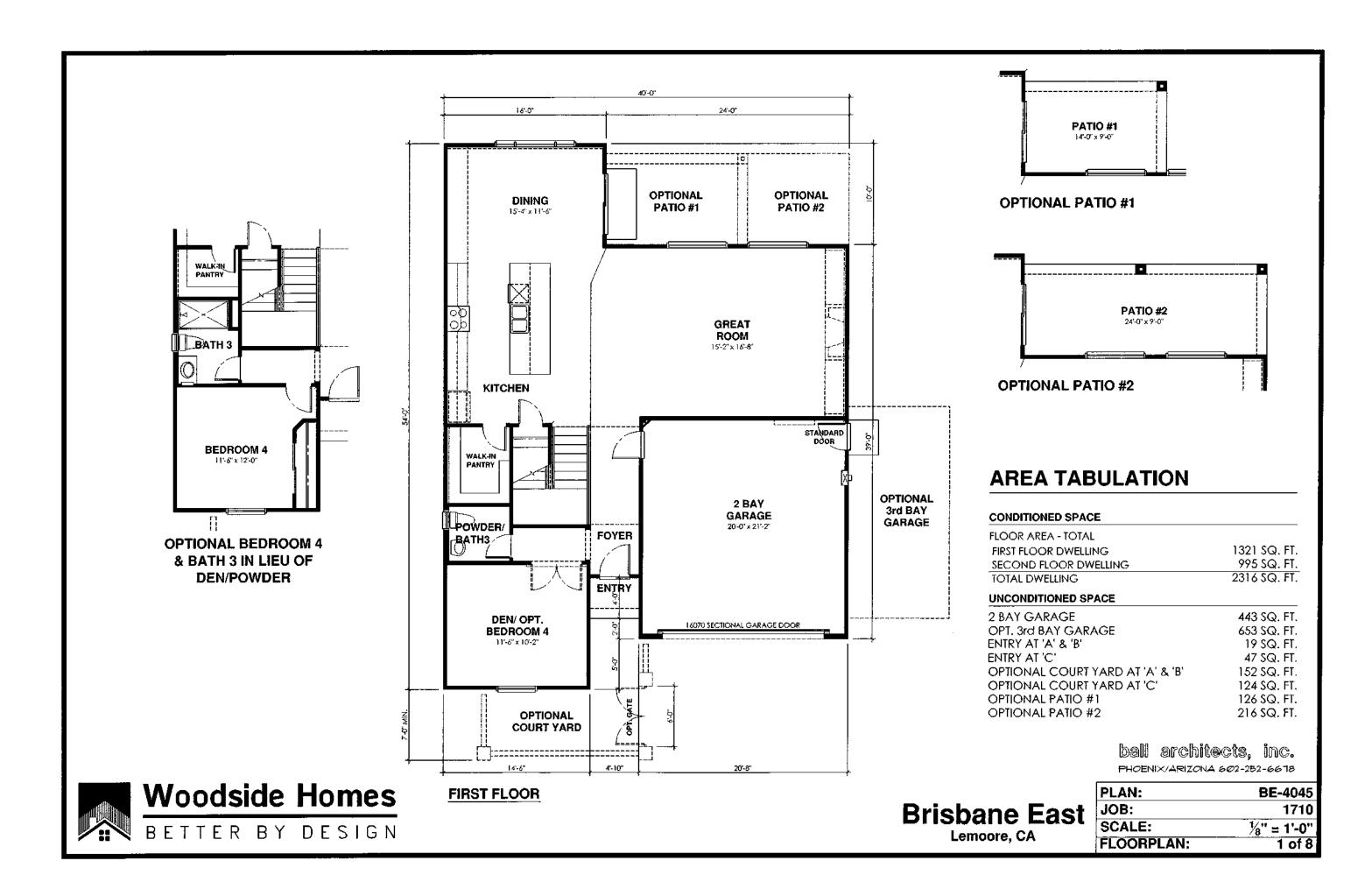


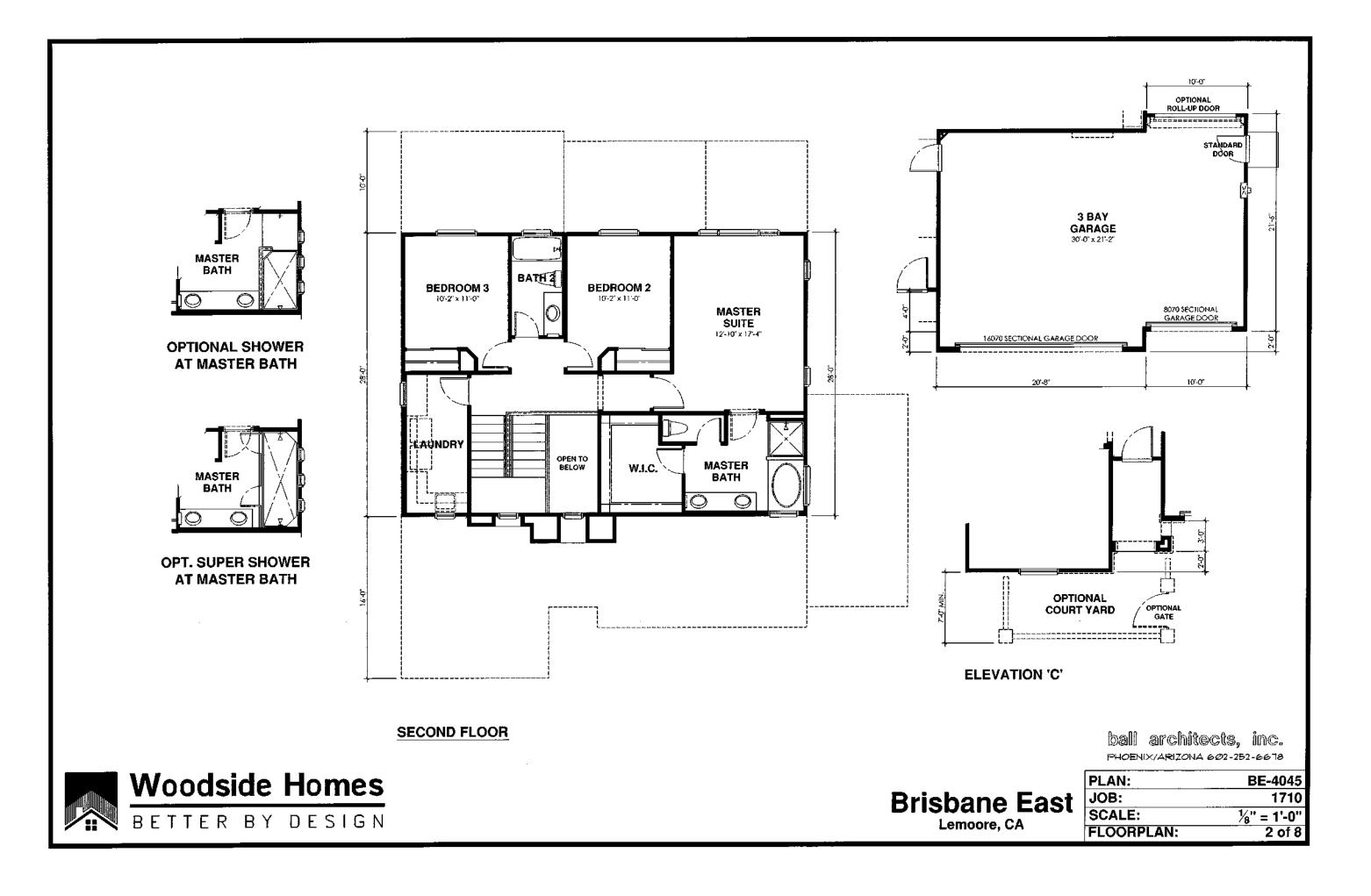


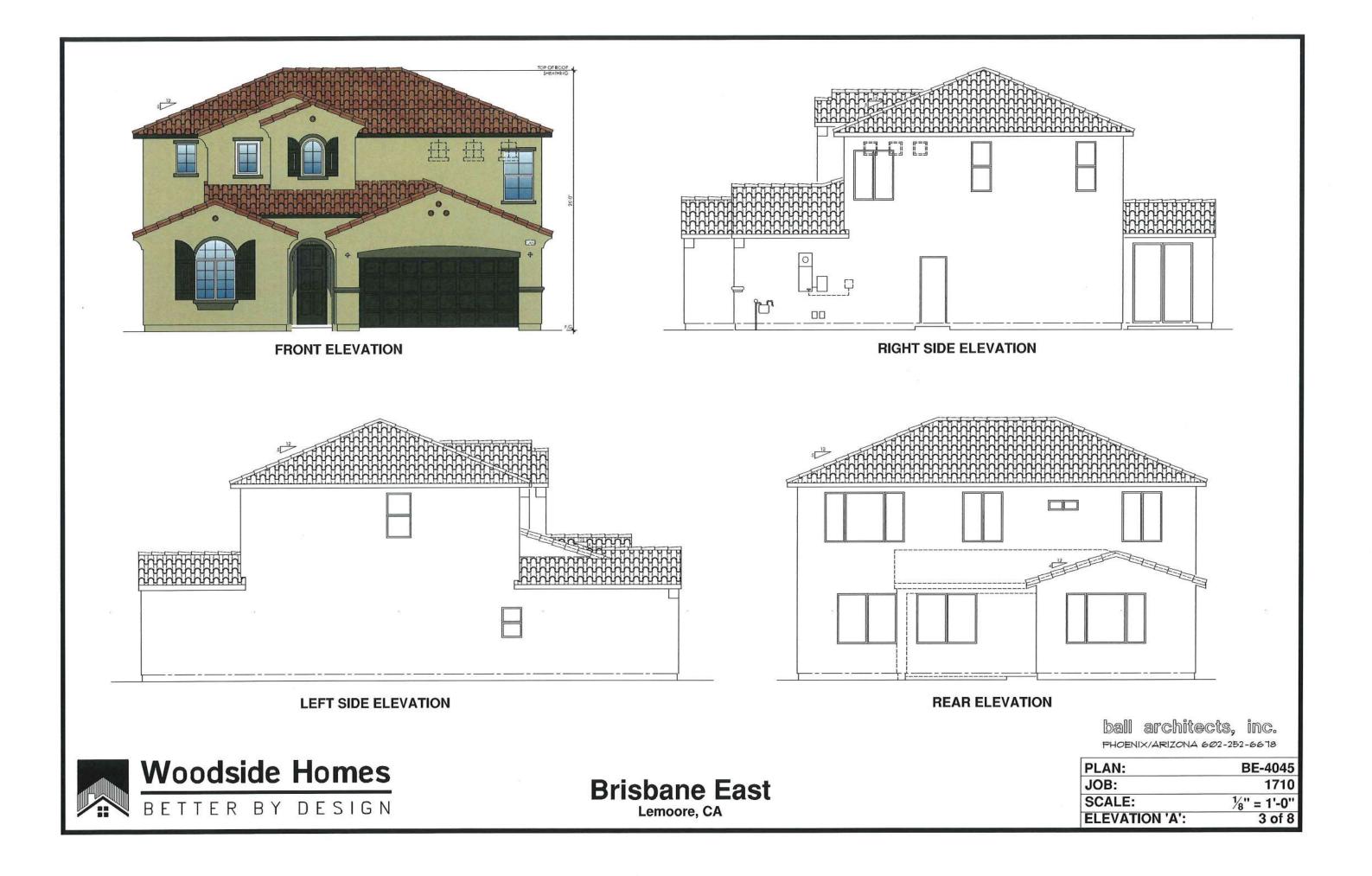


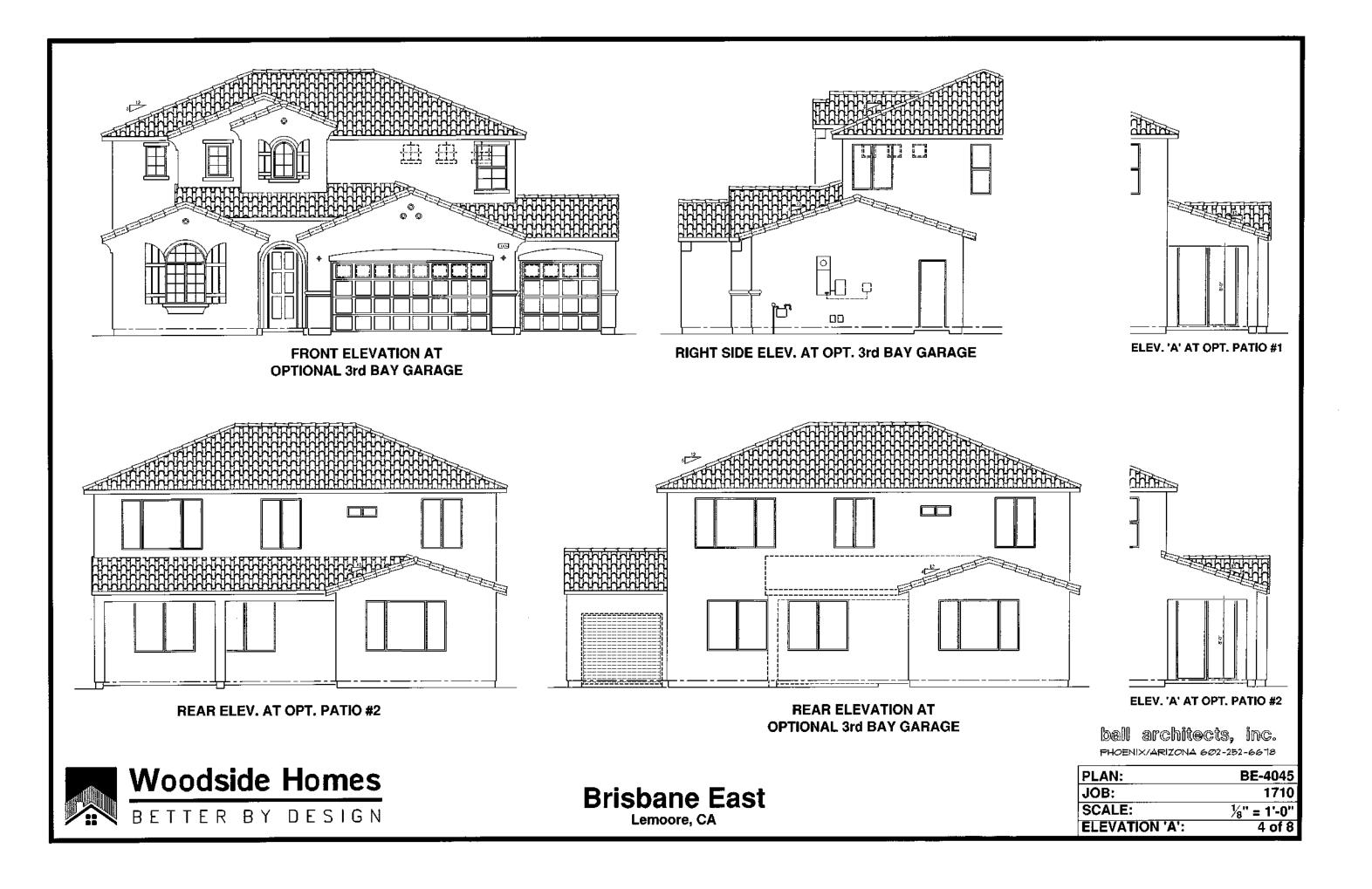


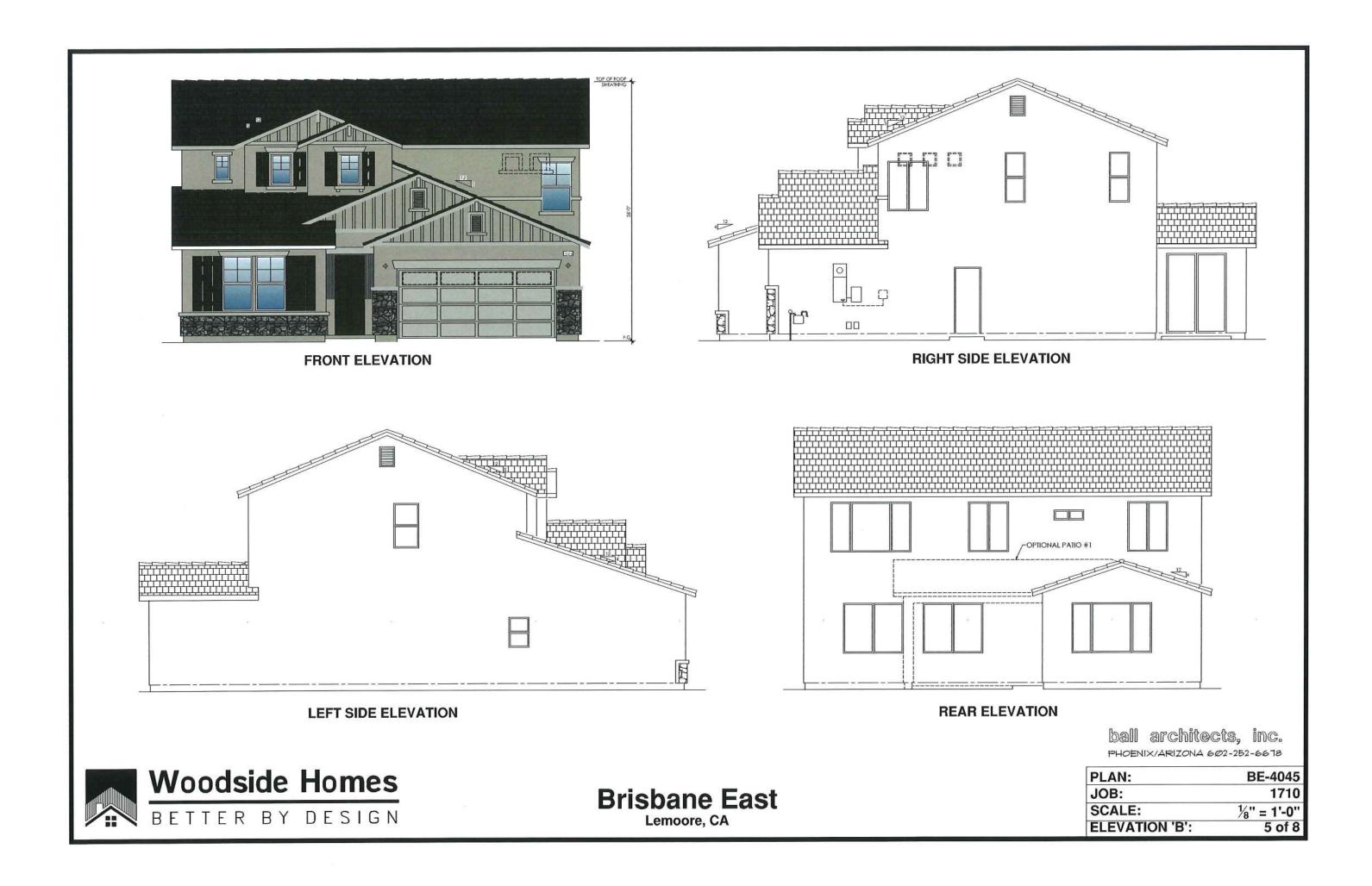


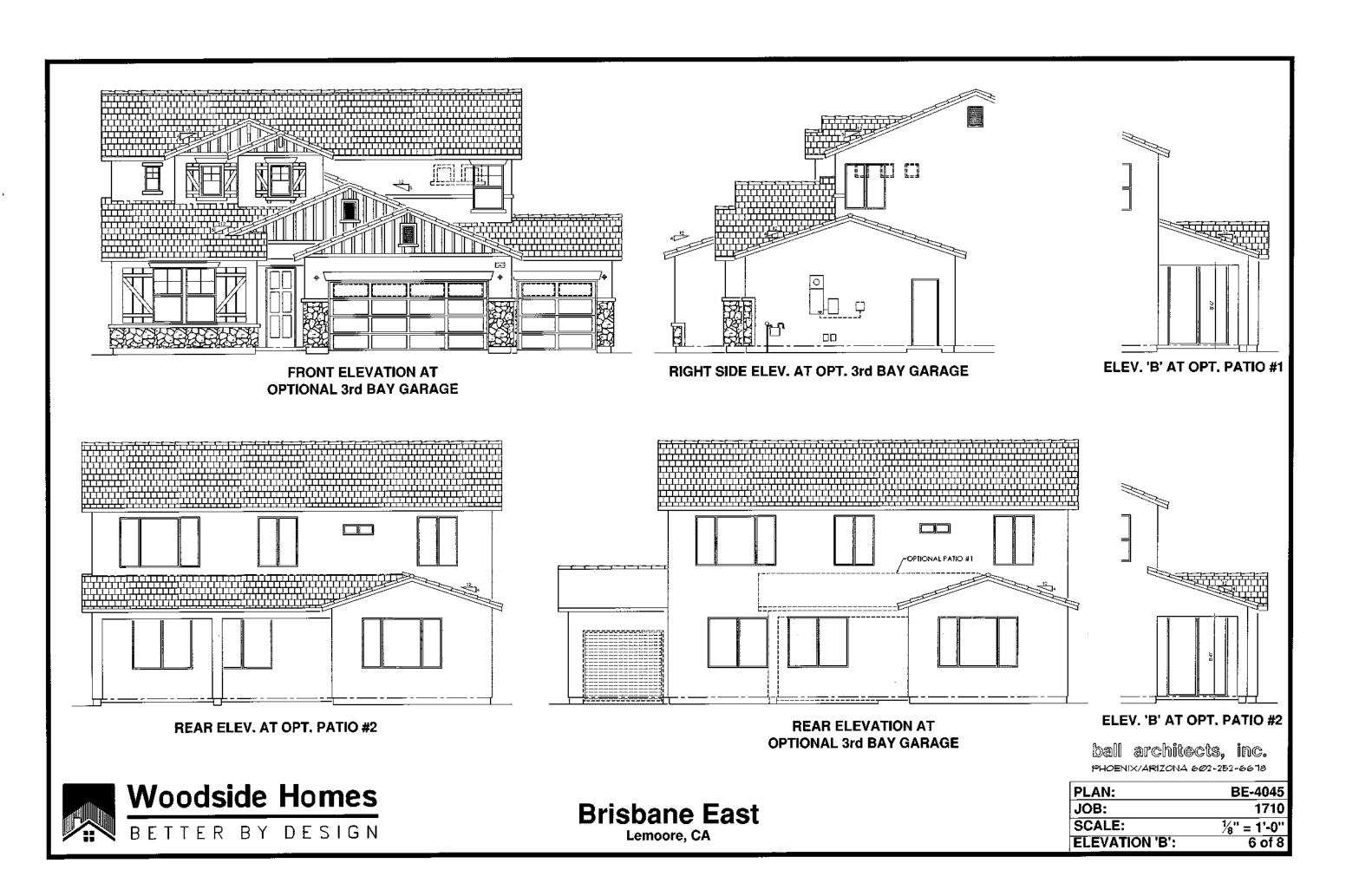


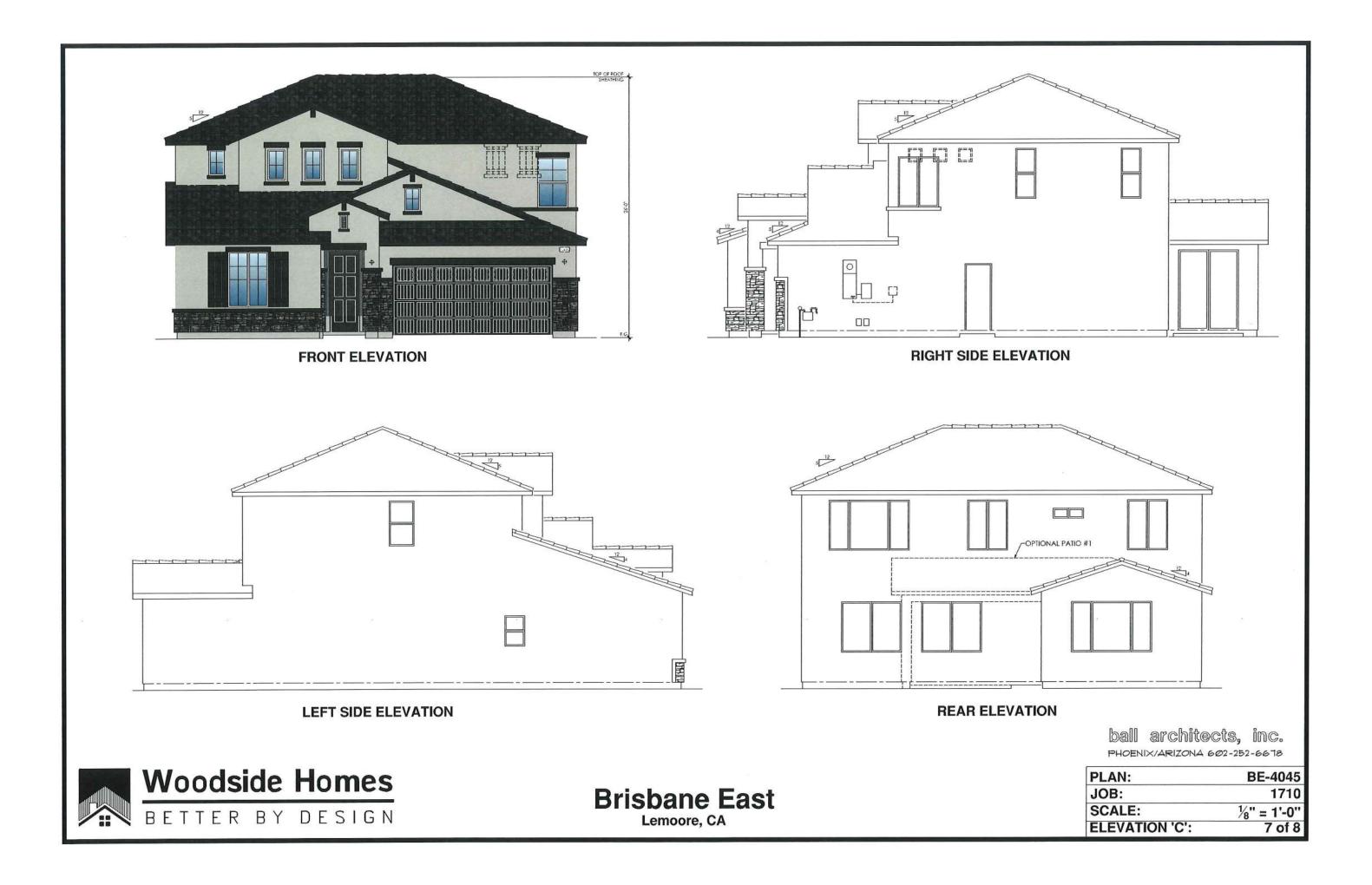


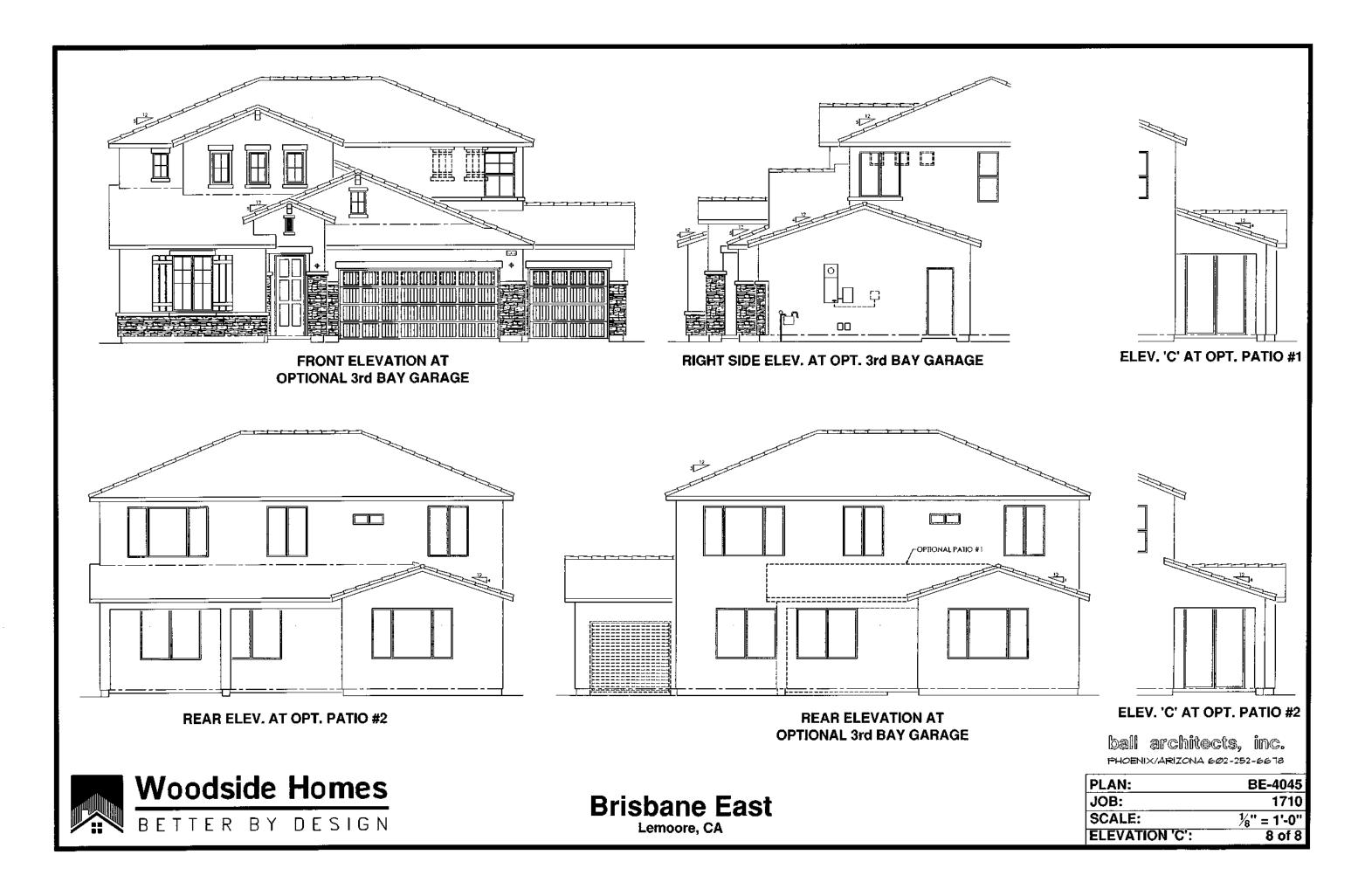














119 Fox Street • Lemoore, California 93245 • (559) 924-6700 • Fax (559) 924-9003

# **Staff Report**

То:	Lemoore Planning Commission		Item No. 7
From:	Steve Brandt, Planner		
Date:	June 30, 2017	Meeting Date:	July 10, 20 <sup>,</sup>

Subject: Vesting Tentative Subdivision Map No. 2017-01 (Tract 920), Planned Unit Development No. 2017-01 and Major Site Plan Review No. 2017-01: a request by Lennar Homes to divide 40 acres into 174 single-family lots and a park/ponding basin, and for approval of new single-family home master plans (floor plans and elevation plans), located at the northeast corner of Hanford Armona Road and 18¾ Avenue (APN 021-570-001 and 021-560-001).

### Proposed Motion:

I move to adopt Resolution No. 2017-15, approving Vesting Tentative Subdivision Map No. 2017-01 (Tract 920), Planned Unit Development No. 2017-01, subject to future approval by the City Council of an ordinance establishing an overlay zone, and Major Site Plan Review No. 2017-01 in accordance with the findings and conditions in the resolution.

#### Project Proposal:

This project is requesting approval of Tract No. 920 for 174 lots along with the single-family home master plans. The site would also contain a ponding basin that would support the project site, and a park that would be maintained by the project's public facilities maintenance district. The project would be constructed in two phases, with the south portion of the site developing first. Lot sizes range from 5,265 square feet to 12,699 square feet with an average size of 6,296 square feet. The applicant has submitted elevations and floor plans for four home plans that will be built on the lots. Each plan has two different elevation types.

Applicant	Lennar Homes
Location	Northeast corner of Hanford Armona Road and 18 ¾ Avenue
Existing Land Use	Vacant Land
APN(s)	021-570-001 and 021-560-001
Total Building Size	Min. 1,847 sq.ft. – Max. 2,245 sq.ft.

2017

Lot Size	Min. 5,265 sq.ft. – Max. 12,699 sq.ft. Average 6,296 sq.ft.
Zoning	RLD
General Plan	Low Density Single-Family Residential

## Adjacent Land Use, Zone and General Plan Designation

Direction	Current Use	Zone	General Plan
North	Agricultural fields	N/A	Low Density Single Family Residential
South	Residential Subdivision	RLD	Low Density Single Family Residential
East	Mobile home park	RLMD	Low-Medium Density Residential
West	Residential Subdivision and Agricultural fields	RLD	Low Density Single Family Residential

### Previous Relevant Actions:

On June 12, 2017, the Planning Commission found that annexation of the site would be consistent with the General Plan. The Commission also found that the RLD zone would be the appropriate zone for the site to be consistent with the General Plan.

On June 20, 2017, the City Council initiated annexations proceedings, which began the process with the Local Agency Formation Commission to annex the site.

According to State law, a City may approve a tentative subdivision map on land that is not yet annexed. The land must be annexed before the final map is accepted.

#### Zoning and General Plan

The site is designated Low Density Residential by the General Plan. It has been prezoned RLD (Low Density Residential) in anticipation of annexation. The proposal is consistent with this land use designation and prezoning.

#### Vesting Tentative Map and Major Site Plan Review

The Major Site Plan Review comments are attached. Except as noted in the comments, the proposed map is consistent with City standards for new subdivisions.

#### Planned Unit Development

The RLD zone has a minimum lot size of 7,000 square feet as shown in the Lemoore Municipal Code (LMC), Table 9-5A-4A below. The applicant has proposed modifications to the development standards, which can be obtained through the approval of a Planned Unit

Development (LMC, Title 9, Chapter 9), which would be conditioned on the future adoption of an ordinance by the City Council establishing an overlay zone for the Planned Unit Development. The proposed Planned Unit Development would modify those standards to allow smaller sized lots. The smallest lot would be 5,265 square feet, with the average size being 6,296 square feet. The minimum width is 55 feet and minimum depth is 100 feet. Building setbacks would be 18 to 22 feet in the front, 5 feet on the side, 10 feet on the street side, and 10 feet in the rear. Staff is recommending 10 feet in the rear so that the homeowners have the same opportunities to build in the back yards as other lots in the City. The home plans submitted appear to fit on the lots with these setbacks.

#### Access and Right of Way

There would be no access points on Hanford-Armona Road and two access points on Liberty Drive. This means that all vehicle trips would move through the intersection of Hanford-Armona Road and Liberty Drive. Staff has reviewed the estimated trips generated by the project and concluded that the increase in trips would not trigger the need for a traffic signal.

#### Park and Storm Drainage Basin

The site is planned to drain to a new basin in the center of the site. The pond shall be constructed to City of Lemoore design standards. The pond would need to be constructed by the developer, and maintenance funded through a Public Facilities Maintenance District (PFMD.)

The park shall be built to City standards by the developer and dedicated to the City. Maintenance shall be funded through the PFMD. Staff is recommending a condition that the park be completed and opened for use by the public prior to the final inspection on the 5th home in Phase 2 of the project.

City Ordinance requires 0.16 acres per single-family lot be dedicated with a new subdivision. 174 lots requires 2.78 acres of park acreage. Based on the tentative map, it appears that 0.74 acres are being provided (The final acreage shall be determined based on the final map). The remaining acreage required shall be provided through an in-lieu fee with the amount based upon an appraisal made by a certified general real estate appraiser in accordance with City Ordinance Section 8-7N-4.

#### Residential Master Home Plans:

The architecture of the home plans is depicted in the attached floor plan and elevation plans. Five floor plans were submitted with square footages of between 1,725 and 2,171 square feet. All of the home plans are single-story homes. All homes will have tile roofs.

Two plans have three bedrooms. Three plans have four bedrooms. Each plan is available in two types of front facades, which results in ten possible front facades in the neighborhood. The types of facades are differentiated by changes to roof pitch in the front of the home and in front facade detailing.

Staff reviewed the home master plans and elevations for conformance with Lemoore's Zoning Ordinance Section 9-5C-3 (Design Standards for Residential Projects.) In all, a total

of eight possible different front elevation "looks" would be available to meet the City's "six pack" rule. However, while the two floor plans of the Torrey Plan are different, it appears that they would look very similar from the street. Therefore, Staff is recommending that to meet the intent of the "six-pack" rule, there be added a requirement that when those two specific plans are within the same "six-pack" area they shall be of a different color, have a different front door or window style or color, have a different carriage light style, and have a different garage door window style.

Staff also added the standards requirement that the detailing placed on the front of the house be wrapped around to the side of the house and on the street side of corner lots and that all homes shall be oriented to the street with garages deemphasized and living areas placed toward the front of homes. All other requirements for new master plan home designs are being met, including the requirement that all home plans provide entry features from a public or common sidewalk.

### **Utilities and Development Impact Fees**

All utilities will be installed by the developer. Development impact fees (eastside fees) will be paid when the homes are constructed.

# Environmental Assessment:

An Initial Study/Mitigated Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act (CEQA.) The document was accepted by the City Council when the annexation proceedings were initiated on June 20, 2017.

### **Recommended Findings:**

- 1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan and all applicable provisions of the Subdivision Ordinance.
- 2. The proposed project does not exceed the total density under the base zoning district or the general plan land use designation.
- 3. The proposed project will not be substantially detrimental to adjacent property, and will not materially impair the purposes of the Zoning Ordinance or the public interest.
- 4. As proposed and conditioned herein, the site design of the project is consistent with the new residential development standards in the Zoning Ordinance.
- 5. The proposed project is consistent with the objectives of the general plan and complies with applicable zoning regulations, including the proposed overlay zone for the Planned Unit Development, specific plan provisions, and improvement standards adopted by the city.
- 6. The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.

- 7. The architecture, character, and scale of the building and the site are compatible with the character of buildings on adjoining and nearby properties.
- 8. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.
- 9. The project's lot sizes are consistent with densities in the General Plan and are appropriate for this site.

#### **Recommended Conditions**

- 1. The site shall be developed consistent with the approved tentative map and applicable development standards found in the Zoning Ordinance and City Municipal Code.
- 2. The site shall be developed consistent with the Site Plan Review comments dated June 30, 2017.
- 3. The project shall be developed and maintained in substantial compliance with the vesting tentative map, except for any modifications that may be needed to meet these conditions of approval.
- 4. The final subdivision map shall be submitted in accordance with City ordinances and standards.
- 5. Plans for all public and private improvements, including but not limited to, water, sewer, storm drainage, road pavement, curb and gutter, sidewalk, street lights, landscaping, and fire hydrants shall be approved by the City Engineer, and these improvements shall be completed in accordance with the approved plans to the satisfaction of the Public Works Department.
- Park land in-lieu fees shall be paid to the City for 2.78 acres minus the acres provides for the park on the final map, in accordance with the procedures in Section 8-7N-4 of the City Municipal Code. Fees shall be paid prior to approval of the final map.
- 7. The park shall be constructed and opened to the public for use prior to the final inspection of the 5<sup>th</sup> new home constructed in Phase 2.
- 8. A public facilities maintenance district shall be formed in conjunction with the final map acceptance in order to provide the maintenance costs for the park, storm drain basin, common landscaping, and other improvements, in accordance with existing City policy.
- 9. The project shall be subject to the applicable development impact fees adopted by resolution of the City Council.
- 10. A noise and odor easement shall be recorded on the property, in a form acceptable to the City Attorney, to acknowledge the presence of nearby industry and railroad, and the right of the industry and railroad to continue to emit such noise and odors as are otherwise allowable by law and to ensure that industry in these areas is not

unreasonable hindered by residential users and owners that move nearby at a later date.

- 11. The developer shall comply with the standards, provisions, and requirements of the San Joaquin Valley Air Pollution Control District that relate to the project.
- 12. A 6-foot to 7-foot block wall shall be constructed adjacent Liberty Drive, Hanford-Armona Road, and the east side of the subdivision.
- 13. Fire hydrant types and locations shall be approved by the Lemoore Volunteer Fire Department.
- 14. Concrete pads for installation of mailboxes shall be provided in accordance with determinations made by the Lemoore Postmaster.
- 15. Street trees from the city approved street tree list shall be planted with root barriers as per Public Works Standards and Specifications.
- 16. Street lights shall be provided within the project as per City local street lighting standards.
- 17. All sidewalks shall be of "Parkway Type" as per City standard.
- 18. Lot sizes less than 7,000 square feet are approved, consistent with the sizes shown on the vesting tentative map.
- 19. The building setbacks shall be as follows: front yard 18 to 22 feet, side yard 5 feet, street side yard 10 feet, rear yard 10 feet.
- 20. The front yard setback of adjacent homes shall have a minimum 2-foot stagger between adjacent lots.
- 21. Any existing roadway, sidewalk, or curb and gutter that is damaged during construction shall be repaired or replaced to the satisfaction of the Public Works Department.
- 22. All signs shall require a sign permit separate from the building permit.
- 23. The project and all subsequent uses must meet the requirements found in Section 9-5B-2 of the Zoning Ordinance related to noise, odor, and vibration, and maintenance.
- 24. Master home plans shall be substantially consistent to the floor plans and elevations submitted with the vesting tentative map, unless subsequently modified by the Planning Commission.
- 25. For homes placed on corner lots, the stone/brick veneer placed on the front of the homes shall be wrapped around the street side of the home up to the fence, and stucco/foam window treatments used on the front of the home shall also be used on the street side of the home where windows are visible from the street.

- 26. All homes shall wrap façade materials along the side yard elevations to the fence line.
- 27. All homes shall be oriented to the street with garages deemphasized and living areas placed toward the front of homes.
- 28. This tentative subdivision map approval shall expire within two years, unless a final map is filed or an extension is granted via legislation or by the City, in accordance with the Subdivision Map Act. Approvals and expiration dates for the Major Site Plan Review and Planned Unit Development shall run consisted with the vesting tentative map.
- 29. The approval of the Planned Unit Development is condition on the future adoption of an Ordinance by the City Council establishing an overlay zone for the Planned Unit Development.

#### Attachments:

Resolution Site Location - Aerial Photo Tentative Subdivision Map Building Elevation and Floor Plans Major Site Plan Review Comments dated June 30, 2017 Mitigated Negative Declaration

#### **RESOLUTION NO. 2017-15**

#### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE APPROVING VESTING TENTATIVE SUBDIVISION MAP NO. 2017-01 (TRACT 920), PLANNED UNIT DEVELOPMENT NO. 2017-01, SUBJECT TO THE ADOPTION OF AN ORDINANCE ESTABLISHING AN OVERLAY ZONE, AND MAJOR SITE PLAN REVIEW NO. 2017-01 TO DIVIDE 40 ACRES INTO 174 SINGLE-FAMILY LOTS AND A PARK/PONDING BASIN, AND FOR APPROVAL OF NEW SINGLE-FAMILY HOME MASTER PLANS (FLOOR PLANS AND ELEVATION PLANS) LOCATED AT THE NORTHEAST CORNER OF HANFORD-ARMONA ROAD AND LIBERTY DRIVE (18<sup>3</sup>/<sub>4</sub> AVENUE) JUST OUTSIDE THE CITY OF LEMOORE

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on July 10, 2017, at 7:00 p.m. on said day, it was moved by Commissioner \_\_\_\_\_\_, seconded by Commissioner \_\_\_\_\_\_, and carried that the following Resolution be adopted:

WHEREAS, Lennar Homes has requested approval of a vesting tentative subdivision map, planned unit development, and major site plan review to divide 40 acres into 174 single-family lots and a park/ponding basin, and for approval of new single-family home master plans (floor plans and elevation plans), located at the northeast corner of Hanford Armona Road and 18<sup>3</sup>/<sub>4</sub> Avenue, just outside the City of Lemoore (APN: 021-570-001 and 021-560-001); and

**WHEREAS,** the City Council of the City of Lemoore initiated annexation proceedings for the site on June 20, 2017, and;

**WHEREAS**, the proposed site is 40 acres in size and is prezoned Low Density Residential (RLD); and

WHEREAS, an initial study was prepared in conformance with the California Environmental Quality Act (CEQA) Guidelines, and it was found that the proposed project could not have a significant effect on the environment, with mitigations. Therefore, a Mitigated Negative Declaration has been prepared, accepted, and will be utilized for this project; and

**WHEREAS**, the Lemoore Planning Commission held a duly noticed public hearing at its July 10, 2017, meeting.

**NOW THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Lemoore hereby makes the following findings regarding the proposed projects:

- 1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan and all applicable provisions of the Subdivision Ordinance.
- 2. The proposed project does not exceed the total density under the base zoning district or the general plan land use designation.
- 3. The proposed project will not be substantially detrimental to adjacent property, and will not materially impair the purposes of the Zoning Ordinance or the public interest.
- 4. As proposed and conditioned herein, the site design of the project is consistent with the new residential development standards in the Zoning Ordinance.

- 5. The proposed project is consistent with the objectives of the general plan and complies with applicable zoning regulations, specific plan provisions, and improvement standards adopted by the city.
- 6. The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.
- 7. The architecture, character, and scale of the building and the site are compatible with the character of buildings on adjoining and nearby properties.
- 8. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Lemoore approves Vesting Tentative Subdivision Map No. 2017-01 (Tract 920), Planned Unit Development No. 2017-01 subject to the future adoption of an ordinance by the City Council establishing an overlay zone for the Planned Unit Development, and Major Site Plan Review No. 2017-01, subject to the following conditions:

- 1. The site shall be developed consistent with the approved tentative map and applicable development standards found in the Zoning Ordinance and City Municipal Code, including the overlay zone established for the Planned Unit Development by ordinance.
- 2. The site shall be developed consistent with the Site Plan Review comments dated June 30, 2017.
- 3. The project shall be developed and maintained in substantial compliance with the vesting tentative map, except for any modifications that may be needed to meet these conditions of approval.
- 4. The final subdivision map shall be submitted in accordance with City ordinances and standards.
- 5. Plans for all public and private improvements, including but not limited to, water, sewer, storm drainage, road pavement, curb and gutter, sidewalk, street lights, landscaping, and fire hydrants shall be approved by the City Engineer, and these improvements shall be completed in accordance with the approved plans to the satisfaction of the Public Works Department.
- 6. Park land in-lieu fees shall be paid to the City for 2.78 acres minus the acres provides for the park on the final map, in accordance with the procedures in Section 8-7N-4 of the City Municipal Code. Fees shall be paid prior to approval of the final map.
- 7. The park shall be constructed and opened to the public for use prior to the final inspection of the 5<sup>th</sup> new home constructed in Phase 2.
- 8. A public facilities maintenance district shall be formed in conjunction with the final map acceptance in order to provide the maintenance costs for the park, storm drain basin, common landscaping, and other improvements, in accordance with existing City policy.
- 9. The project shall be subject to the applicable development impact fees adopted by resolution of the City Council.
- 10. A noise and odor easement shall be recorded on the property, in a form acceptable to the City Attorney, to acknowledge the presence of nearby industry and railroad, and the right

of the industry and railroad to continue to emit such noise and odors as are otherwise allowable by law and to ensure that industry in these areas is not unreasonable hindered by residential users and owners that move nearby at a later date.

- 11. The developer shall comply with the standards, provisions, and requirements of the San Joaquin Valley Air Pollution Control District that relate to the project.
- 12. A 6-foot to 7-foot block wall shall be constructed adjacent Liberty Drive, Hanford-Armona Road, and the east side of the subdivision.
- 13. Fire hydrant types and locations shall be approved by the Lemoore Volunteer Fire Department.
- 14. Concrete pads for installation of mailboxes shall be provided in accordance with determinations made by the Lemoore Postmaster.
- 15. Street trees from the city approved street tree list shall be planted with root barriers as per Public Works Standards and Specifications.
- 16. Street lights shall be provided within the project as per City local street lighting standards.
- 17. All sidewalks shall be of "Parkway Type" as per City standard.
- 18. Lot sizes less than 7,000 square feet are approved, consistent with the sizes shown on the vesting tentative map.
- 19. The building setbacks shall be as follows: front yard 18 to 22 feet, side yard 5 feet, street side yard 10 feet, rear yard 10 feet.
- 20. The front yard setback of adjacent homes shall have a minimum 2-foot stagger between adjacent lots.
- 21. Any existing roadway, sidewalk, or curb and gutter that is damaged during construction shall be repaired or replaced to the satisfaction of the Public Works Department.
- 22. All signs shall require a sign permit separate from the building permit.
- 23. The project and all subsequent uses must meet the requirements found in Section 9-5B-2 of the Zoning Ordinance related to noise, odor, and vibration, and maintenance.
- 24. Master home plans shall be substantially consistent to the floor plans and elevations submitted with the vesting tentative map, unless subsequently modified by the Planning Commission.
- 25. For homes placed on corner lots, the stone/brick veneer placed on the front of the homes shall be wrapped around the street side of the home up to the fence, and stucco/foam window treatments used on the front of the home shall also be used on the street side of the home where windows are visible from the street.
- 26. All homes shall wrap façade materials along the side yard elevations to the fence line.
- 27. All homes shall be oriented to the street with garages deemphasized and living areas placed toward the front of homes.

28. This tentative subdivision map approval shall expire within two years, unless a final map is filed or an extension is granted via legislation or by the City, in accordance with the Subdivision Map Act. Approvals and expiration dates for the Major Site Plan Review and Planned Unit Development shall run consisted with the vesting tentative map.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on July 10, 2017, by the following votes:

AYES: NOES: ABSTAINING: ABSENT:

**APPROVED:** 

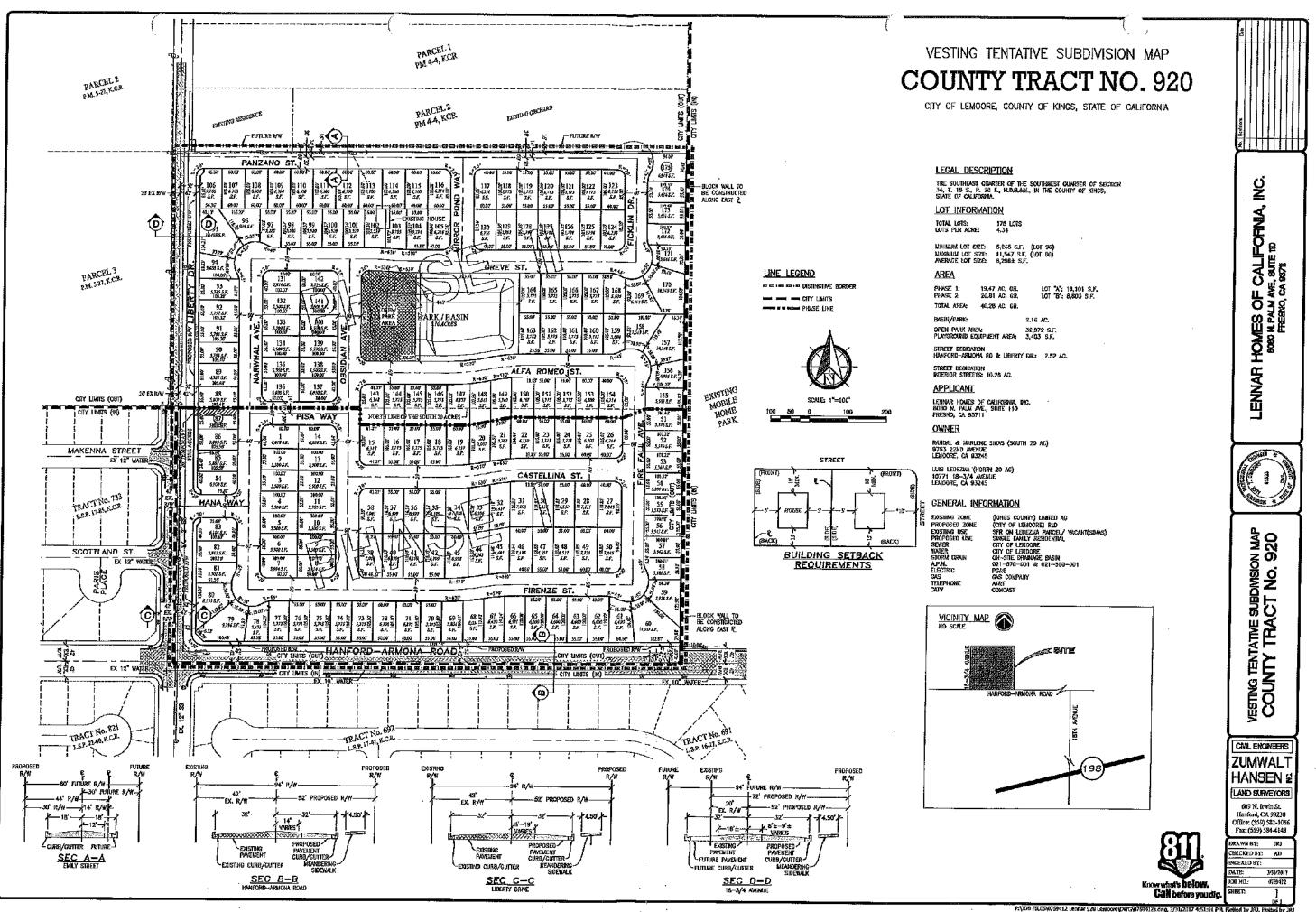
Ron Meade, Chairperson

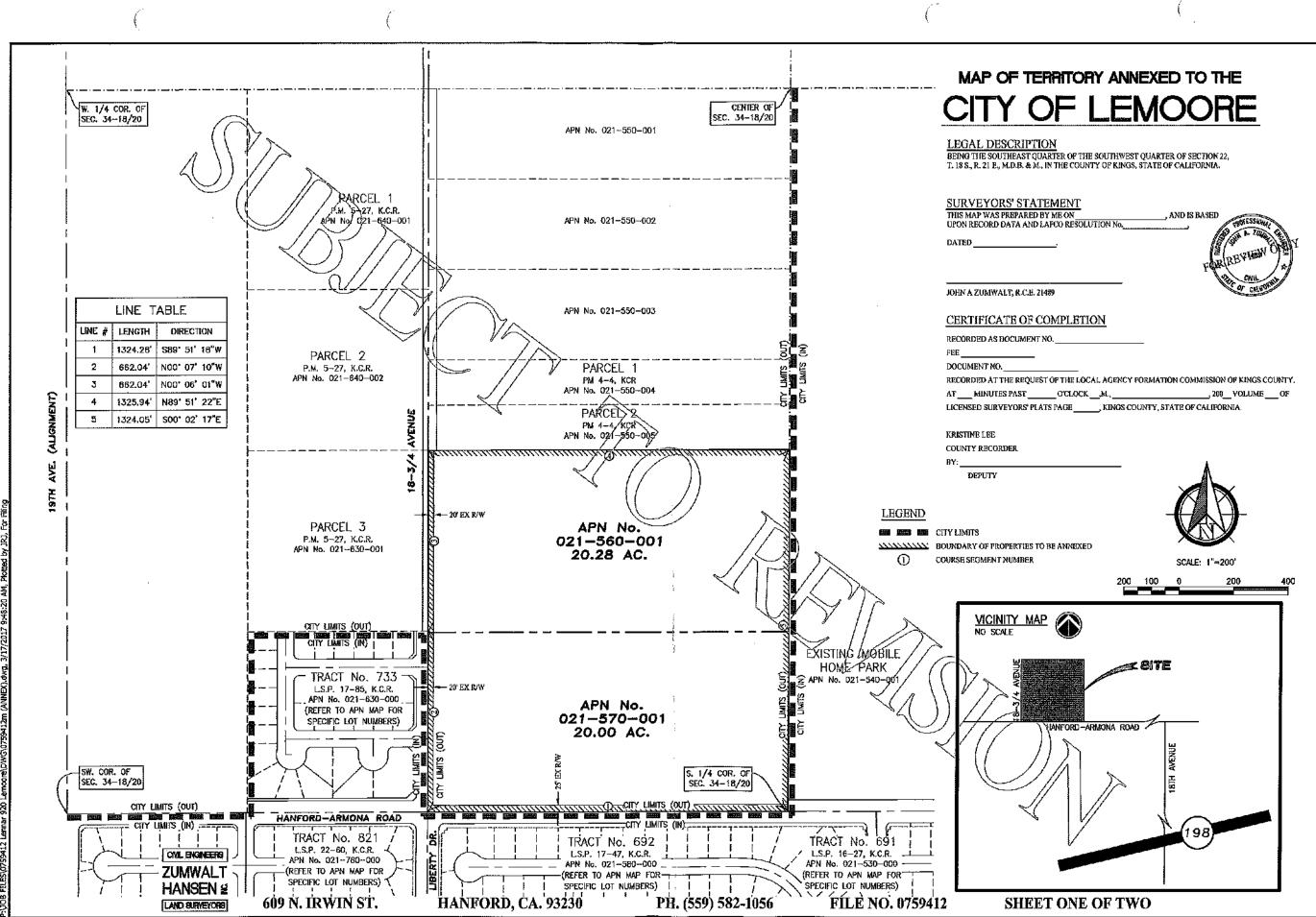
ATTEST:

Kristie Baley, Commission Secretary

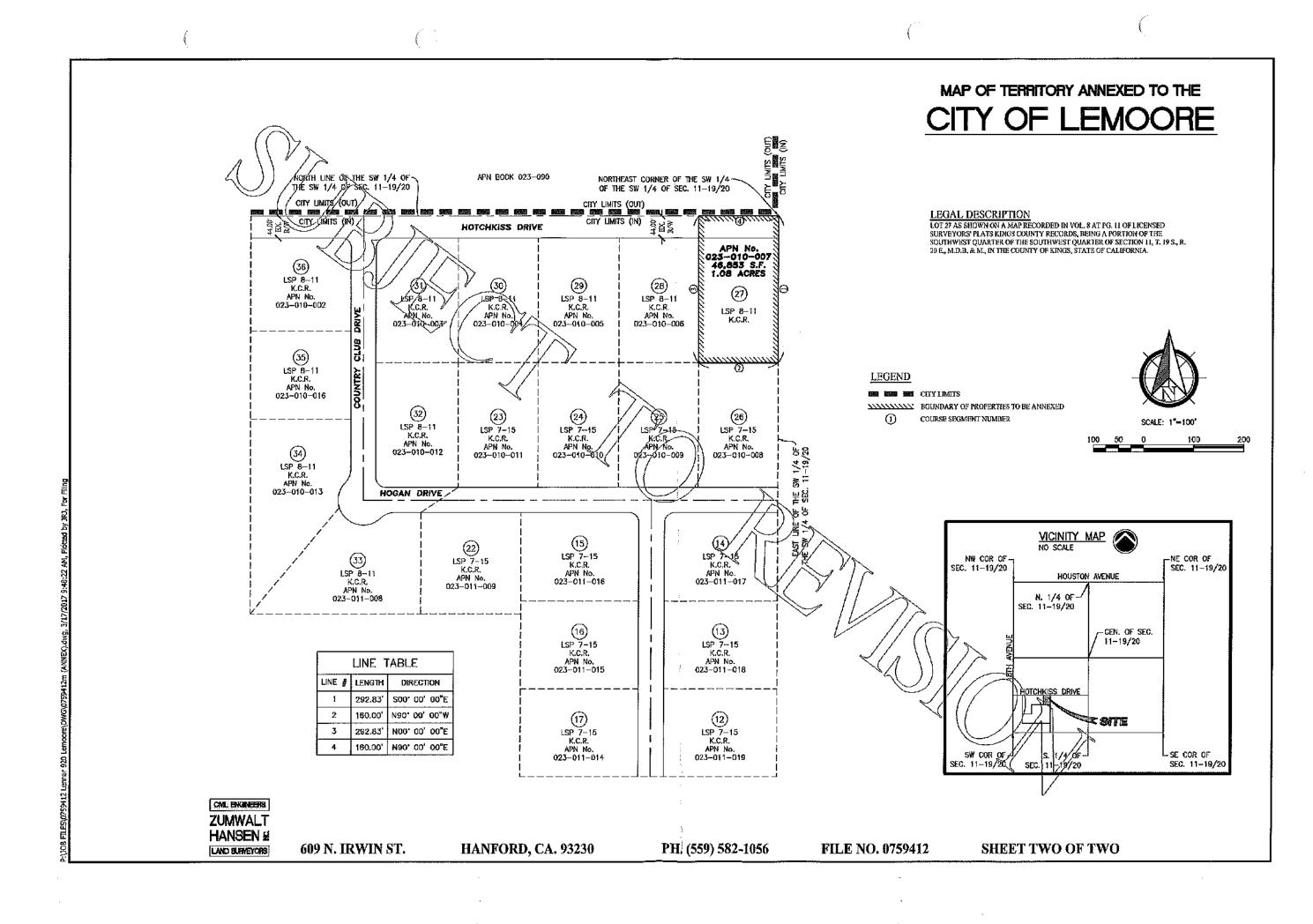


Development No. 2017-01, and Major Site Plan Review No. 2017-01





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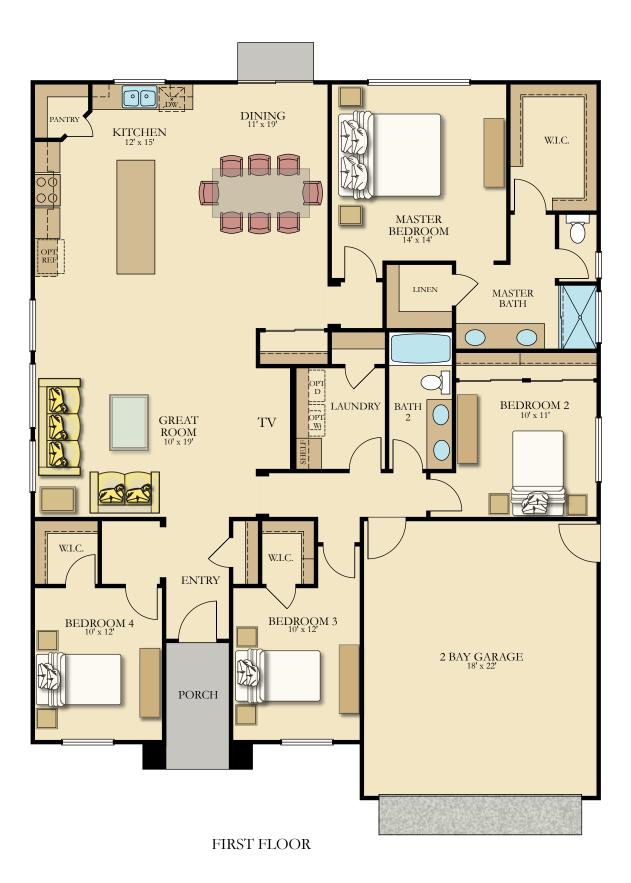






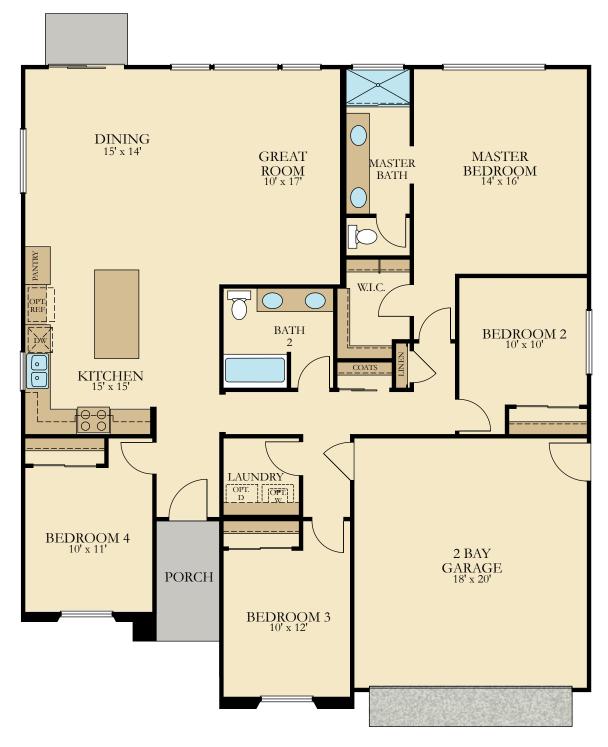


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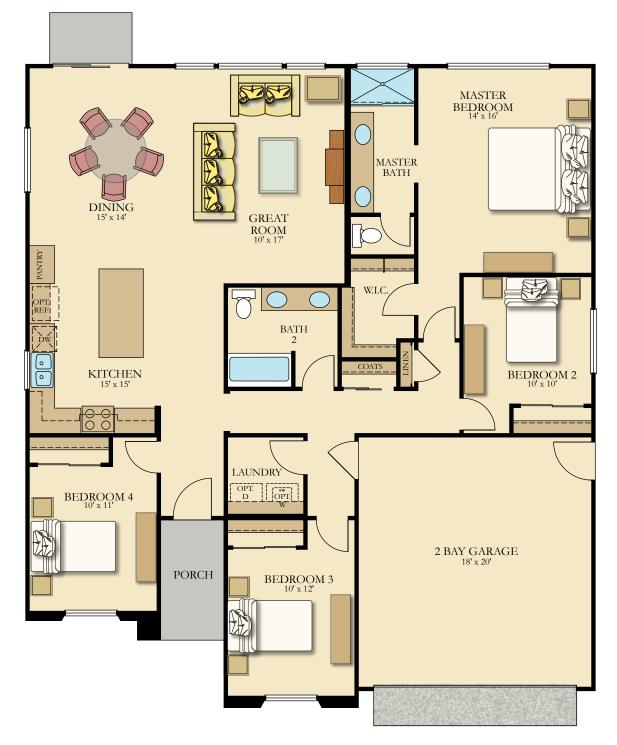






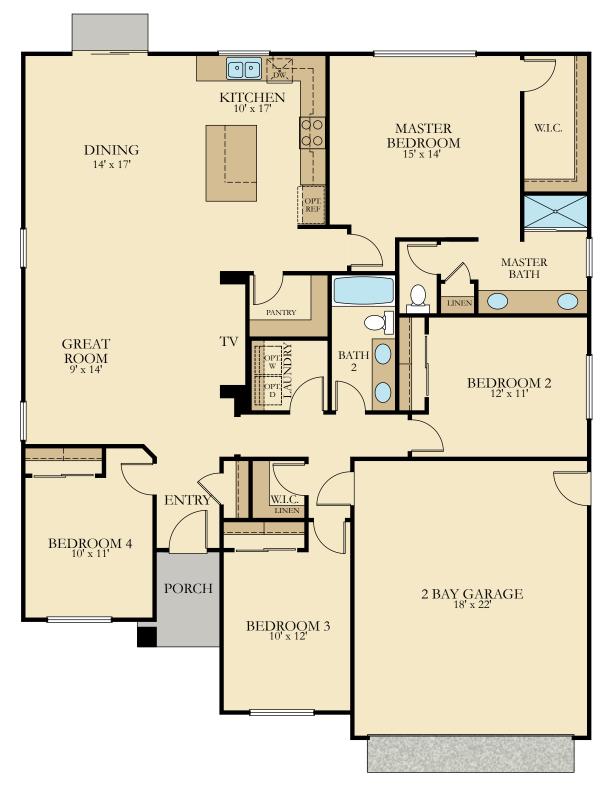


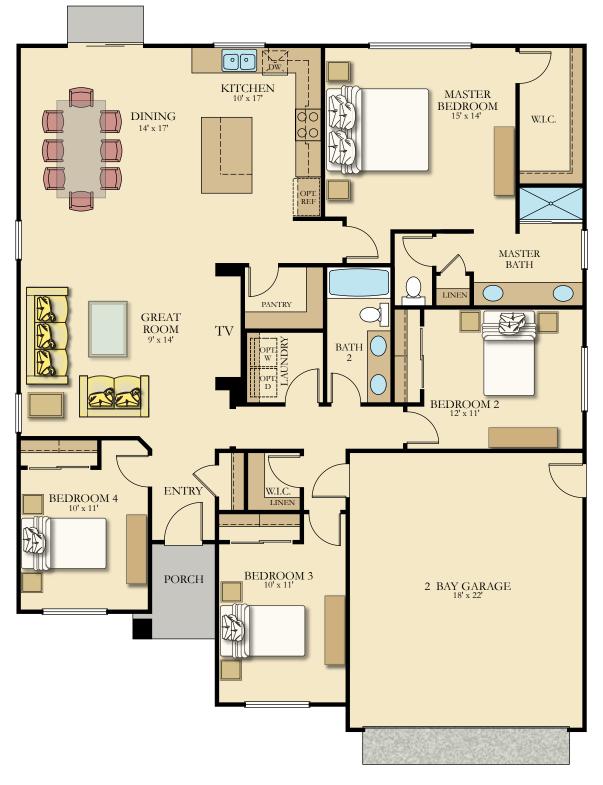


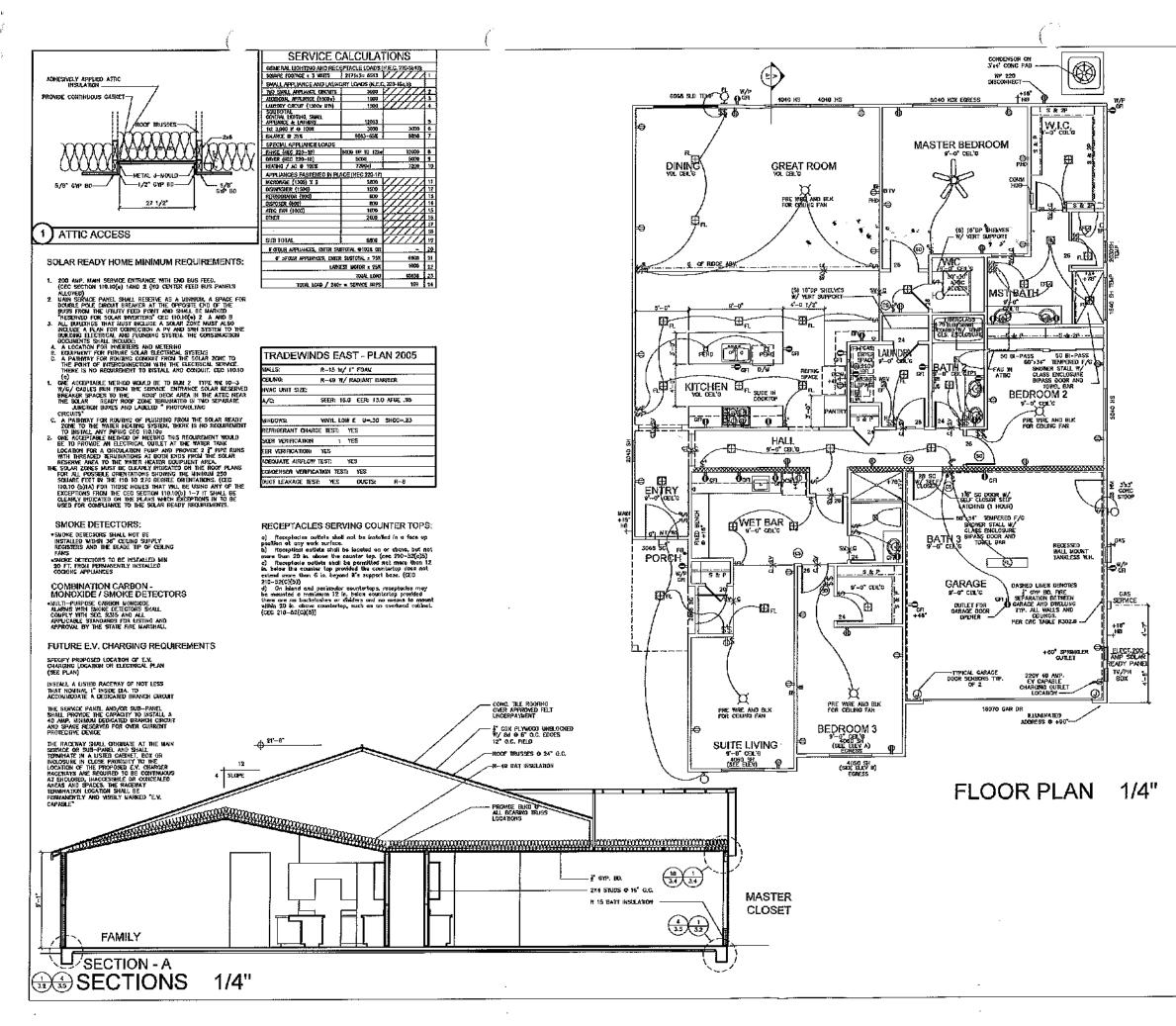




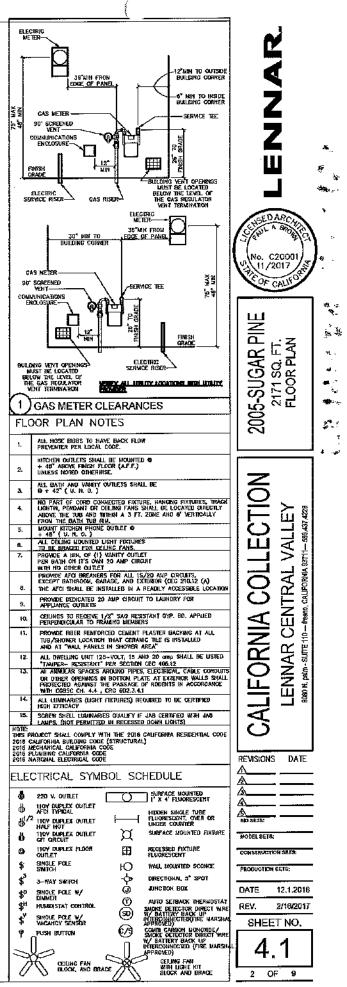


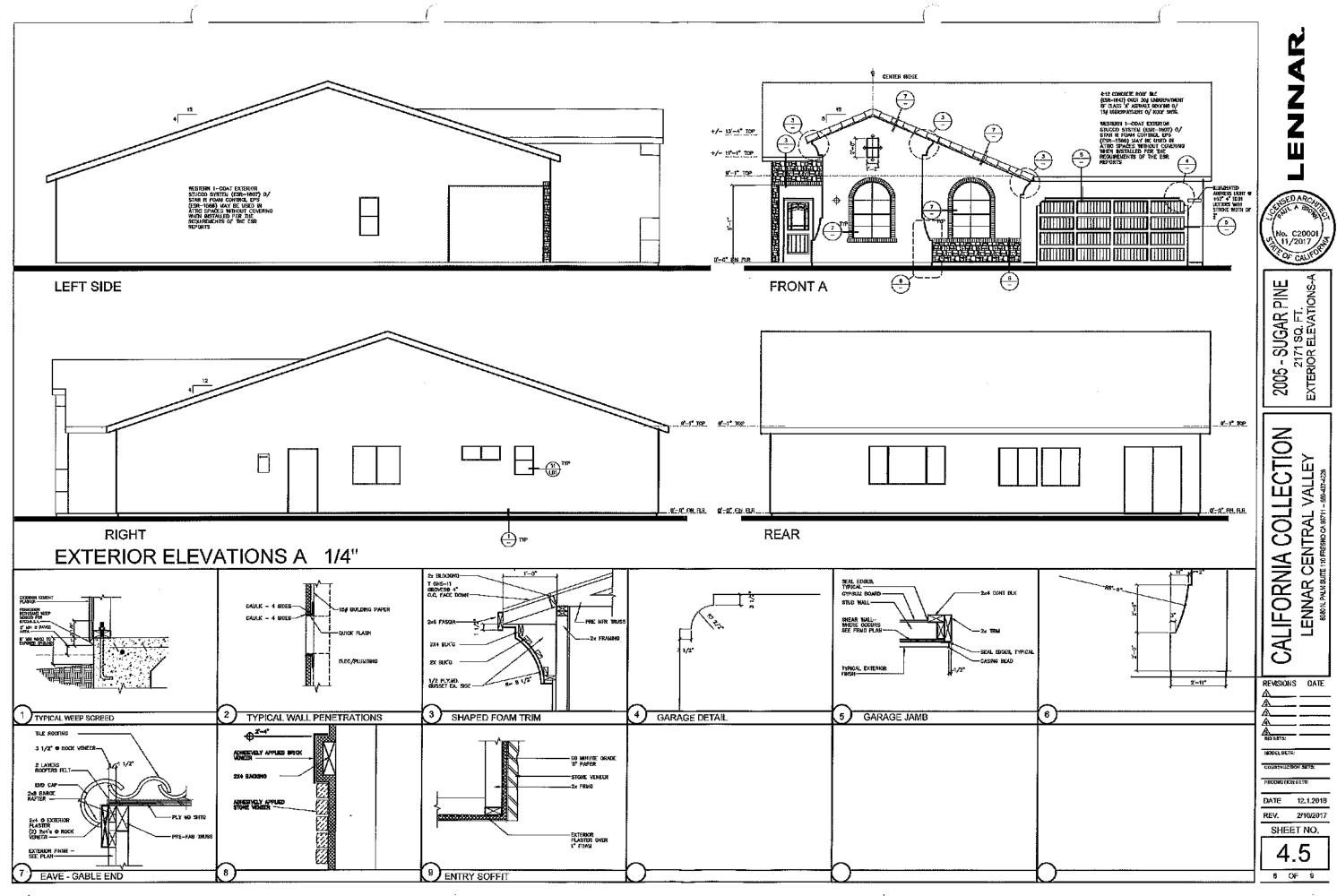






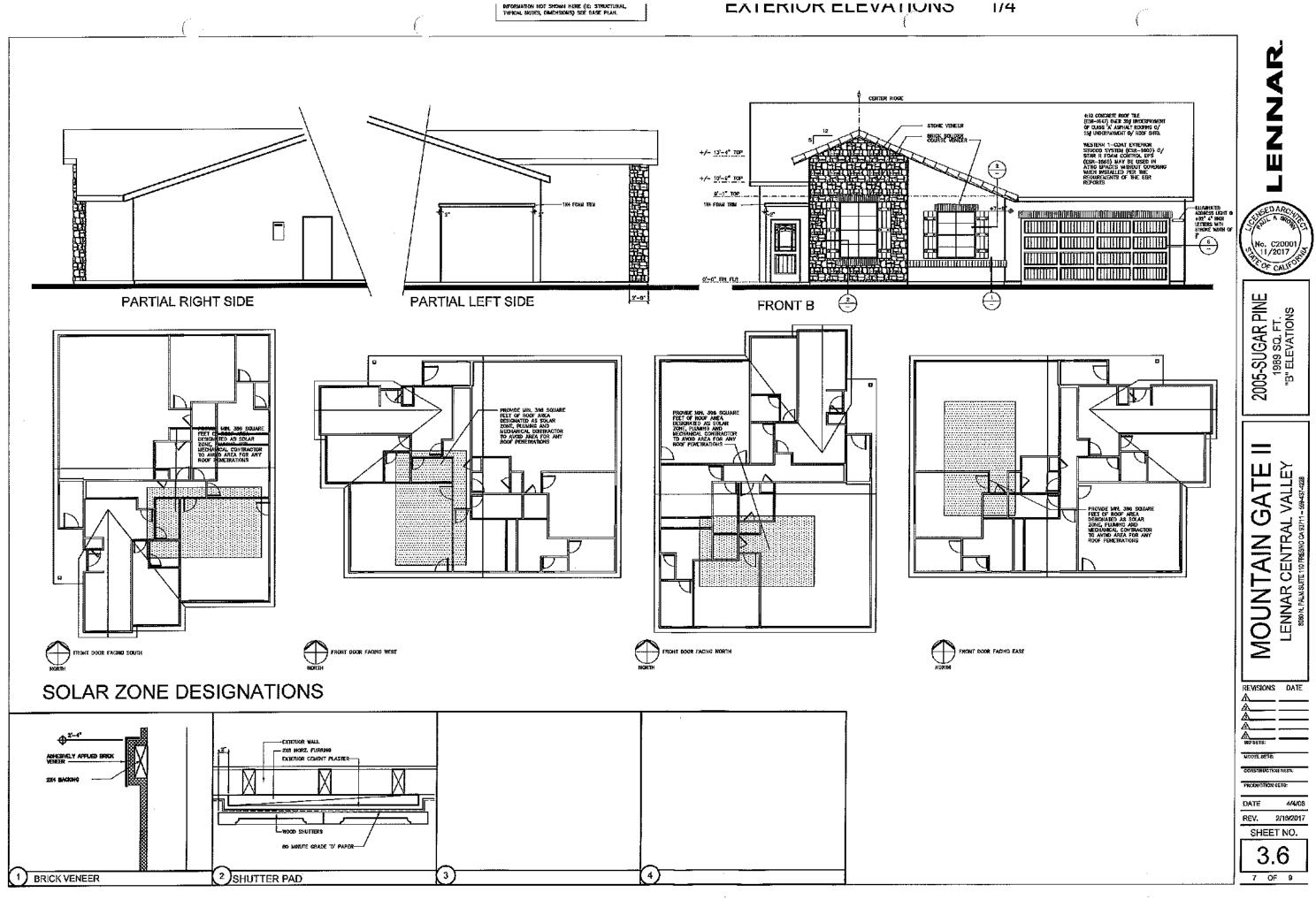
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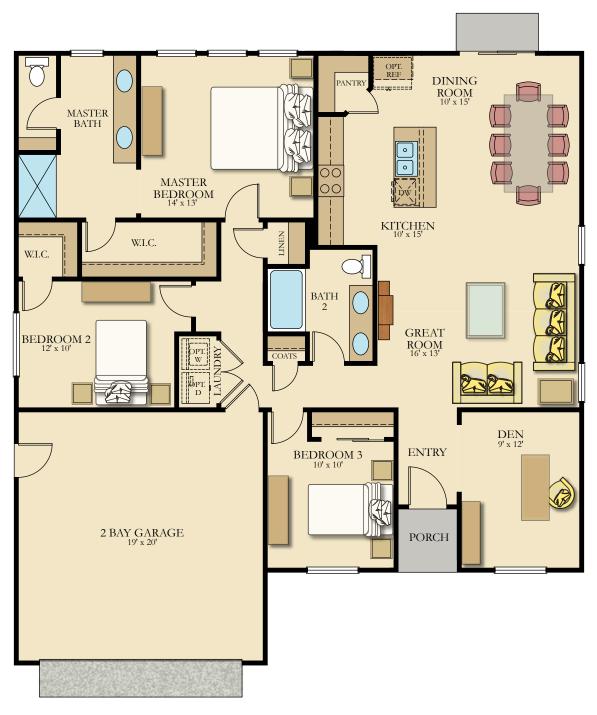


Torrey











119 Fox Street • Lemoore, California 93245 • (559) 924-6700 • Fax (559) 924-9003

## Major Site Plan Review Comments

To: Lemoore Planning Commission

From: Steve Brandt, Planner

Date: June 30, 2017

Subject: Major Site Plan Review No. 2017-01 (Tract 920)

This site plan is being reviewed under the current Zoning Ordinance requirements for Preapplication Conferences and Major Site Plan Review. These are City staff's recommended comments. The comments will be approved by the Planning Commission.

### SITE PLAN DESCRIPTION

The site is located on the northeast corner of Hanford-Armona Road and Liberty Drive (Avenue 18<sup>3</sup>/<sub>4</sub>). The project would divide roughly 40 acres into 175 single-family lots, a park, and a storm drainage basin.

#### USE

The site has been prezoned Low Density Residential (RLD).

### **RIGHT OF WAY AND ACCESS**

Hanford-Armona Road is an arterial status roadway in the City General Plan. Road rights of way for the streets shown are acceptable.

Single-family drive approaches on corner lots shall be placed on the interior side of the lot.

### STREET NAMES

Street names shall be adjusted on the final map as follows: Rename Mirror Pond Way to a shorter name. Streets less than 500 feet long shall use the suffix 'WAY.' This includes Hana, Mirror Pond, Ficklin, and Pisa.

All other east-west streets shall use the suffix 'STREET.' All other north-south streets shall use the suffix 'AVENUE.'

The City Ordinance does not allow street names to be first names. Rename Hana.

### AREA, SETBACK, HEIGHT AND COVERAGE STANDARDS

9-5A-4: GENERAL ZONING DISTRICT DEVELOPMENT STANDARDS

The project, as shown, does NOT meet the standards in Table 9-5A-4A. A Planned Unit Development permit shall be required to allow alternative lot sizes.

For single-family residential subdivisions, the front yard setback of adjacent homes shall have a minimum two-foot (2') stagger between adjacent lots.

The tentative map shows a typical 15-foot rear setback for homes. Since the normal City standard is 10 feet, Staff will recommend 10 feet so that the neighborhood does not have a more restrictive standard than the rest of the city lots.

### DRAINAGE

The site is planned to drain to a new basin in the center of the site. The pond shall be constructed to City of Lemoore design standards. The pond would need to be constructed by the developer, and maintenance funded through the PFMD.

### PARK

The park shall be built to City standards by the developer and dedicated to the City. Maintenance shall be funded through the PFMD.

The park may be constructed in Phase 2. The park shall be completed and opened for use by the public prior to the final inspection on the 5<sup>th</sup> home in Phase 2 of the project.

City Ordinance requires 0.16 acres per single-family lot be dedicated with a new subdivision. 174 lots requires 2.78 acres of park acreage. Based on the tentative map, it appears that 0.76 acres are being provided (The final acreage shall be determined based on the final map). The remaining acreage required shall be provided through an in-lieu fee with the amount based upon an appraisal made by a certified general real estate appraiser in accordance with City Ordinance Section 8-7N-4.

### **DESIGN STANDARDS**

#### 9-5B-2: NOISE, ODOR, VIBRATION, AND MAINTENANCE PERFORMANCE STANDARDS

The project and all subsequent uses must meet the requirements found in Section 9-5B-2 of the Zoning Ordinance related to noise, odor, and vibration, and maintenance.

A block wall is required along Liberty Drive, Hanford-Armona Road, and the east side of the subdivision adjacent to the existing mobilehome park.

#### 9-5B-3: PROPERTY AND UTILITY IMPROVEMENTS:

Installation of curbs, gutters, and sidewalks shall be required. All on site utilities shall be installed underground.

#### 9-5B-4: OUTDOOR LIGHTING:

The project shall meet all the applicable requirements for outdoor lighting found in Section 9-5B-4 of the Zoning Ordinance.

#### 9-5B-6: SCREENING:

All exterior roof and ground mounted mechanical equipment, including, but not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, duct work, and transformers, shall be screened from public view from abutting public streets. Screening of mechanical equipment shall be compatible with other on site development in terms of colors, materials, and/or architectural styles.

### 9-5C-3: DESIGN STANDARDS FOR RESIDENTIAL PROJECTS

See section 9-5C-3 of the Zoning Ordinance for standards pertaining to the residential building design and architecture. Submittal of conceptual elevation and floor plans for the multi-family units and for each single-family master home plan will be required with the tentative map application.

### 9-5D1-2: LANDSCAPE STANDARDS

Show conceptual locations of trees, shrubs, and groundcover. Identify species of street trees. Drought tolerant species must be used.

C. Plant Type: Landscape planting shall emphasize drought tolerant and native species (especially along natural, open space areas), shall complement the architectural design of structures on the site, and shall be suitable for the soil and climatic conditions specific to the site. (Ord. 2013-05, 2-6-2014)

2. Street And Parking Lot Trees: Street and parking lot trees shall be selected from the city's adopted master list of street trees and parking lot trees.

3. Tree Root Barriers: Trees planted within five feet (5') of a street, sidewalk, paved trail, curb, or walkway shall be separated from hardscapes by a root barrier to prevent physical damage to public improvements.

D. Planting Size, Spacing, And Planter Widths: In order to achieve an immediate effect of a landscape installation and to allow sustained growth of planting materials, minimum plant material sizes, plant spacing, and minimum planter widths (inside measurements) are as follows:

1. Trees: The minimum planting size for trees shall be fifteen (15) gallon, with twenty five percent (25%) of all trees on a project site planted at a minimum twenty four inch (24") box size. For commercial, office, community/civic, and industrial development, tree spacing within perimeter planters along streets and abutting residential property shall be planted no farther apart on center than the mature diameter of the proposed species. Minimum planter widths shall be five feet (5').

Street Trees: Street trees shall be provided a minimum of every thirty feet (30') on center on street adjacent to a side yard, and a minimum one per lot when adjacent to a front yard. Tree species shall be approved by the city as part of the improvement plan review process and shall be selected from a city approved tree list. Trees shall be planted ten feet (10') away from alleys, driveways, fire hydrants, water lines, and sewer lines and five feet (5') from gas, electrical, telephone, cable television, and adjoining property lines. They shall also be planted a minimum of twenty feet (20') from city streetlights. Ultimate planting locations shall be subject to city review and approval based upon field conditions.

Master Landscape Plans for the landscaping of front yards that meet the Model Water Efficient Landscape Ordinance (MWELO) shall be submitted concurrently with Master Home Building Plans.

### PARKING

### 9-5E-3: GENERAL PARKING REGULATIONS:

The site plan meets the parking requirements for off-street parking.

## **INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

## **CITY OF LEMOORE**

## Lennar Homes Tract 920 and Riley Jones Property

May 2017

Contact:

Judy Holwell (559) 924-6740 jholwell@lemoore.com 711 W. Cinnamon Drive Lemoore, CA 93245

Comments must be received by: June 20, 2017 (20 days after notice)



### **INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

# **City of Lemoore**



City of Lemoore 711 W. Cinnamon Drive Lemoore, CA 93245 Contact Person: Judy Holwell, Development Services Director Phone: 559) 924-6740

#### Consultant:



901 East Main Street Visalia, CA 93292 Contact: Steve Brandt, City Planner Phone: (559) 733-0440 Fax: (559) 733-7821

June 2017

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### MITIGATED NEGATIVE DECLARATION

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

### Project Name

Lennar Homes Tract 920 and Riley Jones Property

### **Project Location**

The subdivision site is located at the northeast corner of Hanford-Armona Road and Avenue 18 ¾ (Liberty Drive) (APNs 021-570-001 and 021-560-001). The additional rural residential site is located at 285 Hotchkiss Drive (APN 023-100-007).

### **Project Description**

A request by Lennar Homes for annexation of 40 acres into the City of Lemoore and for approval of a tentative subdivision map of 174 single-family lots and a 2.14-acre park/basin. The annexation also includes a non-contiguous developed rural residential lot.

### Malling Address and Phone Number of Contact Person

Jeff Callaway Lennar Homes of California, Inc. 8080 North Palm Avenue, Suite 110 Fresno, CA 93711 (559) 437-4202

### Findings

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

### Mitigation Measures Included In the Project to Avoid Potentially Significant Effects

**MM 3.8.1:** A qualified biologist shall conduct a pre-construction survey on the Project site and within 500 feet of its perimeter within 14 days and no more than 30 days prior to the start of construction activities.

If any evidence of occupation of the Project site by listed or other special-status species is subsequently observed, a buffer shall be established by a qualified biologist that results in sufficient avoidance to comply with applicable regulations. If sufficient avoidance cannot be established, the United States Fish and Wildlife Service and California Department of Fish and Game shall be contacted for further guidance and consultation on additional measures. The Project proponent shall obtain any required permits from the appropriate wildlife agency. Copies of all permits and evidence of compliance with applicable regulations shall be submitted to the lead agency.

The following buffer distances shall be established prior to construction activities:

- San Joaquin kit fox or American badger potential den: 50 feet;
- San Joaquin kit fox known den: 100 feet;
- San Joaquin kit fox or American badger pupping den: contact the California Department of Fish and Game and United States Fish and Wildlife Service;
- Burrowing owl burrow outside of breeding season: 160 feet;
- Burrowing owl burrow during breeding season: 250 feet;
- Swainson's hawk nest during breeding season: ½ mile;
- Other protected raptor nests during the breeding season: 300 feet;
- Other protected nesting migratory bird nests during the breeding season: 50 feet; and
- Other special-status wildlife species: as recommended by qualified biologist.

**MM 3.8.2:** A qualified biologist shall be obtained to assist in the removal of the on-site trees. The removal of trees shall be done between February 15<sup>th</sup> to August 15<sup>th</sup> to avoid potential impacts with nesting birds.

**MM 3.8.3:** If initial grading activities are planned during the potential nesting season for migratory birds/raptors that may nest on or near the Project site, the preconstruction survey shall evaluate the sites and accessible lands within an adequate buffer for active nests of migratory birds/raptors. If any nesting birds/raptors are observed, a qualified biologist shall determine buffer distances and/or the timing of Project activities so that the proposed Project does not cause nest abandonment or destruction of eggs or young. This measure shall

be implemented so that the proposed Project remains in compliance with the Migratory Bird Treaty Act and applicable state regulations.

If nesting raptors are identified during the surveys, active raptor nests should be avoided by 500 feet and all other migratory bird nests should be avoided by 250 feet. Avoidance buffers may be reduced if a qualified and approved on-site monitor determines that encroachment into the buffer area is not affecting nest building, the rearing of young, or otherwise affect the breeding behaviors of the resident birds. Avoidance buffers can also be reduced through consultation with the CDFW and USFWS. If Swainson's hawks are found to nest within the survey area, active Swainson's hawk nests shall be avoided by 0.5 mile unless this avoidance buffer is reduced through consultation with the CDFW and/or USFWS.

No construction or earth-moving activity shall occur within a non-disturbance buffer until it is determined by a qualified biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid Project construction areas. This typically occurs by early July, but September 1st is considered the end of the nesting period unless otherwise determined by a qualified biologist. Once raptors have completed nesting and young have fledged, disturbance buffers will no longer be needed and can be removed, and monitoring can be terminated.

**MM 3.8.4:** If any burrowing owl burrows are observed during the preconstruction survey, avoidance measures shall be consistent and in accordance with protocols outlined in the Burrowing Owl Survey Protocol and Mitigation Guidelines (Burrowing Owl Consortium 1993) and the Staff Report on Burrowing Owl Mitigation (CDFW 2012). Active burrows shall be avoided, but if avoidance is not possible then compensation shall be provided for the active or passive displacement of western burrowing owls, and habitat acquisition and the creation of artificial dens for any western burrowing owls shall be provided for any owls relocated from construction areas. These measures are outlined as follows:

- 1. A pre-construction survey of construction area, including a 150-meter buffer (500 feet), shall be conducted no less than 14 days and no more than 30 days prior to ground disturbing activities. If more than 30 days lapse between the time of the pre-construction survey and the start of ground-disturbing activities, another pre-construction survey shall be completed. The second survey (or other subsequent surveys if necessary) shall be conducted and timed to occur sometime between 30 days and 24 hours prior to ground disturbance.
- 2. If western burrowing owls are present on the construction site (or within 500 feet of the construction site), exclusion fencing shall be installed between the nest site or active burrow and any earth-moving activity or other disturbance. Exclusion areas shall extend 160 feet around occupied burrows during the non-breeding season (September 1 through January 31) and extend 250 feet around occupied burrows during the breeding season (February 1 through August 31) as described in The California Burrowing Owl Consortium's Survey Protocol and Mitigation Guidelines (California Burrowing Owl Consortium 1993).

- 3. If western burrowing owls are present in the non-breeding season and must be passively relocated from the Project site, passive relocation shall not commence until October 1st and must be completed by February 1st. Passive relocation must only be conducted by a qualified biologist or ornithologist and with approval by CDFW. After passive relocation, the area where owls occurred and its immediate vicinity shall be monitored by a qualified biologist daily for one week and once per week for an additional two weeks to document that owls are not reoccupying the site.
- 4. If permanent impacts to nesting, occupied and satellite burrows, or burrowing owl habitat occur, compensation shall be based upon the number of owls or pairs of owls relocated from the construction area. Compensation acreage shall be determined as described in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012).

MM 3.8.5: The measures listed below shall be implemented during construction:

1. Pre-construction surveys shall be conducted no fewer than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities. If any San Joaquin kit fox dens are found during preconstruction surveys, exclusion zones shall be placed in accordance with USFWS Recommendations using the following:

#### San Joaquin kit fox USFWS Exclusion Zone Recommendations

Den Type	Recommendation
Potential Den	50-foot radius
Known Den	100-foot radius
Natal/Pupping Den	Contact U.S. Fish and Wildlife
(Occupied and Unoccupied)	Service for guidance
Atypical Den	50-foot radius

- 2. If any den must be removed, it must be appropriately monitored and excavated by a trained wildlife biologist. Destruction of natal dens and other "known" kit fox dens must not occur until authorized by USFWS. Replacement dens will be required if such dens are removed. Potential dens that are removed do not need to be replaced if they are determined to be inactive by using standard monitoring techniques (e.g., applying tracking medium around the den opening and monitoring for San Joaquin kit fox tracks for three consecutive nights).
- 3. Project-related vehicles shall observe a daytime speed limit of 20-mph throughout the site in all Project areas, except on County roads and State and federal highways; this is particularly important at night when kit foxes and badgers are most active. Night-time construction shall be minimized to the extent possible. However, if construction at night does occur, then the speed limit shall be reduced to 10-mph. Off-road traffic outside of designated Project areas shall be prohibited.

- 4. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a Project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the CDFW shall be contacted at the addresses provided below.
- 5. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.
- 6. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from a construction or Project sites.
- 7. No pets, such as dogs or cats, shall be permitted on the Project sites to prevent harassment, mortality of kit foxes, or destruction of dens.
- 8. Use of rodenticides and herbicides in Project areas shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional Project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide shall be used because of a proven lower risk to kit fox.
- 9. A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the USFWS.
- 10. An employee education program shall be conducted. The program shall consist of a brief presentation by persons knowledgeable in San Joaquin kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the Project. The program shall include: a description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of

kit fox in the Project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during Project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the previously referenced people and anyone else who may enter the Project sites.

- 11. Upon completion of the Project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. shall be recontoured if necessary, and revegetated to promote restoration of the area to pre-Project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the Project, but after Project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the USFWS, CDFW, and revegetation experts.
- 12. In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the USFWS shall be contacted for guidance.
- 13. Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916)445-0045. They will contact the local warden or CDFW representative, the wildlife biologist, at (530)934-9309. The USFWS shall be contacted at the numbers below.
- 14. The Sacramento Fish and Wildlife Office of USFWS and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact can be reached at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.
- 15. All sightings of the San Joaquin kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed shall also be provided to the Service at the address below.

Any Project-related information required by the USFWS or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at: Endangered Species Division, 2800 Cottage Way, Suite W 2605, Sacramento, California 95825-1846, phone (916) 414-6620 or (916) 414-6600.

**MM 3.9.1:** If prehistoric or historic-era cultural or archaeological materials are encountered during construction activities, all work within 25 feet of the find shall halt until a qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, can evaluate the significance of the find and make recommendations. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal, wood, brick, or structural remnants. If the qualified professional archaeologist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required to mitigate adverse impacts from Project implementation. These additional studies may include avoidance, testing, and evaluation or data recovery excavation.

If a potentially-eligible resource is encountered, then the qualified professional archaeologist, the Lead Agency, and the Project proponent shall arrange for either 1) total avoidance of the resource or 2) test excavations to evaluate eligibility and, if eligible, total data recovery. The determination shall be formally documented in writing and submitted to the Lead Agency as verification that the provisions for managing unanticipated discoveries have been met.

**MM 3.9.2:** During any ground disturbance activities, if paleontological resources are encountered, all work within 25 feet of the find shall halt until a qualified paleontologist as defined by the Society of Vertebrate Paleontology Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010), can evaluate the find and make recommendations regarding treatment. Paleontological resource materials may include resources such as fossils, plant impressions, or animal tracks preserved in rock. The qualified paleontologist shall contact the University of California Museum of Paleontology, or other appropriate facility regarding any discoveries of paleontological resources.

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

Construction in that area shall not resume until the resource appropriate measures are recommended or the materials are determined to be less than significant. If the resource is significant and fossil recovery is the identified form of treatment, then the fossil shall be deposited in an accredited and permanent scientific institution. Copies of all correspondence and reports shall be submitted to the Lead Agency. **MM 3.9.3:** If human remains are discovered during construction or operational activities, further excavation or disturbance shall be prohibited pursuant to Section 7050.5 of the California Health and Safety Code. The protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and Senate Bill 447 (Chapter 44, Statutes of 1987), shall be followed. Section 7050.5(c) shall guide any potential Native American involvement, in the event of discovery of human remains, at the direction of the county coroner.

**MM 3.12.1:** Prior to ground-disturbing activities, the City shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) that specifies best management practices (BMP), with the intent of keeping all products of erosion from moving offsite. The SWPPP shall include contain a site map that shows the construction site perimeter, existing and proposed man-made facilities, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the Project site. Additionally, the SWPPP shall contain a visual monitoring program and a chemical monitoring program for non-visible pollutants to be implemented (if there is a failure of best management practices). The requirements of the SWPPP and BMPs shall be incorporated into design specifications and construction contracts. Recommended best management practices for the construction phase may include the following:

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

### SECTION 1 - INTRODUCTION

### 1.1 - Overvlew

A request by Lennar Homes for annexation of 40 acres into the City of Lemoore and for approval of a tentative subdivision map of 174 single-family lots and a 2.14-acre park/basin. The annexation also includes a non-contiguous developed rural residential lot.

### 1.2 - CEQA Requirements

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

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

### 1.3 - Impact Terminology

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

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

# 1.4 - Document Organization and Contents

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

- Section 1 Introduction: This section provides an overview of CEQA requirements, intended uses of the IS/MND, document organization, and a list of regulations that have been incorporated by reference.
- *Section 2– Project Description:* This section describes the Project and provides data on the site's location.
- Section 3 Environmental Checklist: This chapter contains the evaluation of 18 different environmental resource factors contained in Appendix G of the CEQA Guidelines. Each environmental resource factor is analyzed to determine whether the proposed Project would have an impact. One of four findings is made which include: no impact, less-than-significant impact, less than significant with mitigation, or significant and unavoidable. If the evaluation results in a finding of significant and unavoidable for any of the 18 environmental resource factors, then an Environmental Impact Report will be required.
- Section 4 References: This chapter contains a full list of references that were used in the preparation of this IS/MND.
- *Appendix A Mitigation Monitoring and Reporting Program:* This appendix contains the Mitigation Monitoring and Reporting Program.

# SECTION 2 - PROJECT DESCRIPTION

# 2.1 - Introduction

The Project is the annexation, construction and operation of a tentative subdivision map of 174 single-family lots and a 2.14-acre park/basin (Project). The annexation also includes a non-contiguous developed rural residential lot.

# 2.2 - Project Location

The subdivision site consists of two-contiguous parcels (APN 021-560-001 and 021-570-001) located at the northeast corner of the Hanford Armona Road and 18 <sup>3</sup>/<sub>4</sub> Avenue (Liberty Drive) intersection in north-central Lemoore. Both parcels are located entirely within Kings County with the entire east, south and half of the west parcel lines adjacent to the existing City limits. The site is in Section 34, Township 18 South, Range 20 East, Mount Diablo Base and Meridian (MDB&M) within the Lemoore United States Geological Survey (USGS) 7.5-minute topographic quadrangle.

The non-contiguous developed rural residential lot is located at 285 Hotchkiss Drive in southeast Lemoore (APN 023-100-007). The property is also located entirely within Kings County with the north parcel line adjacent to City limits. The site is in Section 11, Township 19 South, Range 20 East, MDB&M within the Lemoore USGS 7.5-minute topographic quadrangle.

Both sites are located within the General Plan Urban Growth Boundary. Figure 2-3 and Figure 2-4 provide a regional vicinity and location map of the Project site, respectively.

# 2.3 - Surrounding Land Uses

The area surrounding the proposed subdivision site consists of a small orchard to the north, disked-undeveloped agricultural land to the west, a mobile home park to the east and single-family residential development to the south and southwest. Land uses and development surrounding the subdivision site are depicted on Figure 2-5.

The area surrounding the residential lot solely includes similar rural residential development. Beyond the residences to the east is an open space area with dense tree coverage. Land uses and development surrounding the residential lot are depicted on Figure 2-6Figure 2-5.

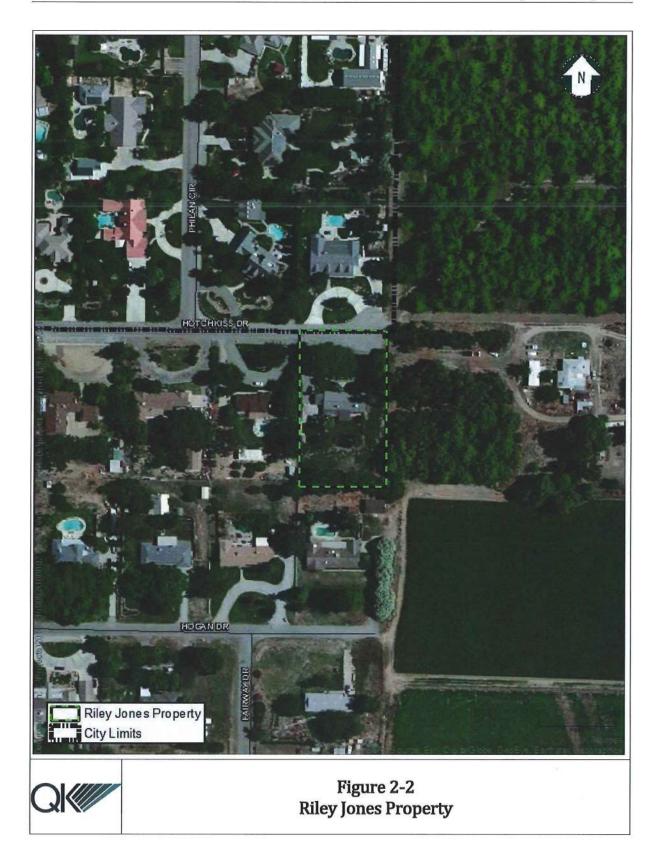
# 2.4 - Proposed Project

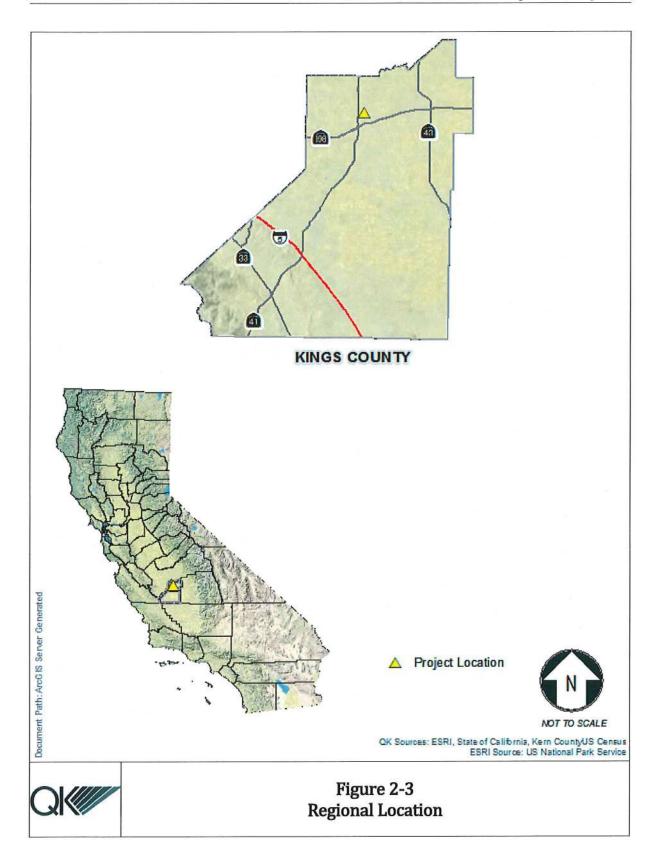
The proposed Project is the development of 174 single-family lots and a 2.14-acre park/basin on two contiguous parcels totaling 40 acres (Figure 2-1). The lot size will range from approximately 5,200 sq.ft. to approximately 13,000 sq.ft. The City actions required to permit the Project include an annexation with prezoning consistent with the General Plan, minor site plan review, and a vesting tentative subdivision map. Currently, the site, is

undeveloped apart from several trees and a single-family residence. The site's General Plan land use designation is Low Density Single-family Residential and is zoned Low Density Residential (RLD).

The annexation request also includes a non-contiguous developed rural residential lot (Figure 2-2). On August 26, 2015, LAFCo approved an extension of service to allow the City to provide water service to the identified property. LAFCo's approval included a condition that the City submit an application to LAFCo initiating annexation of the site when feasible. The City will be submitting an annexation request to LAFCo that includes both the Lennar Homes Tract 920 project and the residential property. The rural residential lot will create zero impacts identified in the Initial Study Checklist as the use of the property will remain completely unchanged and no new development is being proposed. The site is considered as having no impact. The site's General Plan Land use designation is Very Low Density Residential and is zoned Very Low Density Residential (RVLD).







C .





Neighborhood Location and Land Uses

Lennar Homes Tract 920 and Riley Jones Property City of Lemoore May 2017 Page 17



Neighborhood Location and Land Uses

# **SECTION 3 - EVALUATION OF ENVIRONMENTAL IMPACTS**

## 3.1 - Environmental Checklist and Discussion

#### 1. Project Title:

Annexation of Lennar Homes Tract 920 and Riley Jones Property

#### 2. Lead Agency Name and Address:

City of Lemoore 119 Fox Street Lemoore, CA 93245

#### 3. Contact Person and Phone Number:

Judy Holwell (559) 924-6740

#### 4. Project Location:

The subdivision site is located at the northeast corner of Hanford-Armona Road and Avenue 18 ¾ (Liberty Drive) (APNs 021-570-001 and 021-560-001). The additional rural residential site is located at 285 Hotchkiss Drive (APN 023-100-007).

## 5. Project Sponsor's Name and Address:

Lennar Homes of California, Inc. 8080 North Palm Avenue, Suite 110 Fresno, CA 93711

#### 6. General Plan Designation:

Lennar Homes - Low Density Single-family Residential

Riley Jones Property - Very Low Density Residential

## 7. Zoning:

Lennar Homes – RLD

Riley Jones Property - RVLD

## 8. Description of Project:

See Section 2.4 – Proposed Project.

#### 9. Surrounding Land Uses and Setting:

See Section 2.3 – Surrounding Land Uses and Figures 2-5 and 2-6.

10. Other Public Agencies Approval Required:

None.

# 11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

Yes, the Santa Rosa Rancheria Tachi Tribe has requested consultation with the City of Lemoore. Letters were sent to the tribe on May 9, 2017, informing them of the Project.

NOTE: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

# 3.2 - Environmental Factors Potentially Affected:

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

Aesthetics	Agriculture and Forest Resources	Air Quality
<b>Biological Resources</b>	Cultural Resources	Geology /Soils
Greenhouse Gas Emissions	Hazards & Hazardous Materials	Hydrology / Water Quality
Land Use/Planning	Mineral Resources	Noise
Population/Housing	Public Services	Recreation
Transportation/Traffic	Utilities / Service Systems	Findings of Significance

## 3.3 - Determination

On the basis of this initial evaluation:

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

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

/ss	May 25, 2017
Judy Howell, Development Services Director	Date

## 3.4 - Evaluation of Environmental Impacts

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

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

<b>3</b> .£	- Aesthetics	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Wou	ld the project:				
а,	Have a substantial adverse effect on a scenic vista?				$\boxtimes$
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				
C.	Substantially degrade the existing visual character or quality of the site and its surroundings?				
d.	Create a new source of substantial light or glare that would adversely affect day or				$\boxtimes$

The proposed annexation for the non-contiguous rural residential lot would have no impact to visual resources as no new development would occur as a result of the annexation. The responses below are in regards to the proposed subdivision development.

**Response:** a) The Project site is located adjacent to agricultural land and similar residential developments in north-central Lemoore. As seen in Figure 2-5, the southwest, south and east adjacent land is single-family and mobile home residential development. To the north is orchards and to the northwest is a disked undeveloped agricultural land.

The City of Lemoore 2030 General Plan states there are currently no buildings or structures listed in the National Register of Historic Places or as California Historic Landmarks. However, there are 37 sites listed as having local historic significance located within the downtown district (City of Lemoore, 2008). There are no local historic resources within the vicinity of the Project site. The Project is not located in an area that would result in substantial adverse effects on any scenic vistas and no impact would occur.

Mitigation Measures: No mitigation is required.

**Conclusion:** There would be *no impact*.

nighttime views in the area?

**Response**: b), c) There are no listed State scenic highways within Kings County; therefore, the site would not damage scenic resources within a state scenic highway (Caltrans, 2017).

The Project site does have several trees that would be removed prior to construction, which is addressed in *Section 3.8 - Biological Resources*. As discussed, the proposed subdivision development is consistent with the existing character and uses of the surrounding area. There would be no substantial degrade to the existing visual character or quality of the site and its surroundings.

Mitigation Measures: No mitigation is required.

**Conclusion:** There would be *no impact*.

**Response:** d) The proposed development would comply with all lighting standards established in the City's Zoning Ordinance (Title 9, Chapter 5, Article B, Section 4). There would be no impact.

Mitigation Measures: No mitigation is required.

Conclusion: There would be no impact.

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

## 3.6 - Agriculture and Forestry Resources

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

- a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?
- b. Conflict with existing zoning for agricultural use or a Williamson Act Contract?
- c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?
- d. Result in the loss of forest land or conversion of forest land to non-forest use?
- e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

	$\boxtimes$
	$\boxtimes$
	$\boxtimes$
	$\boxtimes$

The proposed annexation for the non-contiguous rural residential lot would have no impact to agriculture and forestry resources as no new development would occur as a result of the annexation. The responses below are in regards to the proposed subdivision development.

**Response:** a), b), c), d), e) There will not be any conversion of farmland, nor conflict with any existing zoning for agricultural use or forest land, or Williamson Act contracts. The proposed Project site is classified as "vacant or disturbed land" and "rural residential land"

by the Department of Conservation's Farmland Mapping and Monitoring Program (FMMP). The site is an undeveloped-vacant urban parcel.

Mitigation Measures: None are required.

**Conclusion:** There would be *no impact*.

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

## 3.7 - Air Quality

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

a.	Conflict with or obstruct implementation of the applicable air quality plan?		$\boxtimes$	
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			
с.	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			
d.	ozone precursors)? Expose sensitive receptors to substantial pollutant concentrations?			$\boxtimes$
e.	- Create objectionable odors affecting a substantial number of people?			$\boxtimes$

The proposed annexation for the non-contiguous rural residential lot would have no impact to air quality as no new development would occur as a result of the annexation. The responses below are in regards to the proposed subdivision development.

The proposed Project is located within the San Joaquin Valley Air Basin (SJVAB). The proposed Project consists of the development and operation of 174 single-family lot subdivision. The construction and operation of the proposed Project would be subject to SJVAPCD's Regulation VIII (Fugitive PM10 Prohibitions).

#### Thresholds of Significance

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has established thresholds of significance for construction impacts, Project operations, and cumulative impacts. The SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) contains significance criteria for evaluating operational-phase emissions from direct and indirect sources associated with a Project. Indirect sources include motor vehicle traffic associated with the proposed Project and do not include stationary sources covered under permit with the SJVAPCD. For this evaluation, the proposed Project would be considered to have a significant effect on the environment if it would exceed the following thresholds:

Pollutant	SJVAPCD Threshold of Significance
PM2.5	15 tons/year
PM10	15 tons/year
ROG	10 tons/year
NOX	10 tons/year
Source: SJVAPCD, GAMAQI 2015	<u> </u>

Table 3-1
SJVAPCD Pollutant Thresholds of Significance

**Response:** a) The SJVAB is designated nonattainment of state and Federal health based air quality standards for ozone and PM2.5. The SJVAB is designated nonattainment of state PM10. To meet Federal Clean Air Act (CAA) requirements, the SJVAPCD has multiple air quality attainment plan (AQAP) documents, including

- 2016 Ozone Plan;
- 2007 PM10 Maintenance Plan and Request for Redesignation; and
- 2016 PM2.5 Plan.

The SJVAPCD's AQAPs account for projections of population growth and vehicle miles traveled (VMT) provided by the Council of Governments (COG) in the SJVAB and identify strategies to bring regional emissions into compliance with federal and State air quality standards. It is assumed that the existing and future pollutant emissions computed in the AQAPs were based on land uses from area general plans that were prepared prior to the AQAP's adoption. Because population growth and VMT projections are the basis of the AQAPs' strategies, a project would conflict with the plans if it results in more growth or VMT than the plans' projections. The proposed Project would result in the construction and operation of 174 single-family unit subdivision. This development could potentially result in new vehicle trips per day in the area with only temporary vehicle trips during the construction period. The Project would contribute to the Regional Housing Needs Allocation (RHNA) Plan through the development of new homes to accommodate population growth. Additionally, the proposed Project is consistent with the current General Plan designation for the site of Low Density Single-family Residential. Therefore, if the proposed Project's population growth and VMT are consistent with the General Plan, then the proposed Project is consistent with the growth assumptions used in the applicable AOAPs. In conclusion, the proposed Project is consistent with the General Plan and would not require a general plan amendment. Therefore, the proposed Project is consistent with the applicable AOAPs.

Mitigation Measures: None are required.

Conclusion: Impacts would be less than significant.

**Response:** b) There are two pollutants of concern for this impact: CO and localized PM10. The proposed Project would not result in localized CO hotspots or PM 10 impacts as discussed below. Therefore, the proposed Project would not violate an air quality standard or contribute to a violation of an air quality standard in the Project area.

#### Localized PM10

Localized PM10 would be generated by Project construction activities, which would include earth-disturbing activities. The proposed Project would comply with the SJVAPCD's Regulation VIII dust control requirements during construction. Compliance with this regulation would reduce the potential for significant localized PM10 impacts to less than significant levels.

#### CO Hotspot

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

This proposed Project would result in the division of 40.26 gross acres to create 174 residential lots. Construction of the proposed Project would result in minor-temporary increases in traffic for the surrounding road network during the construction period and an estimated 1,665 daily trips (174 lots x 9.57 average trips per household) during the operation, which is the worst-case scenario. The minor increase in trips would not substantially lower the LOS. Therefore, the Project would not generate, or substantially contribute to, additional traffic that would exceed State or federal CO standards.

Mitigation Measures: None are required.

**Conclusion:** There would be *no impact.* 

**Response:** c) The nonattainment pollutants for the SJVAPCD are ozone, PM10 and PM2.5. Therefore, the pollutants of concern for this impact are ozone precursors, regional PM10, and PM2.5. As discussed above, the thresholds of significance used for determination of emission significance are shown in Table 3-1.

#### Construction

The proposed Project consists of the division of 40.26 gross acres to create 174 residential lots. The emissions were calculated using default values in CalEEMod, Version 2016.3.1. Table 3-2 shows generated emissions from these activities.

Pollutant	Emissions (tons/year)	Significance Threshold (tons/year)	Significant
PM2.5	0.45	15	NO
PM10	0.78	15	NO
ROG	2.97	10	NO
NOX	3.85	10	NO

Table 3-2 Unmitigated Construction Emissions

Source: Appendix B

As seen in Table 3-2, emissions from the Project are well below the SJVAPCD's thresholds.

#### Operation

The emissions were calculated using default values in CalEEMod, Version 2016.3.1. Table 3-3 shows generated unmitigated emissions from the Project operation.

Pollutant	Emissions (tons/year)	Significance Threshold (tons/year)	Significant
PM2.5	0.56	15	NO
PM10	1.89	15	NO
ROG	2.38	10	NO
NOX	10.43	10	YES

Table 3-3 Unmitigated Operation Emissions

Source: Appendix B

As seen in Table 3-3, all emissions from the Project are well below the SJVAPCD's thresholds except for NOX emissions. However, standard land use and site enhancement mitigation measures were inputted into the Project air quality model and reduced all operation emissions below the established thresholds. The mitigation measures include features of the site plan design and location of the Project in respect to the City including the increase in density, the improved walkability design, improved destination and transit accessibility through the development of the Project.

Table 3-4
<b>Mitigated Operation Emissions</b>

Emissions (tons/year)	Significance Threshold (tons/year)	Significant
0.25	15	NO
0.79	15	NO
2.08	10	NO
7.54	10	NO
	(tons/year) 0.25 0.79 2.08	(tons/year)(tons/year)0.25150.79152.0810

Source: Appendix B

As seen in Table 3-4, all emissions from the Project are well below the SJVAPCD's thresholds with the added mitigation measures that the Project design currently meets.

Mitigation Measures: None are required.

**Conclusion:** Impacts would be *less than significant*.

**Response:** d) The proposed Project is consistent with the surrounding land uses and would not create or expose sensitive receptors to substantial pollutant concentrations or emissions (Figure 2-5).

Mitigation Measures: None are required.

Conclusion: There would be no impact.

**Response:** e) According to the 2015 SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI), analysis of potential odor impacts should be conducted for the following two situations:

- Generators projects that would potentially generate odorous emissions proposed to locate near existing sensitive receptors or other land uses where people may congregate; and
- Receivers residential or other sensitive receptor projects or other projects built for the intent of attracting people locating near existing odor sources.

The proposed Project does not meet any of these two criteria.

Mitigation Measures: None are required.

**Conclusion:** There would be *no impact*.

3.8	- Blological Resources	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Wou	ld the project:				
a,	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				
C.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				
f,	Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?				

The proposed annexation for the non-contiguous rural residential lot would have no impact to biological resources as no new development would occur as a result of the annexation. The responses below are in regards to the proposed subdivision development.

**Methodology:** Database searches were conducted to determine which sensitive biological resources historically occurred on and within 10 miles of the Project site. The California Natural Diversity Database (CNDDB) (CNDDB 2017), California Native Plants Society (CNPS) database (CNPS 2017), U.S. Fish and Wildlife Service (USFWS) Threatened and Endangered Species List (USFWS 2017a), and USFWS Critical Habitat database (USFWS 2017b) were reviewed to identify State and federal special-status species were searched. The CNDDB provides element-specific spatial information on individual documented occurrences of special-status species and sensitive natural vegetation communities. The CNPS database provides similar information specific to plant species, but at a much lower spatial resolution. The USFWS query generates a list of federally-protected species known to potentially occur within individual USGS quadrangles. Wildlife species designated as "Fully Protected" by California Fish and Game Code Sections 5050 (Fully Protected reptiles and amphibians), 3511 (Fully Protected birds), 5515 (Full Protected Fish), and 4700 (Fully Protected mammals) are added to the list.

Additional databases that were accessed included the USFWS National Wetlands Inventory (NWI) Map (NWI 2017), the USGS topographical maps, National Hydrography Dataset (NHD) (NHD 2017), Federal Emergency Management Agency (FEMA) 100-year floodplain database (FEMA 2017), and the Recovery Plan for Upland Species of the San Joaquin Valley and Essential Connectivity Habitat Areas for wildlife corridors (Spencer 2010).

**Response:** a), b) The CNDDB searches listed historical occurrences of five special-status bird species, three special-status plant species, nine special-status wildlife species and one sensitive natural community within a 10-mile buffer around the Project site (Figure 3-1 through Figure 3-4). However, none of these records were on or within the immediate vicinity of the Project site.

No USFWS-designated Critical Habitat units occur on the Project site. Critical Habitat for the Buena Vista Lake ornate Shrew (*Sorex ornatus relictus*) is approximately five miles southwest of the site (Figure 3-5). Riparian habitats are defined as vegetative communities that are influenced by a river or stream, specifically the land area that encompasses the water channel and its current or potential floodplain. No riparian habitat occurs on or near the Project site. No sensitive natural communities or critical habitats occur on or near the Project site.

The proposed Project site is frequently disked and surrounded by residential urban uses to the southwest, south, and east. There are several trees on the south portion of the site that would need to be removed prior to construction of the subdivision. The potential for specialstatus species to occur on the site is low; however, a pre-construction survey would need to be completed to ensure there is no evidence of occupation by special-status species on the Project site. General mitigation measures are included to prevent any potential impacts during construction. Therefore, there would be a less-than-significant impact with mitigation incorporated.

## Mitigation Measures:

**MM 3.8.1:** A qualified biologist shall conduct a pre-construction survey on the Project site and within 500 feet of its perimeter within 14 days and no more than 30 days prior to the start of construction activities.

If any evidence of occupation of the Project site by listed or other special-status species is subsequently observed, a buffer shall be established by a qualified biologist that results in sufficient avoidance to comply with applicable regulations. If sufficient avoidance cannot be established, the United States Fish and Wildlife Service and California Department of Fish and Game shall be contacted for further guidance and consultation on additional measures. The Project proponent shall obtain any required permits from the appropriate wildlife agency. Copies of all permits and evidence of compliance with applicable regulations shall be submitted to the lead agency.

The following buffer distances shall be established prior to construction activities:

- San Joaquin kit fox or American badger potential den: 50 feet;
- San Joaquin kit fox known den: 100 feet;
- San Joaquin kit fox or American badger pupping den: contact the California Department of Fish and Game and United States Fish and Wildlife Service;
- Burrowing owl burrow outside of breeding season: 160 feet;
- Burrowing owl burrow during breeding season: 250 feet;
- Swainson's hawk nest during breeding season: ½ mile;
- Other protected raptor nests during the breeding season: 300 feet;
- Other protected nesting migratory bird nests during the breeding season: 50 feet; and
- Other special-status wildlife species: as recommended by qualified biologist.

**MM 3.8.2:** A qualified biologist shall be obtained to assist in the removal of the on-site trees. The removal of trees shall be done between February 15<sup>th</sup> to August 15<sup>th</sup> to avoid potential impacts with nesting birds.

**MM 3.8.3:** If initial grading activities are planned during the potential nesting season for migratory birds/raptors that may nest on or near the Project site, the preconstruction survey shall evaluate the sites and accessible lands within an adequate buffer for active nests of migratory birds/raptors. If any nesting birds/raptors are observed, a qualified biologist shall determine buffer distances and/or the timing of Project activities so that the proposed Project does not cause nest abandonment or destruction of eggs or young. This measure shall

be implemented so that the proposed Project remains in compliance with the Migratory Bird Treaty Act and applicable state regulations.

If nesting raptors are identified during the surveys, active raptor nests should be avoided by 500 feet and all other migratory bird nests should be avoided by 250 feet. Avoidance buffers may be reduced if a qualified and approved on-site monitor determines that encroachment into the buffer area is not affecting nest building, the rearing of young, or otherwise affect the breeding behaviors of the resident birds. Avoidance buffers can also be reduced through consultation with the CDFW and USFWS. If Swainson's hawks are found to nest within the survey area, active Swainson's hawk nests shall be avoided by 0.5 mile unless this avoidance buffer is reduced through consultation with the CDFW and/or USFWS.

No construction or earth-moving activity shall occur within a non-disturbance buffer until it is determined by a qualified biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid Project construction areas. This typically occurs by early July, but September 1st is considered the end of the nesting period unless otherwise determined by a qualified biologist. Once raptors have completed nesting and young have fledged, disturbance buffers will no longer be needed and can be removed, and monitoring can be terminated.

**MM 3.8.4:** If any burrowing owl burrows are observed during the preconstruction survey, avoidance measures shall be consistent and in accordance with protocols outlined in the Burrowing Owl Survey Protocol and Mitigation Guidelines (Burrowing Owl Consortium 1993) and the Staff Report on Burrowing Owl Mitigation (CDFW 2012). Active burrows shall be avoided, but if avoidance is not possible then compensation shall be provided for the active or passive displacement of western burrowing owls, and habitat acquisition and the creation of artificial dens for any western burrowing owls shall be provided for any owls relocated from construction areas. These measures are outlined as follows:

- 5. A pre-construction survey of construction area, including a 150-meter buffer (500 feet), shall be conducted no less than 14 days and no more than 30 days prior to ground disturbing activities. If more than 30 days lapse between the time of the pre-construction survey and the start of ground-disturbing activities, another pre-construction survey shall be completed. The second survey (or other subsequent surveys if necessary) shall be conducted and timed to occur sometime between 30 days and 24 hours prior to ground disturbance.
- 6. If western burrowing owls are present on the construction site (or within 500 feet of the construction site), exclusion fencing shall be installed between the nest site or active burrow and any earth-moving activity or other disturbance. Exclusion areas shall extend 160 feet around occupied burrows during the non-breeding season (September 1 through January 31) and extend 250 feet around occupied burrows during the breeding season (February 1 through August 31) as described in The California Burrowing Owl Consortium's Survey Protocol and Mitigation Guidelines (California Burrowing Owl Consortium 1993).

- 7. If western burrowing owls are present in the non-breeding season and must be passively relocated from the Project site, passive relocation shall not commence until October 1st and must be completed by February 1st. Passive relocation must only be conducted by a qualified biologist or ornithologist and with approval by CDFW. After passive relocation, the area where owls occurred and its immediate vicinity shall be monitored by a qualified biologist daily for one week and once per week for an additional two weeks to document that owls are not reoccupying the site.
- 8. If permanent impacts to nesting, occupied and satellite burrows, or burrowing owl habitat occur, compensation shall be based upon the number of owls or pairs of owls relocated from the construction area. Compensation acreage shall be determined as described in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012).

MM 3.8.5: The measures listed below shall be implemented during construction:

16. Pre-construction surveys shall be conducted no fewer than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities. If any San Joaquin kit fox dens are found during preconstruction surveys, exclusion zones shall be placed in accordance with USFWS Recommendations using the following:

## San Joaquin kit fox USFWS Exclusion Zone Recommendations

Den Type	Recommendation		
Potential Den	50-foot radius		
Known Den	100-foot radius		
Natal/Pupping Den	Contact U.S. Fish and Wildlife		
(Occupied and Unoccupied)	Service for guidance		
Atypical Den	50-foot radius		

- 17. If any den must be removed, it must be appropriately monitored and excavated by a trained wildlife biologist. Destruction of natal dens and other "known" kit fox dens must not occur until authorized by USFWS. Replacement dens will be required if such dens are removed. Potential dens that are removed do not need to be replaced if they are determined to be inactive by using standard monitoring techniques (e.g., applying tracking medium around the den opening and monitoring for San Joaquin kit fox tracks for three consecutive nights).
- 18. Project-related vehicles shall observe a daytime speed limit of 20-mph throughout the site in all Project areas, except on County roads and State and federal highways; this is particularly important at night when kit foxes and badgers are most active. Night-time construction shall be minimized to the extent possible. However, if construction at night does occur, then the speed limit shall be reduced to 10-mph. Off-road traffic outside of designated Project areas shall be prohibited.

- 19. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a Project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the CDFW shall be contacted at the addresses provided below.
- 20. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.
- 21. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from a construction or Project sites.
- 22. No pets, such as dogs or cats, shall be permitted on the Project sites to prevent harassment, mortality of kit foxes, or destruction of dens.
- 23. Use of rodenticides and herbicides in Project areas shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional Project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide shall be used because of a proven lower risk to kit fox.
- 24. A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the USFWS.
- 25. An employee education program shall be conducted. The program shall consist of a brief presentation by persons knowledgeable in San Joaquin kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the Project. The program shall include: a description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of

kit fox in the Project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during Project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the previously referenced people and anyone else who may enter the Project sites.

- 26. Upon completion of the Project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. shall be recontoured if necessary, and revegetated to promote restoration of the area to pre-Project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the Project, but after Project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the USFWS, CDFW, and revegetation experts.
- 27. In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the USFWS shall be contacted for guidance.
- 28. Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916)445-0045. They will contact the local warden or CDFW representative, the wildlife biologist, at (530)934-9309. The USFWS shall be contacted at the numbers below.
- 29. The Sacramento Fish and Wildlife Office of USFWS and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact can be reached at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.
- 30. All sightings of the San Joaquin kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed shall also be provided to the Service at the address below.

Any Project-related information required by the USFWS or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at: Endangered Species Division, 2800 Cottage Way, Suite W 2605, Sacramento, California 95825-1846, phone (916) 414-6620 or (916) 414-6600.

Conclusion: Impacts would be less than significant with mitigation incorporated,

**Response:** c) No National Wetlands Inventory (NWI) features or blue-line drainages (as found on USGS topographic maps and in the National Hydrography Dataset) occurred on the Project site (Figure 3-6). There are two NWI records for freshwater pond (PUBKx) that occur south of the site that match the location of existing ponding basins.

Mitigation Measures: None are required.

**Conclusion:** There would be *no impact*.

**Response:** d) The proposed Project site does not occur within a known migration route, significant wildlife corridor, or linkage area as identified in the Recovery Plan for Upland Species in the San Joaquin Valley (USFWS 1998). The sites are located within areas of residential development and agricultural land. Wildlife movement corridors are routes that provide shelter and sufficient food supplies to support regular movements of wildlife species. A movement corridor is a continuous geographic extent of habitat that either spatially or functionally links ecosystems across fragmented, or otherwise inhospitable, landscapes. Faunal movement may include seasonal or migration movement, life cycle links, species dispersal, re-colonization of an area, and movement in response to external pressures. Movement corridors typically include riparian habitats, ridgelines, and ravines, as well as other contiguous expanses of natural habitats. Movement corridors may be functional on regional, sub-regional, or local scales.

No significant wildlife movement corridors, core areas, or Essential Habitat Connectivity areas occur on or near the Project site. The Project would not substantially affect migrating birds or other wildlife. The Project will not restrict, eliminate, or significantly alter wildlife movement corridors, core areas, or Essential Habitat Connectivity areas either during construction or after the Project has been constructed. Project construction will not substantially interfere with wildlife movements or reduce breeding opportunities.

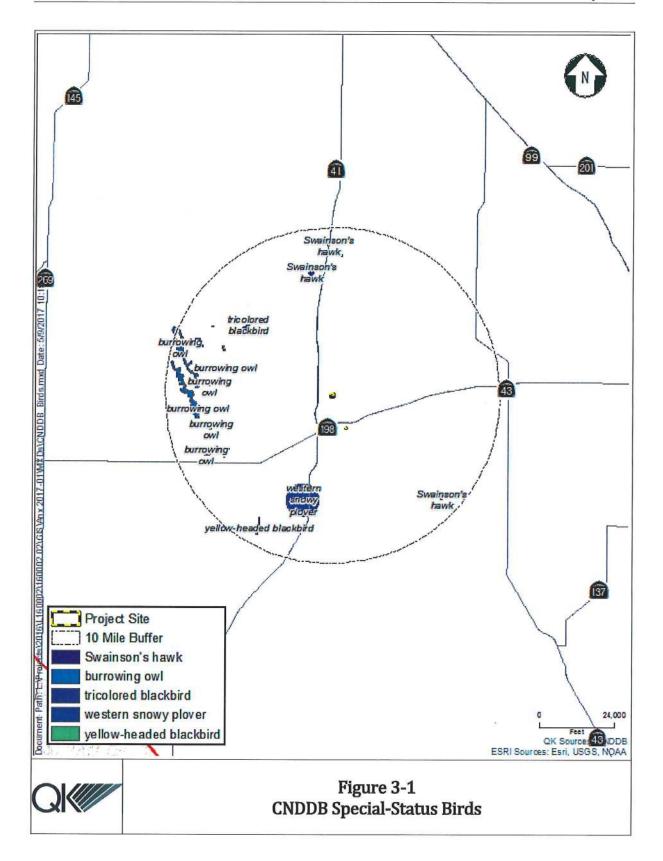
Mitigation Measures: None are required.

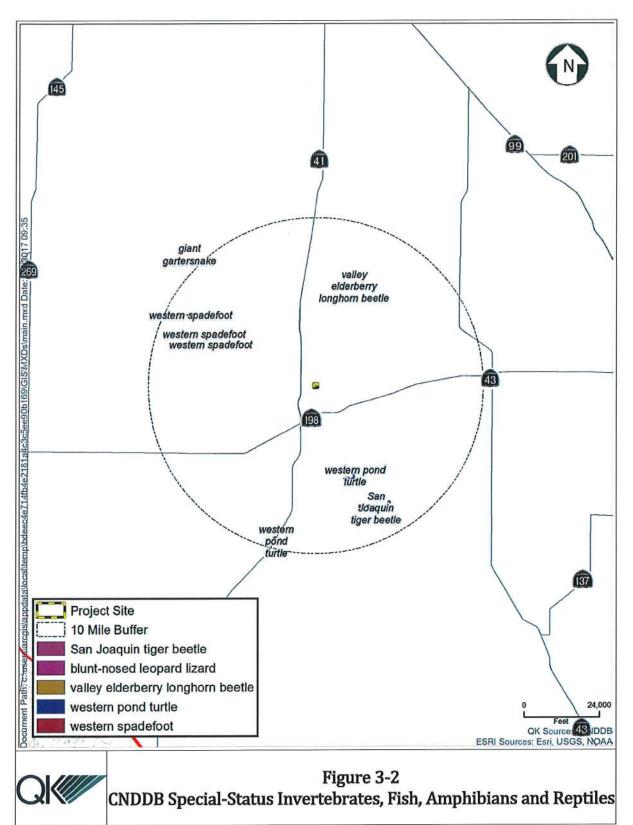
**Conclusion:** There would be *no impact*.

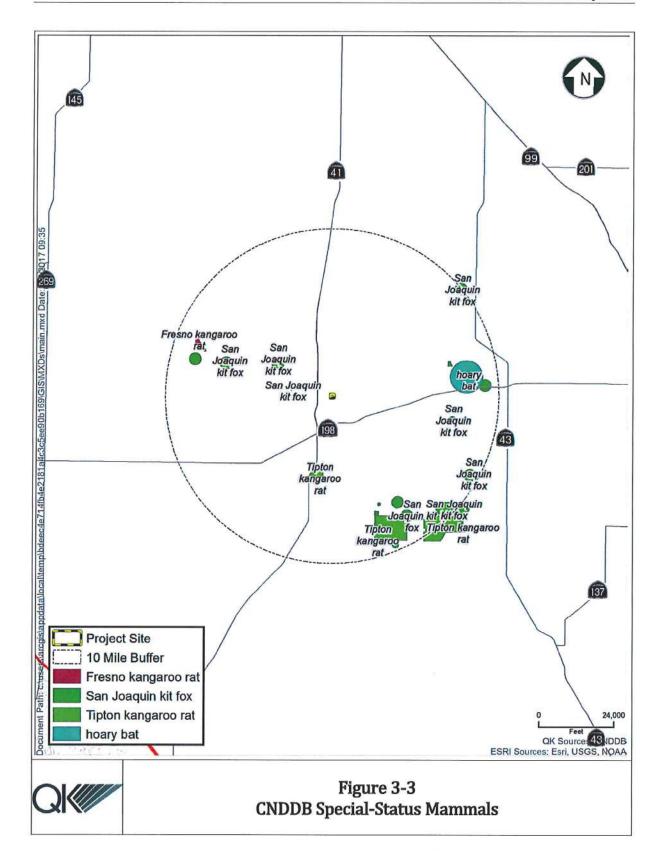
**Response:** e), f) The City of Lemoore does not have any local policies or ordinances protecting biological resources nor an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, there would be no impact.

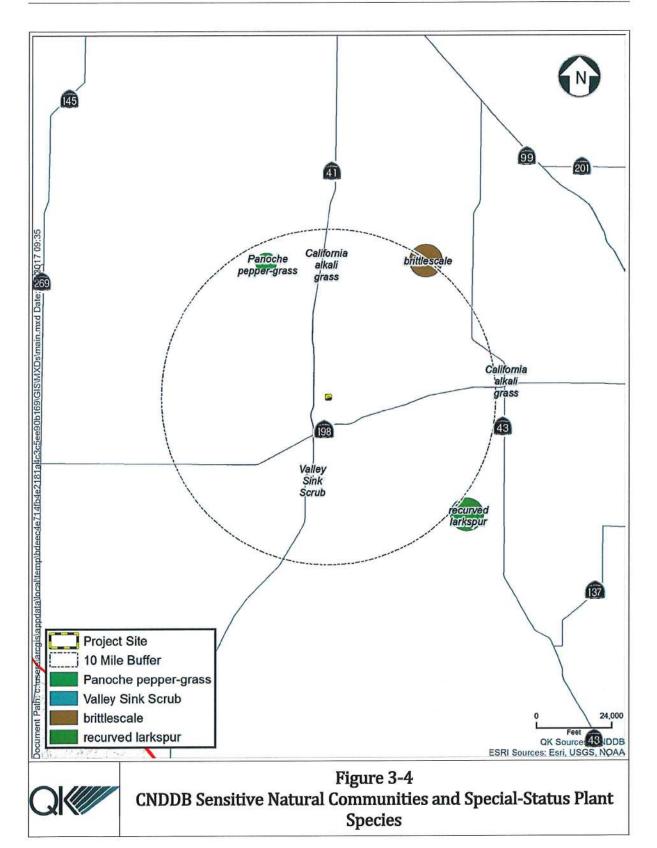
Mitigation Measures: None are required.

**Conclusion:** There would be *no impact*.

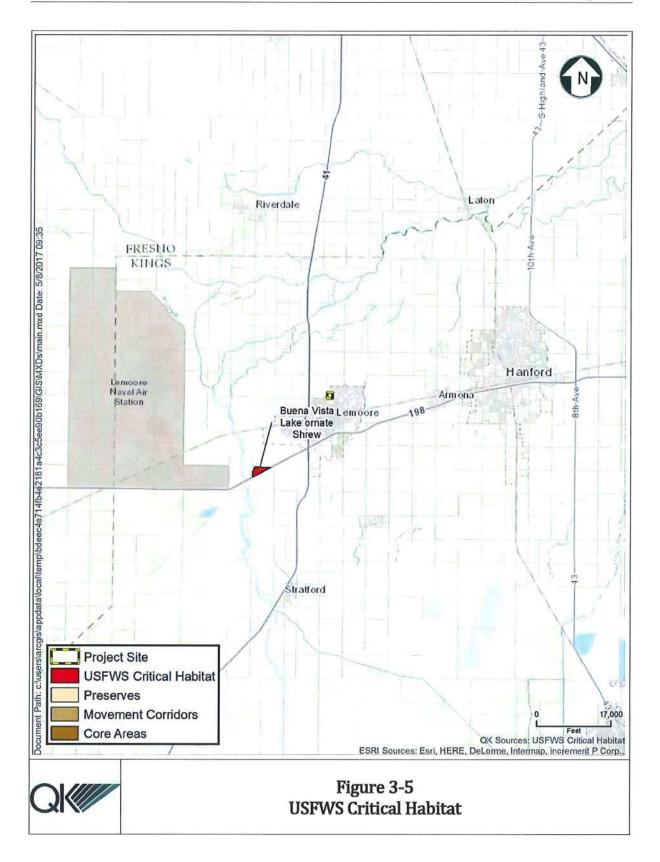


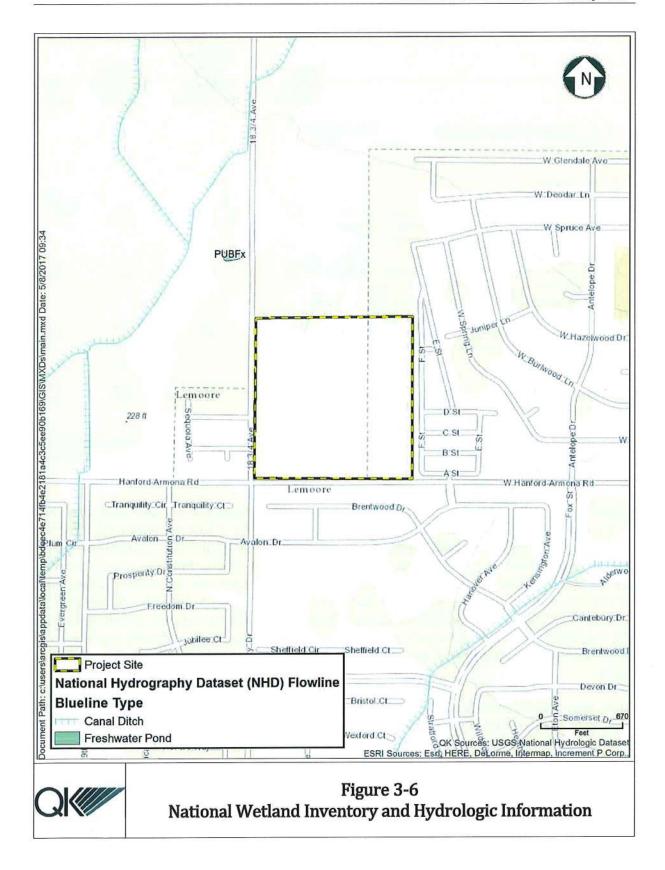






Evaluation of Environmental Impacts





3.:	9 - Cultural Resources	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Wo	uld the project:				
a.	Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064,5?				
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?				
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				
d.	Disturb any human remains, including those interred outside of formal cemeteries?		$\boxtimes$		

The proposed annexation for the non-contiguous rural residential lot would have no impact to cultural resources as no new development would occur as a result of the annexation. The responses below are in regards to the proposed subdivision development.

**Response:** a), b) As discussed in *Section 3.5 – Aesthetics*, there are no identified historical resources within the vicinity of the Project site. There is a low potential for ground-disturbing activities to expose and affect previously unknown significant cultural resources, including historical or prehistorical resources at the Project site. However, there is still a possibility that historical materials may be exposed during construction. Grading and trenching, as well as other ground-disturbing actions, have the potential to damage or destroy these previously unidentified and potentially significant cultural resources within the Project area, including historical resources. Disturbance of any deposits that have the potential to provide significant cultural data would be considered a significant impact under CEQA.

Although considered unlikely since there is no indication of any archaeological resources on or in the vicinity of the Project site, subsurface construction activities associated with the proposed Project could potentially damage or destroy previously undiscovered archaeological resources.

### Mitigation Measures:

**MM 3.9.1:** If prehistoric or historic-era cultural or archaeological materials are encountered during construction activities, all work within 25 feet of the find shall halt

until a qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, can evaluate the significance of the find and make recommendations. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal, wood, brick, or structural remnants. If the qualified professional archaeologist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required to mitigate adverse impacts from Project implementation. These additional studies may include avoidance, testing, and evaluation or data recovery excavation.

If a potentially-eligible resource is encountered, then the qualified professional archaeologist, the Lead Agency, and the Project proponent shall arrange for either 1) total avoidance of the resource or 2) test excavations to evaluate eligibility and, if eligible, total data recovery. The determination shall be formally documented in writing and submitted to the Lead Agency as verification that the provisions for managing unanticipated discoveries have been met.

## **Conclusion:** Impacts would be *less than significant with mitigation incorporated.*

**Response:** c) There are no unique geological features or known fossil-bearing sediments in the vicinity of the Project site. However, there remains the possibility for previously unknown, buried paleontological resources or unique geological sites to be uncovered during subsurface construction activities.

### Mitigation Measures:

**MM 3.9.2:** During any ground disturbance activities, if paleontological resources are encountered, all work within 25 feet of the find shall halt until a qualified paleontologist as defined by the Society of Vertebrate Paleontology Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010), can evaluate the find and make recommendations regarding treatment. Paleontological resource materials may include resources such as fossils, plant impressions, or animal tracks preserved in rock. The qualified paleontologist shall contact the University of California Museum of Paleontology, or other appropriate facility regarding any discoveries of paleontological resources.

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

be deposited in an accredited and permanent scientific institution. Copies of all correspondence and reports shall be submitted to the Lead Agency.

Construction in that area shall not resume until the resource appropriate measures are recommended or the materials are determined to be less than significant. If the resource is significant and fossil recovery is the identified form of treatment, then the fossil shall be deposited in an accredited and permanent scientific institution. Copies of all correspondence and reports shall be submitted to the Lead Agency.

# Conclusion: Impacts would be less than significant with mitigation incorporated.

**Response:** d) Human remains including known cemeteries are not known to exist within the Project area. However, construction would involve earth-disturbing activities, and it is still possible that human remains may be discovered, possibly in association with archaeological sites.

# Mitigation Measures:

**MM 3.9.3:** If human remains are discovered during construction or operational activities, further excavation or disturbance shall be prohibited pursuant to Section 7050.5 of the California Health and Safety Code. The protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and Senate Bill 447 (Chapter 44, Statutes of 1987), shall be followed. Section 7050.5(c) shall guide any potential Native American involvement, in the event of discovery of human remains, at the direction of the county coroner.

Conclusion: Impacts would be less than significant with mitigation incorporated.

			Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
3.:	10 - Gl	eology and Solis				
Wo	uld the p	roject:				
a.	substa	e people or structures to potential ntial adverse effects, including the risk injury, or death involving:				
	i.	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				
	ii.	Strong seismic ground shaking?			$\boxtimes$	
	iii,	Seismic-related ground failure, including liquefaction?				$\boxtimes$
	iv.	Landslides?				$\boxtimes$
b.	Result topsoil	in substantial soil erosion or the loss of ?			$\boxtimes$	
C.	unstab result o on- or	ated on a geologic unit or soil that is le, or that would become unstable as a of the project, and potentially result in offsite landslide, lateral spreading, ence, liquefaction, or collapse?				
d.	Table 🔅	ated on expansive soil, as defined in 18-1-B of the Uniform Building Code , creating substantial risks to life or ty?				
e.	the us wastew	bils incapable of adequately supporting se of septic tanks or alternative vater disposal systems in areas where are not available for the disposal of				

wastewater?

The proposed annexation for the non-contiguous rural residential lot would have no impact to or would be impacted by geology or soils as no new development would occur as a result of the annexation. The responses below are in regards to the proposed subdivision development.

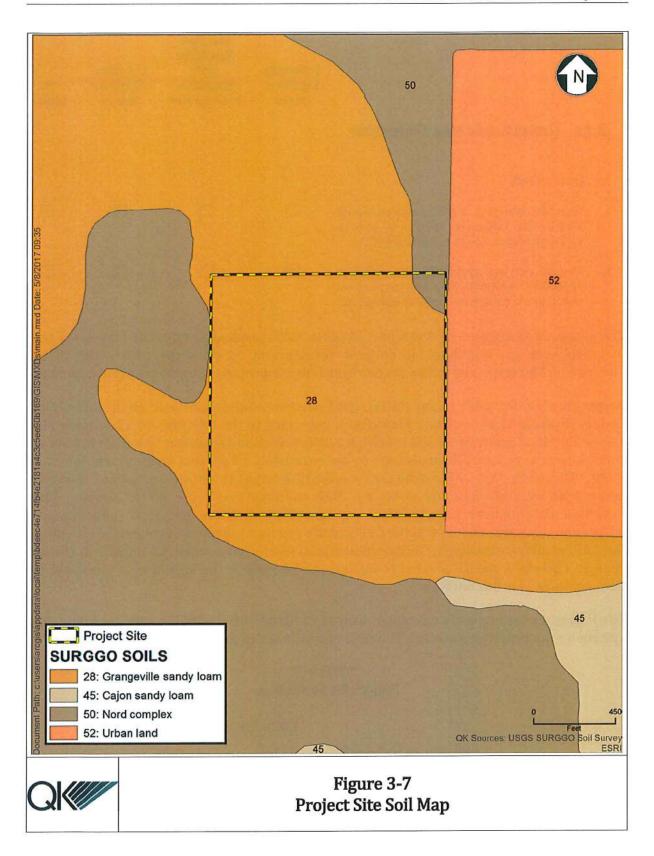
**Response:** a), b), c), d), e) There are no known active seismic faults in Kings County or within its immediate vicinity. The principle earthquake hazard affecting the area is ground shaking as opposed to surface rupture or ground failure (City of Lemoore, 2008). Per the Department of Conservation Landslide Map, the City of Lemoore does not contain any areas that are prone to landslides (Department of Conservation, 2017). As shown in Figure 3-7, the site contains Grangeville sandy loam soil. This soil type is very deep, somewhat poorly drained, moderately permeable soil that is mainly used for urban development. The risk of erosion is increased if the soil is left exposed during site development (United States Department of Agriculture, 1986). Impacts from soil erosion would be minimal as it most likely occurs on sloped areas and the project site is relatively flat and the site soils contain zero to one percent slopes. Per Table 15 of the Kings County Soil Survey, the site soil has a low shrink-swell potential; therefore, the site does not contain expansive soils (United States Department of Agriculture, 1986). The proposed single-family dwellings will be required to comply with City building code requirements and Lemoore's General Plan policies, and their cited regulations that mitigate seismic hazards and soils-related structural concerns for permitted development.

The Project site is not located on an unstable geologic unit or soil nor on expansive soil. The proposed Project does not include the development of septic tanks or alternative wastewater disposal systems as the Project would hook up to the City's existing sewer system.

Mitigation Measures: None are required.

**Conclusion:** Impacts would be *no impact and less than significant.* 

Evaluation of Environmental Impacts



		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
3	11 - Greenhouse Gas Emissions				
Wo	uld the project:				
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				
b.	Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				

The proposed annexation for the non-contiguous rural residential lot would have no impact to greenhouse gas emissions as no new development would occur as a result of the annexation. The responses below are in regards to the proposed subdivision development.

**Response:** a), b) Greenhouse gas (GHG) significance thresholds are based on the 2014 Kings County Regional Climate Action Plan (CAP). According to the CAP, the AB 32 Scoping Plan encourages local governments to establish a GHG reduction target that "parallels the State's commitment to reduce GHG emissions by approximately 15 percent from current levels by 2020." Therefore, this CAP establishes a reduction target to achieve emissions levels 15 percent below 2005 baseline levels by 2020 consistent with the AB 32 Scoping Plan. Proposed development projects that are consistent with the emission reduction and adaptation measures included in the CAP and the programs that are developed as a result of the CAP, would be considered to have a less than significant cumulative impact on climate change. Therefore, the 15 percent reduction will be used as the significance threshold for GHG emissions for this analysis.

The Project Emissions were calculated using CalEEMod, the SJVAPCD's approved modeling system for quantifying emissions. The results are shown in the Table 3-5 below\*

	CO2e (tons/year)
Business as Usual (2005)	4,809
Project (2019)	2,630
% reduction	58%
15% reduction met?	YES

Table 3-5 Project GHG Emissions

\*See Appendix B for calculations

Mitigation Measures: None are required.

**Conclusion**: Impacts would be *less than significant*.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
	12 - Hazards and Hazardous aterials				
Wo	uld the project:				
a,	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				
b,	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				
С,	Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one- quarter mile of an existing or proposed school?				
d.	Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				
e,	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				
f.	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?				
g.	Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?				$\boxtimes$
h.	Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are				

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

adjacent to urbanized areas or where residences are intermixed with wildlands?

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The proposed annexation for the non-contiguous rural residential lot would have no impact to or be impacted by hazards and hazardous materials as no new development would occur as a result of the annexation. The responses below are in regards to the proposed subdivision development.

**Response:** a), b), c) There will not be any hazardous material transported to and from the project site, nor utilized thereon after construction. Project construction activities may involve the use of hazardous materials. These materials might include fuels, oils, mechanical fluids, and other chemicals used during construction. The use of such materials would be considered minimal and would not require these materials to be stored in large quantities. There will not be any hazardous material stored in unapproved quantities at the site. Adherence to regulations and standard protocols during storage, transport, and use of hazardous materials would minimize or avoid potential upset and accident conditions involving the release of such materials into the environment.

Liberty Middle School is located approximately 0.2-mile south of the proposed Project site. The proposed Project would not emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing school.

### Mitigation Measures: None are required.

### **Conclusion:** Impacts would be *less than significant*.

d) Per the Cortese List, there are no hazardous waste and substances sites in the vicinity of the Project site (Cal EPA, 2017). Additionally, the State Water Resources Control Board GeoTracker compiles a list of Leaking Underground Storage Tank (LUST) Sites. There are no LUST Cleanup Sites within the vicinity of the Project site (California Water Resources Board, 2017). The proposed Project site is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and would therefore not create a significant hazard to the public or the environment.

### Mitigation Measures: None are required.

### **Conclusion:** There would be *no impact*.

e), f) There are two private airstrips and no public airports within the Lemoore area including Reeves Field at the Naval Air Station and Stone Airstrip. There is no adopted airport

land use plan for the City of Lemoore. Both are located outside of the City's limits and would not impact the proposed Project.

Mitigation Measures: None are required.

**Conclusion:** There would be *no impact*.

g) The City of Lemoore published an Emergency Operations Plan in 2005, which provides guidance to City staff in the event of extraordinary emergency situation associated with natural disaster and technological incidents (City of Lemoore, 2008). The proposed Project would not interfere with the City's adopted emergency response plan; therefore, there would be no impact.

Mitigation Measures: None are required.

Conclusion: There would be no impact.

h) The proposed Project site is in an unzoned area of the Kings County Fire Hazard Severity Zone Map Local Responsibility Area (LRA). However, Cal Fire has determined that portions of the City of Lemoore are categorized as a Moderate Fire Hazard Severity Zone in LRA. The Project site is not within a wildland area nor is there within the vicinity of the Project site. The Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. Therefore, there would be no impact.

Mitigation Measures: None are required.

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3.1	3 - Hydrology and Water Quality	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Wou	ld the project:				
a,	Violate any water quality standards or waste discharge requirements?		$\boxtimes$		
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?				
с.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on site or off site?				
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on site or off site?				
e.	Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				
f.	Otherwise substantially degrade water quality?				
g.	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?				

h.	Place within a 100-year flood hazard area structures that would impede or redirect flood flows?		
i.	Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the		
j.	failure of a levee or dam? Contribute to inundation by seiche, tsunami, or mudflow?		$\boxtimes$

The proposed annexation for the non-contiguous rural residential lot would have no impact to or be impacted by hydrology and water quality as no new development would occur as a result of the annexation. The responses below are in regards to the proposed subdivision development.

**Response:** a), f) Project construction would cause ground disturbance that could result in soil erosion or siltation and subsequent water quality degradation offsite, which is a potentially significant impact. Construction-related activities would also involve the use of materials such as vehicle fuels, lubricating fluids, solvents, and other materials that could result in polluted runoff, which is also a potentially significant impact. However, the potential consequences of any spill or release of these types of materials are generally small due to the localized, short-term nature of such releases because of construction. The volume of any spills would likely be relatively small because the volume in any single vehicle or container would generally be anticipated to be less than 50 gallons.

As required by the State Water Resources Control Board's (SWRCB) National Pollutant Discharge Elimination System (NPDES) General Permit (No. 2012-0006-DWQ) for stormwater discharges associated with construction and land disturbance activities, the City must develop and implement a SWPPP that specifies BMPs to prevent construction pollutants from contacting stormwater, with the intent of keeping all products of erosion from moving offsite. The City is required to comply with the Construction General Permit because Project-related construction activities result in soil disturbances of least 1 one acre of total land area. Mitigation Measure MM HYD-1 below requires the preparation and implementation of a SWPPP to comply with the Construction General Permit requirements.

With implementation of Mitigation Measures MM HYD-1, the Project would not violate any water quality standards or waste discharge requirements (WDRs) during the construction period, and impacts would be less than significant.

Project operation would not violate any water quality standards or WDRs because it: 1) does not result in point-source pollution (e.g., outfall pipe) discharges into surface waters that require WDRs and 2) would be developed in compliance with the General Permit for the Discharge of Stormwater from Small MS4s (No. 2013-0001-DWQ) in which the City is one of

the permittees. Operators of MS4s<sup>1</sup>, like the City, serve urbanized areas with populations fewer than 100,000. To comply with the MS4 General Permit, the Project would have to comply with City design standards to maximize the reduction of pollutant loading in runoff to the maximum extent practicable. The City Building Department would review grading and site plans to ensure compliance before approving such plans. The site plan review process ensures that operations of the Project would not violate water quality standards outlined in the MS4 General Permit, and operational impacts would be less than significant.

# Mitigation Measures:

**MM 3.12.1:** Prior to ground-disturbing activities, the City shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) that specifies best management practices (BMP), with the intent of keeping all products of erosion from moving offsite. The SWPPP shall include contain a site map that shows the construction site perimeter, existing and proposed man-made facilities, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the Project site. Additionally, the SWPPP shall contain a visual monitoring program and a chemical monitoring program for non-visible pollutants to be implemented (if there is a failure of best management practices). The requirements of the SWPPP and BMPs shall be incorporated into design specifications and construction contracts. Recommended best management practices for the construction phase may include the following:

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

# Conclusion:

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

**Response:** b) The City of Lemoore currently utilizes local groundwater as its sole source of supply from underground aquifers via ten active groundwater wells. The groundwater basin underlying the City is the Tulare Lake Basin and the City of Lemoore is immediately adjacent to the south boundary of the Kings subbasin. Water for construction and operation would come from the City of Lemoore's existing water system. Per the City's Urban Water

<sup>&</sup>lt;sup>1</sup> MS4s are defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains): 1) designed or used for collecting and/or conveying storm water; 2) which is not a combined sewer; and 3) which is not part or a Publicly Owned Treatment Works.

Management Plan, the City's existing system has a total supply capacity of 21,674,000 gallons per day with an average day demand of 8,769,000 gallons (City of Lemoore, 2013). The proposed Project would have temporary construction water usage and operation is estimated to demand approximately 53,070 gallons per day requiring 0.24% of the total supply capacity. Since the proposed Project would have minimal impacts on the City's water supply, impacts would be less than significant.

Mitigation Measures: None are required.

**Conclusion:** Impacts would be *less than significant*.

**Response:** c), d), e) The Project site is relatively flat and Project grading would be minimal and consist of mostly grubbing the site to remove vegetation. The topography of the site would not appreciably change because of grading activities. The site does not contain any blue-line water features, including streams or rivers. Construction-related erosion and sedimentation impacts as a result of soil disturbance would be less than significant after implementation of a SWPPP (MM 3.12.1). The Project would include development of impervious surfaces; however, the proposed development includes a 2.14-acre drainage basin, which would mitigate surface runoff. Therefore, the Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or offsite. Impacts would be less than significant.

# Mitigation Measures: None are required.

# Conclusion: There would be no impact.

**Response:** g), h) As shown in Figure 3-8, the Project is not located within a FEMA 100-year floodplain. The Project would not 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. The Project would not place, within a 100-year flood hazard areas, structures that would impede or redirect flood flows. There would be no impact.

# Mitigation Measures: None are required.

# **Conclusion:** There would be *no impact*,

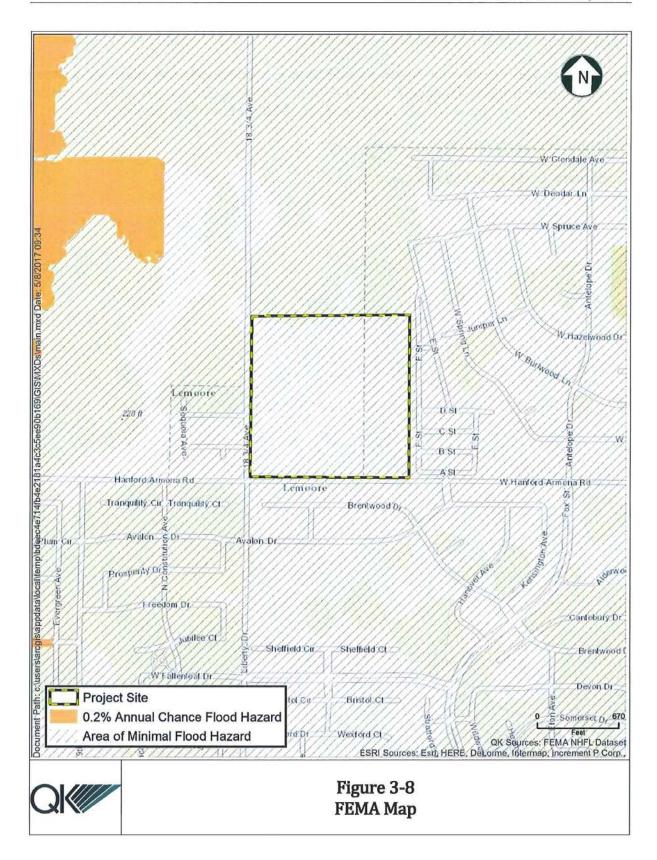
**Response:** i) The City of Lemoore is located within the Pine Flat Dam inundation area. Pine Flat Dam is located east of the valley floor in the Sierra Nevada Mountains. If Pine Flat Dam failed while at full capacity, its floodwaters would arrive in Kings County within approximately five hours (Kings County, 2010). Dam failure has been adequately planned for through the Kings County Multi-Hazard Mitigation Plan, which identifies a dam failure hazard to be of medium significance and unlikely to occur in the City of Lemoore (Kings County, 2007). With the implementation of the Kings County Multi-Hazard Mitigation Plan, impacts related to dam failure would be less than significant.

Mitigation Measures: None are required.

**Conclusion:** Impacts would be *less than significant*.

**Response:** j) The Project site is not located near the ocean, body of water or a steep topographic feature (i.e., mountain, hill, bluff, etc.). Therefore, there is no potential for the site to be inundated by seiche, tsunami or mudflow. There would be no impact.

Mitigation Measures: None are required.



3.1	14 - Land Use and Planning	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Wou	ıld the project:				
a.	Physically divide an established community?				$\boxtimes$
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal Program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				

The proposed annexation for the non-contiguous rural residential lot would have no impact to local land use and planning as no new development would occur as a result of the annexation. The responses below are in regards to the proposed subdivision development.

**Response:** a) The Project would not physically divide an established community (see Figure 2-1). The proposed residential development would connect to the surrounding uses and City road network.

Mitigation Measures: None are required.

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Conclusion: There would be no impact.

b) If approved, the new general plan and zoning designations would be consistent with the Project as proposed and therefore no impacts will be created.

Mitigation Measures: None are required.

**Conclusion:** There would be *no impact.* 

c) The Project site is not within the boundaries of an adopted habitat or natural community conservation plan. Therefore, there would be no impact.

Mitigation Measures: None are required.

3.1	5 - Mineral Resources	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less–than- Significant Impact	No Impact
Wou	ld the project:				
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				$\boxtimes$
ь.	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				

The proposed annexation for the non-contiguous rural residential lot would have no impact to mineral resources as no new development would occur as a result of the annexation. The responses below are in regards to the proposed subdivision development.

**Response:** a), b) The City of Lemoore and the surrounding area are designated as Mineral Resources Zone 1 (MRZ-1) by the State Mining and Geology Board (SMGB). MRZ-1 areas are described as those for which adequate information indicates that no significant mineral deposits are present or where it is judged that little likelihood exists for their presence. Additionally, per the California Division of Oil, Gas, and Geothermal Resources (DOGGR), there are no active, inactive, or capped oil wells located within the Project site, and it is not within a DOGGR-recognized oilfield. Therefore, there would be no impact.

Mitigation Measures: None are required.

3.1	.6 - Nolse	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Wou	ld the project result in:				
a,	Exposure of persons to, or generate, noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?				
b.	Exposure of persons to or generate excessive groundborne vibration or groundborne noise levels?				
C,	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				
đ.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				
е,	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?				
f.	For a project located within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				

The proposed annexation for the non-contiguous rural residential lot would have no impact to or be impacted by substantial noise levels as no new development would occur as a result of the annexation. The responses below are in regards to the proposed subdivision development.

**Response:** a) Project construction would generate temporary increases in noise levels. Title 5, Chapter 6 of the City's Municipal Code establishes regulations and enforcement procedures for noise generated in the city. The regulations do not apply to the operation on days other than Sunday of construction equipment or of a construction vehicle, or the performance on days other than Sunday of construction work, between the hours of 7:00

A.M. and 8:00 P.M., provided that all required permits for the operation of such construction equipment or construction vehicle or the performance of such construction work have been obtained from the appropriate city department (Lemoore Municipal Code 5-6-1-C.4). The City of Lemoore 2030 General Plan (City of Lemoore , 2008) has objectives to minimize residential development noise levels. The proposed Project would comply with all regulations, standards and policies within the City's General Plan and Municipal Code. Therefore, the Project would not result in the exposure of persons to, or generate, noise levels more than standards established in a local general plan or noise ordinance or applicable standards of other agencies. Impacts would be less than significant.

Mitigation Measures: None are required.

## **Conclusion:** Impacts would be *less than significant*.

**Response:** b), c), d) The Project involves the construction and operation of 174-residential units. As shown in Figure 2-5, the Project would be consistent with the surrounding land uses and would not cause out of the ordinary noise levels than what is currently established in the area. Construction of the Project would generate temporary ground borne vibrations. However, like construction noise, such vibrations would be attenuated over distance to the point where they would not be felt by the nearest receptors. Additionally, construction would be done during the daylight hours and would be temporary so the surrounding land uses would not be affected by construction of the new development. The Project would not expose persons to or generate excessive groundborne vibration or noise levels and would not result in substantial permanent, temporary or periodic increase in ambient noise levels above the existing environment.

Mitigation Measures: None are required.

**Conclusion:** Impacts would be *less than significant*.

**Response:** e), f) There are no airports within two miles of the Project site, nor is it in the vicinity of a private airstrip. Therefore, there would be no impact.

Mitigation Measures: None are required.

**Conclusion:** Impacts would be *less than significant*.

3.:	17 - Population and Housing	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less- than Significant Impact	No Impact
Wo	uld the project:				
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				
с.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				

The proposed annexation for the non-contiguous rural residential lot would have no impact to or be impacted by population and housing growth as no new development would occur as a result of the annexation. The responses below are in regards to the proposed subdivision development.

**Response:** a) The proposed Project would accommodate, but not induce, population growth. Table 2-34 of the Kings County and Cities of Avenal, Corcoran, Hanford and Lemoore 2016-2024 Housing Element (2016-2024 Housing Element) shows the City of Lemoore's housing needs allocations for the 2014-2024 period. The Regional Housing Needs Allocation (RHNA) Plan determines the number and affordability of housing units that jurisdictions need to plan for through land use policies, regulations, infrastructure plans, and other housing assistance programs (Kings County, 2016). Construction and development of the proposed 174 singlefamily units would assist in meeting the RHNA Plan, which allocates for 2,773 units of different income category. Therefore, there would be no impact.

Mitigation Measures: None are required.

Conclusion: There would be no impact.

**Response:** b), c) The Project site is currently undeveloped. Therefore, the Project would not displace substantial numbers of existing housing or people. There would be no impact.

Mitigation Measures: None are required.

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

# 3.18 - Public Services

Would the project:

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

i.	Fire protection?		$\boxtimes$	
ii,	Police protection?		$\boxtimes$	
iii.	Schools?		$\boxtimes$	
iv.	Parks?			$\boxtimes$
v.	Other public facilities?			$\boxtimes$

The proposed annexation for the non-contiguous rural residential lot would have no impact to public services as no new development would occur as a result of the annexation. The responses below are in regards to the proposed subdivision development.

**Response**: a) In general, impacts to public services from implementation of a Project are due to its ability to induce population growth and, in turn, result in a greater need for fire and police protection, etc. to serve the increased population. The proposed Project includes the construction and operation of 174 single-family residential units, which would accommodate the City's future population growth and require amenities provided by public services. Additionally, the Project would not physically affect any existing government facilities as the proposed site is currently undeveloped. As part of the City's project approval processes, the applicant will be required to construct the infrastructure needed to serve the Project site and pay the appropriate impact fees to cover the subdivision's impacts to public services.

i. Fire suppression support is provided by the City of Lemoore Volunteer Fire Department (LVFD). The LVFD has three stations and the closest station to the Project

site is located near the intersection of Cinnamon Drive and North Lemoore Avenue approximately a mile southeast of the Project site. The proposed Project would result in the construction and operation of 174 single-family units in north-central Lemoore. Construction activities would be in accordance with local and State fire codes. Fire services are adequately planned for within the City's General Plan through policies to ensure the City maintains Fire Department performance and response standards by allocating the appropriate resources. As stated, the Lennar Homes Project applicant is responsible for constructing any infrastructure needed to serve the subdivision and pay the appropriate impact fees, which would reduce impacts to less than significant.

## Mitigation Measures: None are required.

## **Conclusion:** Impacts would be *less than significant*.

ii. Law enforcement and public protection are provided by the City of Lemoore Police Department. The City's police station is located at 657 Fox Street on the northwest corner of Fox Street and Cinnamon Drive. The station is approximately a mile southeast of the Project site. As discussed, the proposed Project would not induce but accommodate population growth, and therefore would not increase demands for public safety protection. As stated, the Lennar Homes Project applicant is responsible for constructing any infrastructure needed to serve the subdivision and pay the appropriate impact fees. Impacts on police protection services related to population growth would therefore be considered less than significant.

# Mitigation Measures: None are required.

### **Conclusion:** Impacts would be *less than significant*.

iii. The schools that would be accommodating the proposed subdivision are Meadow Lane Elementary School, Liberty Middle School, and Lemoore Union High School. Per the Parks, Schools, and Community Facilities Element of the 2030 General Plan, both the elementary and middle schools are running under capacity. Additionally, the City has identified several sites for a future high school to accommodate population growth as the current high school is running 17% over capacity. The proposed Project site is considered as a viable new high school location; however, a new high school is proposed along Pedersen Avenue in southwest Lemoore and is considered high priority. Since the proposed Project would be accommodating population growth, the impact to schools would be considered less than significant.

# Mitigation Measures: None are required.

# Conclusion: Impacts would be less than significant.

iv. The proposed Project includes the development of 174 single-family residences along with a 2.14-acre park/basin area. The City is currently maintaining a 5-acre to 1,000 residents park ratio, which exceeds current City Park Standards and Quimby Act

requirements (City of Lemoore , 2008). The Project would have no impact to the City park system as the development would be contributing to the existing park ratio.

Mitigation Measures: None are required.

**Conclusion:** There would be *no impact*.

v. The proposed Project does not include any other impacts to public facilities.

Mitigation Measures: None are required,

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
З.,	19 - Recreation				
Wo a.	and the project: Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				
b.	Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				

The proposed annexation for the non-contiguous rural residential lot would have no impact to or be impacted by recreation facilities as no new development would occur as a result of the annexation. The responses below are in regards to the proposed subdivision development.

**Response:** a), b) As stated in *Section 3.17.a.iv*, the proposed Project includes the construction of a 2.14-acre open space park/basin area within the subdivision. The population growth accommodated by the Project (174 homes x 3.05 persons per home) is approximately 530 people. The City's General Plan indicates that the City is continuing to maintain its parkland dedication standard of 5 acres of park land per 1,000 residents. The 2.14-acre park land dedication described, complies with that standard. There would be no impact.

Mitigation Measures: None are required.

3.2	20 - Transportation and Traffic	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Wou	ld the project:				
a.	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				
b.	Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				
e.	Result in inadequate emergency access?				$\boxtimes$
f.	Conflict with adopted policies, plans, or Programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				

The proposed annexation for the non-contiguous rural residential lot would have no impact to transportation and traffic as no new development would occur as a result of the annexation. The responses below are in regards to the proposed subdivision development.

**Response:** a) The City's transportation policies and requirements are incorporated in its General Plan. The only such policy which is affected by this Project is that requiring that no Level of Service violations be engendered by a Project. Per the City's Circulation Element of the City of Lemoore 2030 General Plan Update (City of Lemoore, 2008), the "City of Lemoore does not currently have any adopted level of service (LOS) standard. However, recent traffic studies have used level of service D as the standard for evaluating project impacts at intersections." A LOS of D is characterized by congestion with average vehicle speeds decreasing below the user's desired level for two and four land roads. The Level of Service for Hanford Armona Road is C and for Liberty Drive is A; the daily traffic of the Project site is, 1,665 cars per day (9.67 trips per day per residence; see Section 3.3 - Air Quality; 9.67 x 174 residences). As discussed in the Population and Housing Section, the Project will be accommodating future population growth, that being said, the calculated trips per day is considered the worst-case scenario. It is assumed that the LOS of the surrounding streets would remain the same. Additionally, trips to bring materials for construction to the site would be temporary. Therefore, the Project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. Impacts would be less than significant.

Mitigation Measures: None are required.

**Conclusion:** Impacts would be *less than significant*.

**Response:** b) Neither the City of Lemoore or Kings County has an adopted congestion management program. Therefore, there would be no impact.

Mitigation Measures: None are required.

**Conclusion:** There would be *no impact*.

**Response:** c) As discussed, there are no public airports or private airstrips within the vicinity of the Project site and the Project does not include the construction of any structures that would interfere with air traffic patterns. Therefore, there would be no impact.

Mitigation Measures: None are required.

**Conclusion:** There would be *no impact*.

**Response:** d), e) The Project would not involve design features that would increase hazards or involve the development of incompatible uses. It would also not result in inadequate emergency access. Therefore, there would be no impact.

Mitigation Measures: None are required.

**Conclusion:** There would be *no impact*.

**Response:** f) The Project would not affect existing pedestrian and bicycle facilities within the surrounding area. There is no conflict with the Kings County's 2005 Regional Bicycle Plan; therefore, there would be no impact.

Mitigation Measures: None are required.

	Less than Significant		
Potentially Significant Impact	with Mitigation Incorporated	Less–than- Significant Impact	No Impact

# 3.21 - Tribal Cultural Resources

Would the project:

- a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
  - i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
  - A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

The proposed annexation for the non-contiguous rural residential lot would have no impact to tribal cultural resources as no new development would occur as a result of the annexation. The responses below are in regards to the proposed subdivision development.

**Response:** a) The Project is not located within an area with known tribal cultural resources. As discussed in the *Section 3.9 - Cultural Resources*, there are no historical resources located on or within the vicinity of the Project site. Additionally, consultation has been requested

from the local tribes; however, no responses have been received. Therefore, the proposed Project would have no impact to tribal cultural resources.

Mitigation Measures: None are required.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
3.2	22 - Utilities and Service Systems				
Woi	ıld the project:				
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				
Ь.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				
c.	Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed?				
e.	Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				
g.	Comply with federal, state, and local statutes and regulations related to solid waste?			$\boxtimes$	

The proposed annexation for the non-contiguous rural residential lot would have no impact to utilities and service systems as no new development would occur as a result of the annexation. The responses below are in regards to the proposed subdivision development.

Response: a), b), c), d), e), f), g) Like public services, the Project applicant is required to either extend the needed utility infrastructure or pay impact fees to accommodate the subdivision's impact to local utility and infrastructure systems. The City's wastewater facilities, water system, storm drainage system, and solid waste disposal programs have capacity for, or are planned to maintain capacity for, community growth in accord with the adopted General Plan.

Mitigation Measures: None are required.

**Conclusion:** Impacts would be *less than significant*.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
	3 - Mandatory Findings of hificance				
a,	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or en- dangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)				
c.	Does the project have environmental effects that would cause substantial adverse effects on human beings, either directly or				

**Response:** a) As evaluated in this IS/MND, the proposed Project would not substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory. Mitigation measures have been included to lessen the significance of potential impacts. Similar mitigation measures would be expected of other projects in the surrounding area, most of which share a similar cultural paleontological and biological resources. Consequently, the incremental effects of the proposed project, after mitigation, would not contribute to an adverse cumulative impact on these resources. Therefore, the Project would have a less-than-significant impact with mitigation incorporated.

#### **Mitigation Measures:**

indirectly?

Implement Mitigation Measures MM 3.8.1 through MM 3.8.5, MM CUL 3.9.1 through MM 3.9.3 and MM 3.12.1.

## **Conclusion:**

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

**Response:** b) As described in the impact analyses in Sections 3.5 through 3.22 of this IS/MND, any potentially significant impacts of the proposed Project would be reduced to a less-than significant level following incorporation of the mitigation measures listed in *Appendix A* – *Mitigation Monitoring and Reporting Program.* All planned projects in the vicinity of the proposed Project would be subject to review in separate environmental documents and required to conform to the City of Lemoore General Plan, zoning, mitigate for project-specific impacts, and provide appropriate engineering to ensure the development meets are applicable federal, State and local regulations and codes. As currently designed, and with compliance of the recommended mitigation measures, the proposed Project would not contribute to a cumulative impact. Thus, the cumulative impacts of past, present, and reasonably foreseeable future projects would be less than cumulatively considerable.

## Mitigation Measures:

Implement Mitigation Measures MM 3.8.1 through MM 3.8.5, MM CUL 3.9.1 through MM 3.9.3 and MM 3.12.1.

## **Conclusion:**

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

**Response:** c) All of the Project's impacts, both direct and indirect, that are attributable to the Project were identified and mitigated to a less than significant level. As shown in *Appendix A - Mitigation Monitoring and Reporting Program*, the Project proponent has agreed to implement mitigation substantially reducing or eliminating impacts of the Project. All planned projects in the vicinity of the proposed Project would be subject to review in separate environmental documents and required to conform to the City of Lemoore General Plan, zoning, mitigate for project-specific impacts, and provide appropriate engineering to ensure the development meets are applicable federal, State and local regulations and codes. Thus, the cumulative impacts of past, present, and reasonably foreseeable future projects would be less than cumulatively considerable. Therefore, the proposed Project would not either directly or indirectly cause substantial adverse effects on human beings because all potentially adverse direct impacts of the proposed Project are identified as having no impact, less than significant impact, or less than significant impact with mitigation incorporated.

## Mitigation Measures:

Implement Mitigation Measures MM 3.8.1 through MM 3.8.5, MM CUL 3.9.1 through MM 3.9.3 and MM 3.12.1.

# **Conclusion:**

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

# **SECTION 4 - REFERENCES**

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United States Department of Agriculture. (1986). Soil Survey of Kings County California.

	Ē	Responsible	Ľ	
Mitugation Measure	limentame	Monitoring Agency	Date	Initial
<b>MM 3.8.1:</b> A qualified biologist shall conduct a pre-construction survey on the Project site and within 500 feet of its perimeter within 14 days and no more than 30 days prior to the start of construction activities.	Prior to construction	Lead Agency		
If any evidence of occupation of the Project site by listed or other special-status species is subsequently observed, a buffer shall be established by a qualified biologist that results in sufficient avoidance to comply with applicable regulations. If sufficient avoidance cannot be established, the United States Fish and Wildlife Service and California Department of Fish and Game shall be contacted for further guidance and consultation on additional measures. The Project proponent shall obtain any required permits from the appropriate wildlife agency. Copies of all permits and evidence of compliance with applicable regulations shall be submitted to the lead agency.				
			· · · ·	· · · · · · · · · · · · · · · · · · ·
<ul> <li>San Joaquin kit fox or American badger potential den: 50 feet.</li> <li>San Joaquin kit fox known den: 100 feet.</li> </ul>				······································
<ul> <li>San Joaquin kit fox or American badger pupping dent contact the California Department of Fish and Game and United States Fish and Wildlife Service;</li> </ul>			· · ·	· · ·
• Burrowing owl burrow outside of breeding season: 160 feet;		· ·		
<ul> <li>Burrowing owl burrow during breeding season: 250 feet;</li> <li>Swainson's hawk nest during breeding season: ½ mile;</li> </ul>			· .	
• Other protected raptor nests during the breeding season: 300 feet;		· · · · · · · · · · · · · · · · · · ·		·. . ·

MITIGATION MONITORING AND REPORTING PROGRAM

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<ul> <li>Other protected nesting migratory bird nests during the breeding season: 50 feet; and</li> </ul>				
Other special-status wildlife species: as recommended by qualified biologist.			 	м <sup>т</sup> .
<b>MM 3.8.2:</b> A qualified biologist shall be obtained to assist in the removal of the on-site trees. The removal of trees shall be done between February $15^{th}$ to August $15^{th}$ to avoid potential impacts with nesting birds.	Prior to construction	Lead Agency		
MM 3.8.3: If initial grading activities are planned during the potential nesting season for migratory birds/raptors that may nest on or near the Project site, the proconstruction survey shall evolve the sites and conserved or near the sites.	Prior to construction	Lead Agency		· · · · · · · · · · · · · · · · · · ·
an adequate buffer for active nests of migratory birds/raptors. If any nesting birds/raptors are observed, a qualified biologist shall determine buffer distances and/or the fiming of Project activities so that the memory Duried				:
does not cause nest abandonment or destruction of eggs or young. This measure shall be implemented so that the proposed Project remains in compliance with the Migratory Bird Treaty Act and applicable state		· · · · · · · · · · · · · · · · · · ·		
regulations.				
If nesting raptors are identified during the surveys, active raptor nests should be avoided by 500 feet and all other migratory bird nests should be avoided by 250 feet Avoidance buffers may be reduced if a modified and anonymed on error				
monitor determines that encroachment into the buffer area is not affecting nest building, the rearing of young, or otherwise affect the breeding behaviors		· · · · · ·		·
of the resident birds. Avoidance buffers can also be reduced through consultation with the CDFW and USFWS. If Swainson's hawks are found to nest		· · · · · · · · · · · · · · · · · · ·		•
within the survey area, active Swainson's hawk nests shall be avoided by 0.5 mile unless this avoidance buffer is reduced through consultation with the				
CDFW and/or USFWS.				
No construction or earth-moving activity shall occur within a non-disturbance buffer until it is determined by a qualified biologist that the young have fiedged	· · · · ·			
(utat is, rely use need) and have augured summern man skulls to avoid Project construction areas. This typically occurs by early July, but September 1st is				·
consucted up end of the neering period unless otherwise determined by a qualified biologist. Once raptors have completed nesting and young have			- - - - -	:

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	Lead Agency			
	Prior to construction			
fledged, disturbance buffers will no longer be needed and can be removed, and monitoring can be terminated.	<b>MM 3.8.4:</b> If any burrowing owl burrows are observed during the preconstruction survey, avoidance measures shall be consistent and in accordance with protocols outlined in the Burrowing Owl Survey Protocol and Mitigation Guidelines (Burrowing Owl Consortium 1993) and the Staff Report on Burrowing Owl Mitigation (CDFW 2012). Active burrows shall be avoided, but if avoidance is not possible then compensation shall be provided for the active or passive displacement of western burrowing owls, and habitat acquisition and the creation of artificial dens for any western burrowing owls shall be provided for any owls shall be provided for any owls shall be provided for any owls relocated from construction areas. These measures are outlined as follows:	1. A pre-construction survey of construction area, including a 150-meter buffer (500 feet), shall be conducted no less than 14 days and no more than 30 days prior to ground disturbing activities. If more than 30 days lapse between the time of the pre-construction survey and the start of ground-disturbing activities, another pre-construction survey shall be completed. The second survey (or other subsequent surveys if necessary) shall be conducted and timed to occur sometime between 30 days and 24 hours prior to ground disturbance.	<ol> <li>If western burrowing owls are present on the construction site (or within 500 feet of the construction site), exclusion fencing shall be installed between the nest site or active burrow and any earth-moving activity or other disturbance. Exclusion areas shall extend 160 feet around occupied burrows during the non-breeding season (September 1 through January 31) and extend 250 feet around occupied burrows during the breeding season (February 1 through August 31) as described in The California Burrowing Owl Consortium's Survey Protocol and Mitigation Guidelines (California Burrowing Owl Consortium 1993).</li> </ol>	3. If western burrowing owls are present in the non-breeding season and must be passively relocated from the Project site, passive relocation shall not commence until October 1st and must be completed by February 1st Passive relocation must only be conducted by a qualified biologist or ornithologist and with approval by CDFW. After passive relocation, the area where owls occurred and its immediate vicinity shall be monitored

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	During construction			· · · · · · · · · · · · · · · · · · ·	· · · · ·	
by a qualified biologist daily for one week and once per week for an additional two weeks to document that owls are not reoccupying the site.	If permanent impacts to nesting, occupied and satellite burrows, or burrowing owl habitat occur, compensation shall be based upon the number of owls or pairs of owls relocated from the construction area. Compensation acreage shall be determined as described in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012). <b>MM 3.8.5.</b> The measures listed below shall be implemented during construction:	1. Pre-construction surveys shall be conducted no fewer than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities. If any San Joaquin kit fox dens are found during preconstruction surveys, exclusion zones shall be placed in accordance with USFWS Recommendations using the following:	San Joaquin kit fox USFWS Exclusion Zone Recommendations	Den TypeRecommendationPotential Den50-foot radiusKnown Den100-foot radiusKnown Den100-foot radiusNatal/Pupping Den (OccupiedContact U.S. Fish and Wildlife Service for guidanceAtypical Den50-foot radius	2. If any den must be removed, it must be appropriately monitored and excavated by a trained wildlife biologist. Destruction of natal dens and other "known" kit fox dens must not occur until authorized by USFWS. Replacement dens will be required if such dens are removed. Potential dens that are removed do not need to be replaced if they are determined to be inactive by using standard monitoring techniques (e.g., applying tracking medium around the den opening and monitoring for San Joaquin	3. Project-related vehicles shall observe a daytime speed limit of 20-mph throughout the site in all Project areas, except on County roads and State and federal highways; this is particularly important at night when kit foxes

<ul> <li>and badgers are most active. Night-time construction shall be minimized to the extent possible. However, if construction at night does occur, then the speed limit shall be reduced to 10-mph. Off-road traffic outside of designated Project areas shall be prohibited.</li> <li>4. To prevent inadventent entrapment of kit foxes or other animals during the construction phase of a Project all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by phywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden plants shible be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the CDFW shall be contacted at the addresses provided below.</li> <li>5. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured kit fox is discovered in the USFWS has been obtained at the addresses provided below.</li> <li>5. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured kit fox is discovered in the use of a contacted at the addresses provided below.</li> <li>6. All foxed pipes and become trapped or injured the USFW has been consult, until the fox has escaped.</li> <li>6. All food-related for kit foxes before the pipe is subsequentib buried, capped, or otherwise used on noved in any way. If a kit fox is discovered inside a pipe, the pipe mist be moved and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.</li> <li>7. No pets, such a solgs or casts, shall be permitted on the Project sites to prevent harassment, mortality of kit foxes, or destruction of due, prevent least one a construction or Project sites.</li> <li>8. Use of rodenticides and herbicides in Project areas shall be restricted. This is necessary to pre</li></ul>					
	and badgers are most active. Night-time construction shall be minimized to the extent possible. However, if construction at night does occur, then the speed limit shall be reduced to 10-mph. Off-road traffic outside of designated Project areas shall be prohibited.	4. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a Project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or	culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered		

	installed immediately to allow the animal(s) to escape, or the USFWS shall be contacted for guidance.
	and revegetation experts.
	further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the USFWS, CDFW,
	subject to "temporary" disturbance means any area that is disturbed during the Project, but after Project completion will not be subject to
	to promote restoration of the area to pre-Project conditions. An area
	disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. shall be re-contoured if necessary, and revegetated
	11. Upon completion of the Project, all areas subject to temporary ground
	else who may enter the Project sites.
	and implementation. A fact sheet conveying this information shall be prepared for distribution to the previously referenced people and anyone
	being taken to reduce impacts to the species during Project construction
	of kit fox in the Project area; an explanation of the status of the species and
· · · · · · · · · · · · · · · · · · ·	personnel involved in the Project. The program shall include: a description of the San Ioacuin kit five and its habitat needs: a report of the occurrence
	kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency
	10. An employee equeation program shall be conducted. Inc. program shall consist of a brief presentation by persons knowledgeable in San Joaquin
	employee education program and their name and telephone number shall
	inadvertently kill or injure a kit fox or who finds a dead, injured or
	9. A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might
	proven lower risk to kit fox.
	Project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide shall be used because of a

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Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916)445-0045. They will contact the local warden or CDFW representative, the wildlife biologist, at (530)934-9309. The USFWS shall be contacted at the numbers below.	of USFWS and CDFW shall be days of the accidental death or ct-related activities. Notification of the incident or of the finding her pertinent information. The n of Endangered Species, at the w. The CDFW contact can be wcho Cordova, California 95670,	all be reported to the California opy of the reporting form and a ocation of where the kit fox was vice at the address below.	by the USFWS or questions lementation may be directed in t: Endangered Species Division, t, California 95825-1846, phone	or archaeological materials are During construction Lead Agency work within 25 feet of the find ologist, meeting the Secretary of ands for prehistoric and historic and historic cof the find and make ials may include prehistoric tools and debris, shell, bone, istoric resources such as glass, if the multified protectional integration and integration
13. Any contractor, employee, or military or agency responsible for inadvertently killing or injuring a Sa immediately report the incident to their representative shall contact the CDFW immediately injured or entrapped kit fox. The CDFW contact for is State Dispatch at (916)445-0045. They will conta CDFW representative, the wildlife biologist, at USFWS shall be contacted at the numbers below.	14. The Sacramento Fish and Wildlife Office of USFWS and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact can be reached at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.	15. All sightings of the San Joaquin kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed shall also be provided to the Service at the address below.	Any Project-related information required by the USFWS or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at: Endangered Species Division, 2800 Cottage Way, Suite W 2605, Sacramento, California 95825-1846, phone (916) 414-6620 or (916) 414-6600.	<b>MM 3.9.1:</b> If prehistoric or historic-era cultural or archaeological materials are encountered during construction activities, all work within 25 feet of the find shall halt until a qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, can evaluate the significance of the find and make recommendations. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal wood brick or ethernical removes and bears and for an effected resources und fire-affected rock as well as historic resources such as glass,

		Lead Agency	- - - - - - - - - - - - - - - - - - -
<u>&gt;</u> 0 = >	aal for ate be as Ve	a disturbing ground- d d a disturbing activities d d b d d d a d d d d	
archaeologist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required to mitigate adverse impacts from Project implementation. These additional studies may include avoidance, testing, and evaluation or data recovery excavation.	If a potentially-eligible resource is encountered, then the qualified professional archaeologist, the Lead Agency, and the Project proponent shall arrange for either 1) total avoidance of the resource or 2) test excavations to evaluate eligibility and, if eligible, total data recovery. The determination shall be formally documented in writing and submitted to the Lead Agency as verification that the provisions for managing unanticipated discoveries have been met.	MM 3.9.2. During any ground disturbance activities, if paleontological resources are encountered, all work within 25 feet of the find shall halt until a qualified paleontologist as defined by the Society of Vertebrate Paleontology Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010), can evaluate the find and make recommendations regarding treatment. Paleontological resource materials may include resources such as fossils, plant impressions, or animal tracks preserved in rock. The qualified paleontologist shall contact the University of California Museum of Paleontologist determines that the discovery represents a propertiate facility regarding any discoveries of paleontologist determines that the discovery represents a potentially significant paleontological resources are significant, they shall be evaluated for their significance. If the resources are impacts from Project implementation. If avoidance is not feasible, the paleontological resources shall be evaluated for their significance. If the resources are not significant, avoidance is not necessary. If the resources are significant, they shall be evaluated for their significance if the resources are significant, they shall be avoidance is not necessary. If the resources are significant, they shall be avoidance is not necessary. If the resources are significant, they shall be avoidance is not necessary. If the resources are significant, they shall be avoided to ensure no adverse effects, or such affects must be mitigated. Construction in that area shall not resume until the resource appropriate measures are recommended or the materials are determined to be less than significant. If the resource is significant and fossil recovery is the identified form of treatment, then the fossil shall be deposited in an accredited and permanent scientific institution. Copies of all correspondence and reports shall be remained for the materials of all correspondences and reports shall be avoided to ensure the fossil	be submitted to the Lead Agency.

Construction in that area shall not resume until the resource appropriate measures are recommended or the materials are determined to be less than significant. If the resource is significant and fossil recovery is the identified form of treatment, then the fossil shall be deposited in an accredited and permanent scientific institution. Copies of all correspondence and reports shall be submitted to the Lead Agency. <b>MM 3.9.3:</b> If human remains are discovered during construction or operational activities, further excavation or disturbance shall be prohibited pursuant to Section 7050.5 of the California Health and Safety Code. The protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and Senate Bill 447 (Chapter 44, Statutes of 1987), shall be followed. Section 7050.5(c) shall guide any potential Native American involvement in the event of discovery of human remains of the averter and the events of discovery of human remains of the averter and the event of discovery of human remains are averter at the event of discovery of human remains of the sources of a prevision in accound of discovery of human remains of the averter and the event of discovery of human remains of the averter at the event of discovery of human remains of the sources of a page of the event of discovery of human remains and the averter and the event of the event of discovery of human remains and the averter and the event of the event of discovery of human remains are averter and the event of the event of discovery of human remains are averter averter and the event of the event of discovery of human remains are averter averter and the event of the event of discovery of human remains averter	During construction and operation	Lead Agency			
direction of the county coroner. <b>MM 3.12.1</b> : Prior to ground-disturbing activities, the City shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) that specifies best management practices (BMP), with the intent of keeping all products of erosion from moving offsite. The SWPPP shall include contain a site map that shows the construction site perimeter, existing and proposed man-made	Prior to ground- disturbing activities	Lead Agency	· .	· · · · ·	
facilities, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the Project site. Additionally, the SWPPP shall contain a visual monitoring program and a chemical monitoring program for non-visible pollutants to be implemented (if there is a failure of best management practices). The requirements of the SWPPP and BMPs shall be incorporated into design specifications and construction contracts. Recommended best management practices for the		· · ·			
siolition debris, concrete, and			· · · · · · · · · · · · · · · · · · ·		
Protecting any existing storm drain inlets and stabilizing disturbed areas.					

•	Implementing erosion controls.				:	
•	Properly managing construction materials.		•			
•	Managing waste, aggressively controlling li implementing sediment controls.	tter, and				



119 Fox Street • Lemoore, California 93245 • (559) 924-6700 • Fax (559) 924-9003

# **Staff Report**

То:	Lemoore	Planning	Commission
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Item No. 8

From: Steve Brandt, City Planner

Date: June 9, 2017 Meeting Date: July 10, 2017

Subject: Conditional Use Permit No. 2017-01 and Major Site Plan Review No. 2017-04: A request by AGC Design Concepts, Inc. for a conditional use permit and site plan review for a new 3,800 sq.ft. convenience store that includes alcohol sales and gas station with eight pumps and canopy structure. The site is located on the southeast corner of Bush Street and 19½ Avenue in the City of Lemoore (APNs 023-420-001, 023-420-002.)

## Proposed Motion:

I move to adopt Resolution No. 2017-16, approving Conditional Use Permit No. 2017-01 and Major Site Plan No. 2017-04, with the attached conditions.

## Project Proposal:

The site is located on the southeast corner of Bush Street and 19½ Avenue. It will be located on a lot within the Regional Commercial zone that currently contains five single-family homes. The proposed convenience store will be 3,800 square feet with a building elevation height of 24.5 feet. There will be 8 gas pump islands under a lighted canopy. Nineteen (19) on-site parking spaces and one trash enclosure for the building will be provided. There will be two new drive approaches, one on 19½ Avenue and one on Bush Street. Landscaping (15 feet wide) will be provided along both street frontages. Fuel storage tanks will be underground. The existing single-family homes would be demolished and trees removed.

Applicant	AGC Design Concepts, Inc.
Location	Southeast corner of Bush Street and 191/2 Avenue
Existing Land Use	Vacant lot, five single family homes
APN(s)	023-420-001, 023-420-002
Total Building Size	3,800 square feet
Lot Size	1.0 acre (0.96 acres after street dedication)

Zoning	RC (Regional Commercial)
General Plan	Regional Commercial

## Adjacent Land Use, Zone and General Plan Designation

<b>Direction</b>	Current Use	<u>Zone</u>	General Plan
North	Shell gas station / convenience store	RC	Regional Commercial
South	U-Haul truck rental	RC	Regional Commercial
East	Vacant	RC	Regional Commercial
West	Chevron gas station / convenience store	RC	Regional Commercial

### **Previous Relevant Actions:**

The Planning Commission previously approved a conditional use permit on the site for a similar convenience store with gas station that had been proposed by a previous property owner. The Planning Commission's approval was appealed to the City Council by the neighbor to the west. The applicant was asked by the City to submit additional information about the proposed above-ground gas tanks prior to the appeal hearing, but the additional information was never received. The appeal hearing did not occur, and that applicant has now sold the property to the current applicant, AGC Design Concepts. Therefore, the previous approval is void.

### Zoning/General Plan:

The site is both planned and zoned as Regional Commercial (RC.) All adjacent sites are also zoned RC. Gas stations and convenience stores are allowed uses in the RC zone. This project is being brought to the Planning Commission because sale of alcohol requires a conditional use permit. Review of the CUP allows the Planning Commission to also comment and condition the site plan and design.

### Access and Right of Way:

There will be two access driveways, one on Bush Street and one on 19½ Avenue. The Public Works Director has accepted the proposed locations. The site plan shows rights of way different from existing rights of way. This is due to the need to now expand both streets to their ultimate widths. Staff recommends a condition requiring dedication of right of way prior to issuance for any building or encroachment permits. There will be some excess right of way at the northwest corner of the site. This is unneeded right of way that if left over from when the intersection was part of the State highway system. Staff recommends that the applicant request that this portion be abandoned by the City at the same time that the additional right of way is dedicated. After roadway dedication, the parcel will be 0.96 acres in size.

City staff further recommends conditions stating that any power pole relocation or undergrounding be at the applicant's sole expense, and that the applicant contribute to the City a fee of 25% of the estimate cost of a new traffic signal for the Bush Street / 19½ Avenue intersection. This is consistent with previous requirements of other developers at this intersection.

## Parking / On-site Circulation:

There are 19 parking spaces proposed on the site. The Zoning Ordinance sets the required number of spaces based on use and building size. Retail uses require 3.5 parking spaces per 1,000 sq.ft. The building is 3,800 sq.ft., which then requires a minimum of 14 parking spaces. Therefore, the proposed plan meets the minimum parking requirements for number of spaces.

The site plan shows two handicapped-accessible spaces. Staff recommends that the applicant work with the City's Building Department to locate the spaces closer to the front door of the building.

Other dimensions for vehicle lanes, and back-up areas have been reviewed and compared to the City standards and ordinances. They are consistent with City standards and ordinances.

The adjoining areas to the south and east, especially the property to the east, are potential commercial development sites. Staff is recommending that there be at least one area along the east property line that allows for future cross-parcel vehicular connection. The applicant has shown a connection point near the Bush Street entrance that would include a temporary barricade.

### Architectural and Site Design Standards:

The architectural and site design is depicted in the attached site plan and elevation plans. The City has architectural design standards for new commercial buildings in the Zoning Ordinance. They are found in Section 9-5C-4. In response to these standards the site plan and elevations contain the following elements:

- There is a continuous pedestrian path between the building and the Bush Street sidewalk
- Full sidewalks will be constructed with the project
- The front door is easily seen from the street
- A condition has been included to provide bicycle parking (as per the Building Code) on the patio area
- The building design incorporates a visually distinct "base" and "cap"
- There are windows along over 50% of the building's linear frontage
- The front roof/parapet extends out over the entrances to provide shade, weather protection, and a visual change in the plane of the building
- There is trim detail to accentuate doorways and windows

Because the building is less than 5,000 square feet in size it is not required to have fire sprinklers if it meets certain setbacks from property line and other buildings. This will be added as a condition.

## Landscaping:

A 15-foot wide landscaped area is being proposed along the two right of way frontages. Landscaping with trees is also provided along the east side of the site and around the trash enclosure. These would be landscaped in conformance with Zoning Ordinance standards for street trees and landscaping.

## **Utilities and Development Impact Fees:**

The project can hook up to the existing water line, sewer line, and storm drain line that are in 19½ Avenue. There are existing fire hydrants near the southwest corner and the northeast corner of the site. The developer will be required to pay all applicable developer impact fees. This site would pay eastside impact fees.

Per a previous agreement between the City of Lemoore and Castadio-Guthrie dated September 18, 2007, in addition to developer impact fees, this site is required to pay \$1,319.30 per acre for a portion of the cost of previous sewer line installation. This money shall be paid to the City prior to building permit issuance, who will then use it to reimburse Castadio-Guthrie for a portion of their cost to install the sewer line that was oversized in 2007 to accommodate future development.

## Signage:

All new signage would be required to meet the City Zoning Ordinance. The project would be allowed building signage and monument signage per the standards in the Ordinance. A condition is recommended that the design of the monument sign have similar architectural features and colors as the building. No sign program is needed because a sign program is only required on sites that have three or more separate tenants.

### **Environmental Assessment:**

As Lead Agency under the California Environmental Quality Act (CEQA), the City staff reviewed the project to determine whether it could have a significant effect on the environment because of its development. In accordance with CEQA Guidelines Section 15382, "[s]ignificant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An Initial Study was prepared. The Initial Study found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project in the form of mitigations have been made by or agreed to by the project proponent. A Mitigated Negative Declaration was prepared, and is attached for review.

### **Recommended Approval Findings:**

A conditional use permit shall be granted only when the designated approving authority determines that the proposed use or activity complies with all of the following findings. City staff recommends that these findings be made based upon review of the project as described in this staff report, and with the recommended conditions of approval.

- 1. The proposed use is consistent with the general plan, any applicable specific plans, and all applicable provisions of this title. <u>The proposed use of the building is consistent with the General Plan; the proposed land uses are consistent with the Zoning Ordinance.</u>
- 2. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city. The site is located near other similar uses and is adjacent to future Regional Commercial zoned land that will allow similar uses. The project is providing street widening that will bring the two streets to their ultimate right of way width.
- 3. The site of the proposed use is physically suitable for the type, density, and intensity of the use and related structures being proposed. <u>The proposed site provides more than the minimum amount of parking spaces, the amount of required area of landscaping, and meets drive lane standards.</u>
- 4. It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located. The proposed use and related structures are compatible with other land uses, transportation patterns, and service facilities in the vicinity.

## **Recommended Conditions:**

Staff recommends the following conditions be applied to the approval of the Conditional Use Permit:

- 1. The site shall be developed consistent with the submitted site plan and applicable development standards found in the Zoning Ordinance.
- 2. The operation shall be conducted in accordance with this conditional use permit. Any deviations from the approvals shall first require approval of an amendment to this conditional use permit.
- 3. The project shall be developed and operated consistent with the Site Plan Review comments dated March 23, 2017.
- 4. Right of way shall be dedicated for the ultimate width of Bush Street and 19½ Avenue prior to issuance of a building permit for construction on the site. A request for street abandonment to abandon the portion of the street that is no longer needed shall be submitted concurrently.

- 5. All improvements within the right of way, including power pole relocation, if needed, shall be at the developer's expense.
- 6. To avoid a requirement for fire sprinklers in the building, it must be located at least 10 feet from property line and at least 40 feet from the gas pump canopy, in accordance with the Building Code.
- 7. Provide bicycle parking on the patio area per the Building Code.
- 8. Window tinting, if provided on the building windows, shall permit a minimum 80% light transmission.
- Landscaped areas shall be located as shown in the site plan. Landscape and irrigation design and installation shall be in accordance with City standards and the Model Water Efficient Landscape Ordinance (MWELO.) Landscape plans are due at time of building permit.
- 10. The developer shall pay all applicable impact fees. The site is within the eastside impact fee area.
- 11. The developer shall pay to the City prior to building permit issuance an amount of \$1,319.30 per acre as reimbursement to a previous developer that constructed the sewer line to be utilized by the project.
- 12. All signs shall require a sign permit separate from the building permit.
- 13. The project and all subsequent uses must meet the requirements found in Section 9-5B-2 of the Zoning Ordinance related to noise, odor, and vibration, and maintenance.
- 14. The time limits and potential extensions and expiration of this conditional use permits are established per Section 9-2A-9 of the City of Lemoore Zoning Ordinance.

## Attachments:

Vicinity Map Draft Resolution Site Plan Floor and Elevation Plans Major Site Plan Review 1<sup>st</sup> Submittal Comments dated March 23, 2017 Mitigated Negative Declaration



Vicinity Map CUP NO. 2017-01 and Major Site Plan Review No. 2017-04

#### **RESOLUTION NO. 2017-16**

#### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE APPROVING CONDITIONAL USE PERMIT NO. 2017-01 AND MAJOR SITE PLAN REVIEW NO. 2017-04 TO ALLOW A NEW 3,800 SQ.FT. CONVENIENCE STORE THAT INCLUDES ALCOHOL SALES AND GAS STATION WITH EIGHT PUMPS AND CANOPY STRUCTURE. THE SITE IS LOCATED ON THE SOUTHEAST CORNER OF BUSH STREET AND 19½ AVENUE IN THE CITY OF LEMOORE (APNS 023-420-001, 023-420-002.)

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on July 10, 2017, at 7:00 p.m. on said day, it was moved by Commissioner \_\_\_\_\_\_, seconded by Commissioner \_\_\_\_\_\_ and carried that the following Resolution be adopted:

WHEREAS, AGC Design Concepts, Inc. has requested a conditional use permit and major site plan review to allow for a new 3,800 sq.ft. convenience store that includes alcohol sales and gas station with eight pumps and canopy structure located at the southeast corner of Bush Street and 19½ Avenue, in the City of Lemoore (APNs: 023-420-001, 023-420-002.); and

WHEREAS, the proposed site is 1.0 acre in size; and

WHEREAS, the zoning on the parcel is RC (Regional Commercial); and

WHEREAS, as Lead Agency under the California Environmental Quality Act (CEQA), the City staff reviewed the project to determine whether it could have a significant effect on the environment because of its development. In accordance with CEQA Guidelines Section 15382, "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, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An Initial Study was prepared. The Initial Study found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project in the form of mitigations have been made by or agreed to by the project proponent. A Mitigated Negative Declaration was prepared; and

**WHEREAS**, the Lemoore Planning Commission held a duly noticed public hearing at its July 10, 2017, meeting.

**NOW THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Lemoore finds that no significant environmental impacts would result from the identified project and adopts the Mitigated Negative Declaration that has been prepared.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Lemoore hereby makes the following findings regarding the proposed conditional use permit:

- 1. The proposed use is consistent with the general plan, any applicable specific plans, and all applicable provisions of this title. The proposed use of the building is consistent with the General Plan; the proposed land uses are consistent with the Zoning Ordinance.
- 2. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city. The

site is located near other similar uses and is adjacent to future Regional Commercial zoned land that will allow similar uses. The project is providing street widening that will bring the two streets to their ultimate right of way width.

- 3. The site of the proposed use is physically suitable for the type, density, and intensity of the use and related structures being proposed. The proposed site provides more than the minimum amount of parking spaces, the amount of required area of landscaping, and meets drive lane standards.
- 4. It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located. The proposed use and related structures are compatible with other land uses, transportation patterns, and service facilities in the vicinity.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Lemoore approves Conditional Use Permit No. 2017-01 and Major Site Plan Review No. 2017-04 subject to the following conditions:

- 1. The site shall be developed consistent with the submitted site plan and applicable development standards found in the Zoning Ordinance.
- 2. The operation shall be conducted in accordance with this conditional use permit. Any deviations from the approvals shall first require approval of an amendment to this conditional use permit.
- 3. The project shall be developed and operated consistent with the Site Plan Review comments dated March 23, 2017.
- 4. Right of way shall be dedicated for the ultimate width of Bush Street and 19½ Avenue prior to issuance of a building permit for construction on the site. A request for street abandonment shall be submitted concurrently.
- 5. All improvements within the right of way, including power pole relocation, if needed, shall be at the developer's expense.
- 6. To avoid a requirement for fire sprinklers in the building, it must be located at least 10 feet from property line and at least 40 feet from the gas pump canopy, in accordance with the Building Code.
- 7. Provide bicycle parking on the patio area per the Building Code.
- 8. Window tinting, if provided on the building windows, shall permit a minimum 80% light transmission.
- Landscaped areas shall be located as shown in the site plan. Landscape and irrigation design and installation shall be in accordance with City standards and the Model Water Efficient Landscape Ordinance (MWELO.) Landscape plans shall be submitted with the building permit.

- 10. The developer shall pay all applicable impact fees. The site is within the eastside impact fee area.
- 11. The developer shall pay to the City prior to building permit issuance an amount of \$1,319.30 per acre as reimbursement to a previous developer that constructed the sewer line to be utilized by the project.
- 12. All signs shall require a sign permit separate from the building permit.
- 13. The project and all subsequent uses must meet the requirements found in Section 9-5B-2 of the Zoning Ordinance related to noise, odor, and vibration, and maintenance.
- 14. The time limits and potential extensions and expiration of this conditional use permits are established per Section 9-2A-9 of the City of Lemoore Zoning Ordinance.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on July 10, 2017, by the following votes:

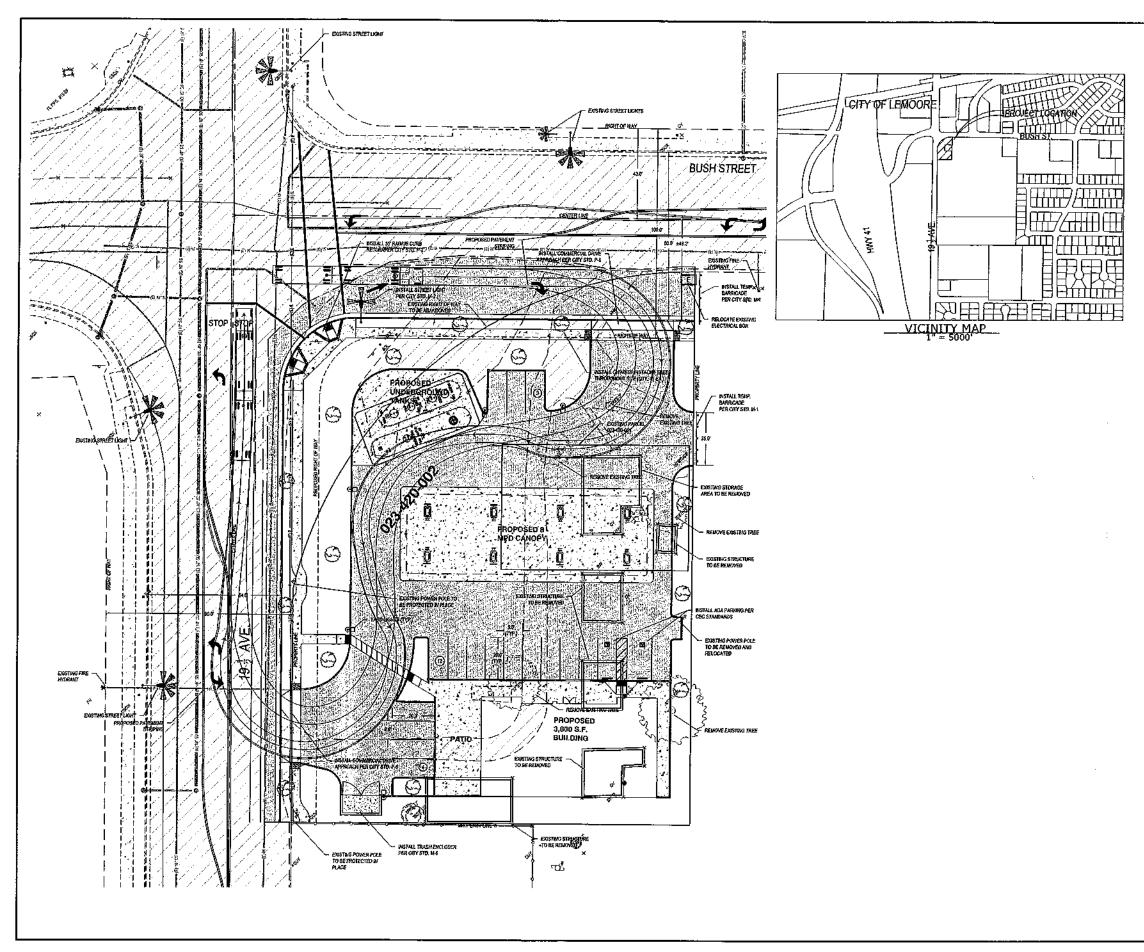
AYES: NOES: ABSTAINING: ABSENT:

APPROVED:

Ron Meade, Chairperson

ATTEST:

Kristie Baley, Commission Secretary





## SITE DATA:

APN:

AREA: CURRENT ZONING: PROPOSED ZONING: DESIGN DISTRICT: EXISTING USE: PROPOSED USE: SEWER SERVICE: WATER SERVICE: STORM SERVICE: GAS SERVICE: ELEC. SERVICE:

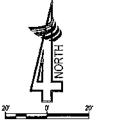
REFUSE SERVICE: TELEPHONE: FLOOD ZONE:

0.95 AC. RC RC E VACANT BLD, REGIONAL COMMERCIAL CITY OF LEMOORE SOUTHERN CALIFORNIA GAS COMPANY SOUTHERN CALIFORNIA EDISON COMPANY CITY OF LEMOORE ATT x

023-420-001 023-420-002

## BUILDING AND PARKING:

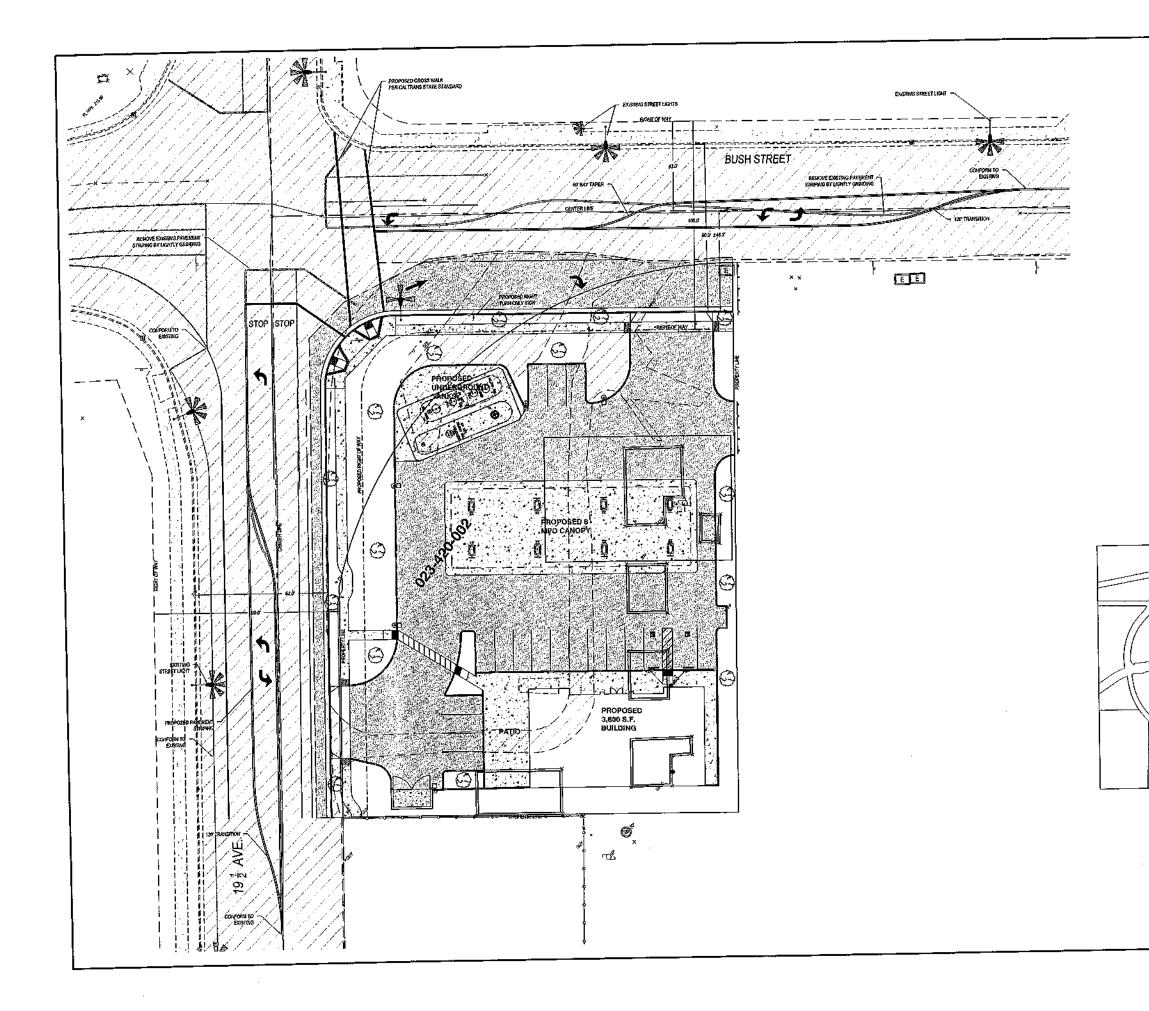
TOTAL COMMERCIAL:	41,323 SF.
STORE:	3,800 SF.
CANOPY:	4,395 SF.
SPACES REQUIRED: 1/250 SF.(OFFICE)	16 STALLS
TOTAL REQUIRED:	16 STALLS
PROPOSED ON-SITE:	20 STALLS
TOTAL PROVIDED;	20 STALLS

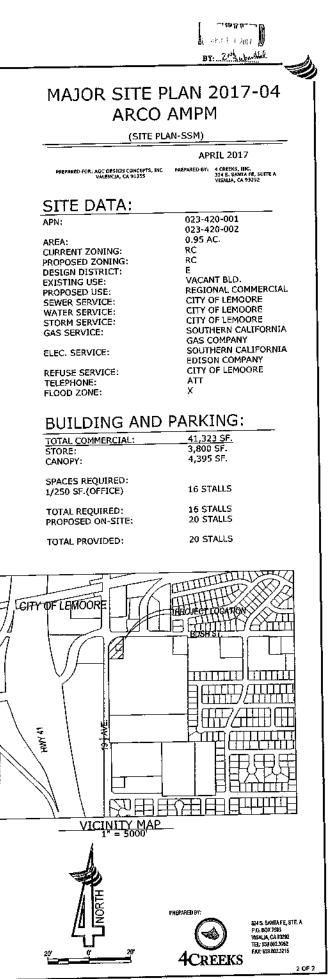


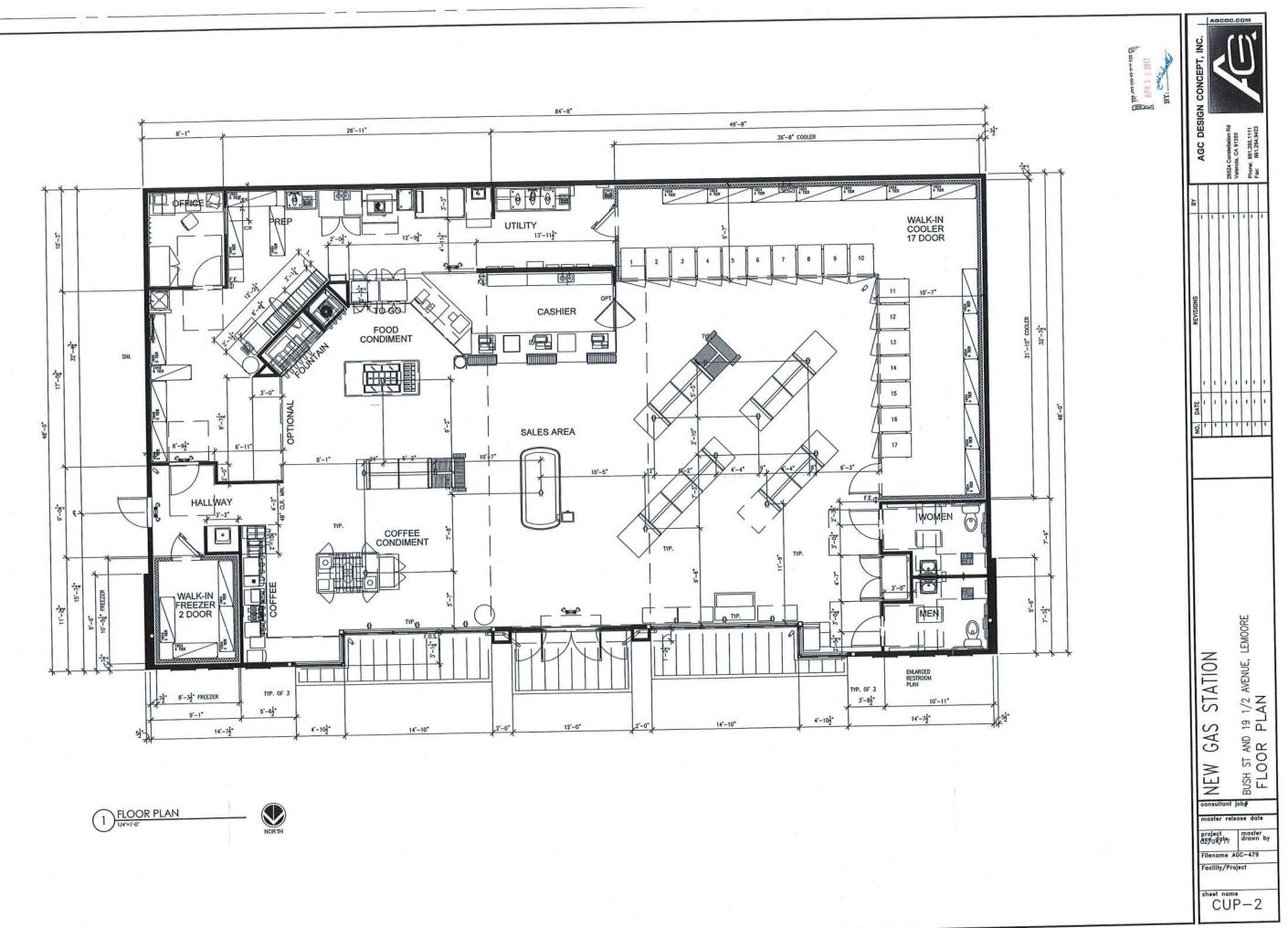


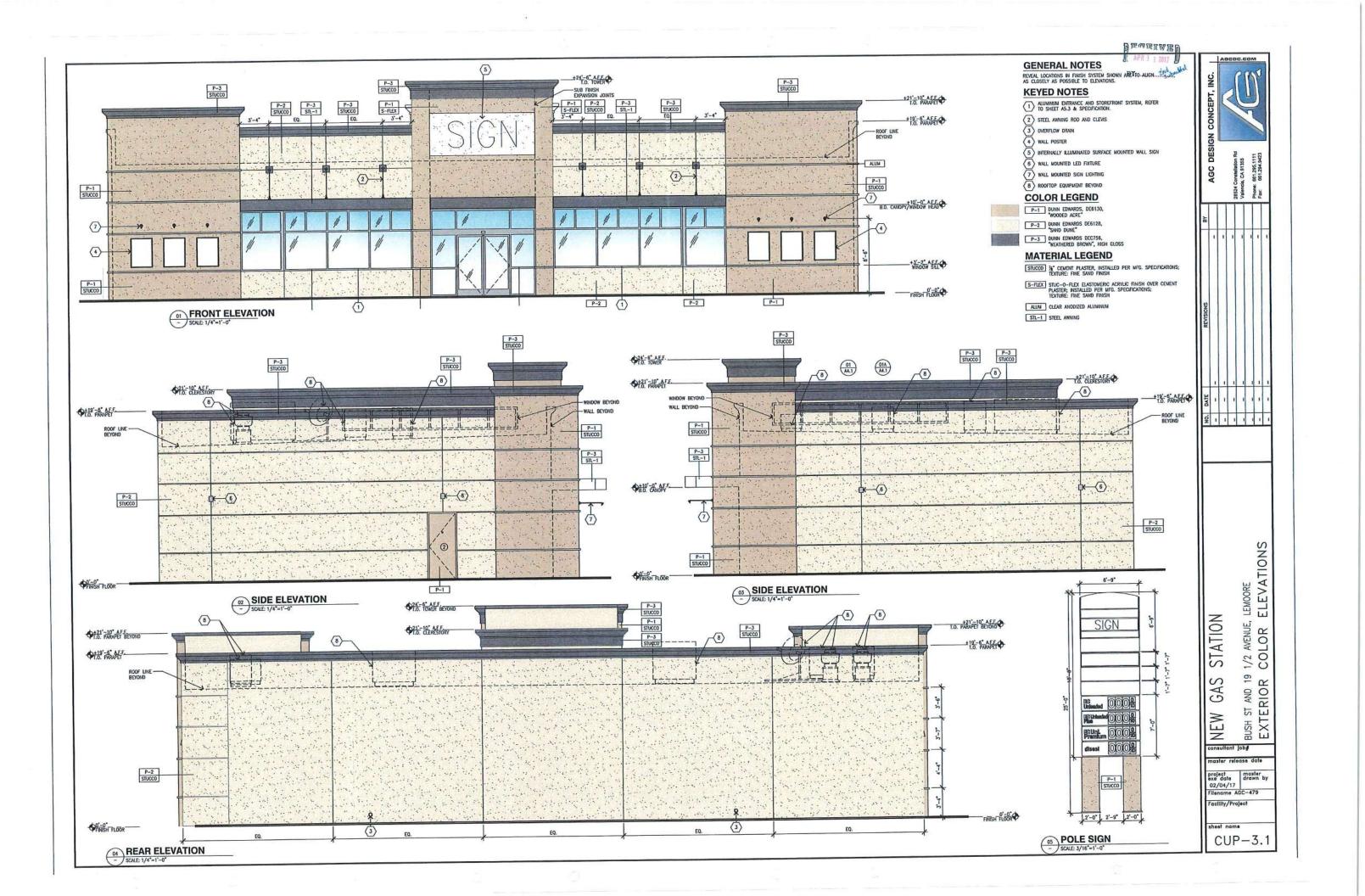
324 S. SANTA FE, STE, A P.O. BOX 758J VISALA, CA 932H2 TEL: 559.092.3052 FAD: 551.092.3215

1 OF 2











Subject: Major Site Plan Review No. 2017-04 – ARCO – 1<sup>st</sup> submittal

Major Site Plan 2017-04 is being reviewed under the current Zoning Ordinance requirements for Major Site Plan Review. These are City staff's site plan comments. Staff will submit the final comments with the conditional use permit application that has been applied for (CUP No. 2017-01) to the Planning Commission to for their final review and acceptance when they also review the CUP application. The Site Plan Review is a ministerial approval, and is therefore statutorily exempt from CEQA. The CUP will be Categorically Exempt from CEQA. This is a review of the 1<sup>st</sup> submittal.

## SITE PLAN DESCRIPTION

The site is estimated to be 0.95 acres after road dedication, and is located on the southeast corner of 19½ Avenue and Bush Street (APN 023-420-001 and 023-420-002.) The site plan proposes a new fueling station with eight pumps and a 3,800 sq.ft. convenience store. Existing buildings would all be demolished. Both Bush Street and 19½ Avenue would be widened to their ultimate width. New drive approaches to access the site would be constructed on both streets. A paved driveway and parking area with 20 parking spaces is proposed, two with ADA access. A trash enclosure, lighting, and landscaping are also proposed. Building elevations and floor plans were also submitted.

Currently, 191/2 Avenue and Bush Street are constructed to their ultimate widths on their opposite sides from the site.

### USE

The site is zoned Regional Commercial (RC). The proposed use is consistent with this zone. The fueling station requires an administrative use permit. The convenience store by itself is an allowed use, but the sale of alcohol requires a conditional use permit.

The vacant land to the east is also zoned RC, and it is intended that both sites ultimately be integrated as one commercial center. The City will allow piecemeal development where the proposed project design does not constrain or restrict the goal of shared access and driveways throughout the site.

Revise site plan scale to be at an engineer's scale, such as 1" = 20'.

#### **RIGHT OF WAY AND ACCESS**

The site plan shall be revised to also show the existing curbs on the west side of 19½ Avenue and the north side of Bush Street. Also show a median island with a left turn pocket in Bush Street. This is due to the need to now expand both streets to their ultimate widths. Dedication of right of way is required prior to issuance for any building or encroachment permits. 42 feet of right of way is required on 19½ Avenue from the centerline to east right of way line. 100 feet of total right of way is required on Bush Street. Show 80' from existing north curb to new south curb. Show 32' feet of lanes on each side plus a 16' median that includes and 12' left turn pocket. There will be some excess right of way at the northwest corner of the site. The applicant should request that this portion be abandoned by the City at the same time as the additional right of way is dedicated.

On 19<sup>1</sup>/<sub>2</sub> Avenue show lane striping for two through lanes, one shared middle turning lane, and bikes lanes and parking on each side. On Bush Street show a median with a left turn lane. Behind the curb of both streets show a 5-foot wide landscaped park strip and a 5-foot wide sidewalk.

There will be two access driveways, one on Bush Street and one on 19½ Avenue. The Public Works Director has accepted the proposed locations. Driveways shall be constructed per City standard commercial drive approach. An encroachment permit is required for work in the right of way.

Add a minimum 25-foot wide drive aisle stub between the canopy and Bush Street driveway to the property to the east. This will be to provide cross access when the site to the east develops. A shared access agreement will be proposed to the Planning Commission as a condition of approval. The agreement does not need to be effective until the site to the east develops.

Relocation of power poles shall be the developer's responsibility.

Add a streetlight on Bush Street, just east of the intersection.

#### AREA, SETBACK, HEIGHT AND COVERAGE STANDARDS

#### 9-5A-4: GENERAL ZONING DISTRICT DEVELOPMENT STANDARDS

The project, as shown, meets all standards in Table 9-5A-4B.

#### WATER, SEWER, AND DRAINAGE

The site shall be designed so that all stormwater drains to the storm drain line in 191/2 Avenue.

The site may connect to existing water and sewer lines. Water service shall be metered. Construction shall be to City standard.

For connections to existing lines, the City prefers open cut trenching over boring so that connections are easier to inspect.

Abandon and remove any on-site septic tanks or leach lines.

#### FIRE PROTECTION

The building shall have fire sprinklers.

Provide a fire department connection (FDC) to the building per City standards.

Provide a fire hydrant within 25 feet of the FDC per City standards.

All curbs on site that are not part of parking spaces shall be red-curbed.

One Knox box shall be installed on the building. The location will be determined by the Fire Chief at the building permit stage.

#### DESIGN STANDARDS

#### 9-5B-2: NOISE, ODOR, VIBRATION, AND MAINTENANCE PERFORMANCE STANDARDS

The project and all subsequent uses must meet the requirements found in Section 9-5B-2 of the Zoning Ordinance related to noise, odor, and vibration, and maintenance.

#### 9-5B-3: PROPERTY AND UTILITY IMPROVEMENTS:

Installation of curbs, gutters, and sidewalks shall be required, where needed adjacent to the site. All on site utilities shall be installed underground.

#### 9-5B-4: OUTDOOR LIGHTING:

The project shall meet all the applicable requirements for outdoor lighting found in Section 9-5B-4 of the Zoning Ordinance.

All outdoor lighting shall be recessed and/or constructed with full downward shielding in order to reduce light and glare impacts on trespass to adjoining properties and public rights of way. Each fixture shall be directed downward and away from adjoining properties and public rights of way, so that no light fixture directly illuminates an area outside of the project site.

#### 9-5B-6: SCREENING:

All exterior roof and ground mounted mechanical equipment, including, but not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, duct work, and transformers, shall be screened from public view from all sides. Screening of mechanical equipment shall be compatible with other on site development in terms of colors, materials, and/or architectural styles.

#### 9-5C-4: DESIGN STANDARDS FOR COMMERCIAL PROJECTS

Per A.1.b. an ADA compliant walkway shall be added from the front door to the public sidewalk on 19<sup>1</sup>/<sub>2</sub> Avenue. This is already shown.

Per B.1.b building walls shall be articulated to break up the apparent mass of large building with one of the following techniques a minimum of every 30 feet:

- (1) Offsets;
- (2) Recesses;
- (3) Changes in plane;
- (4) Changes in height;
- (5) Use of windows and doors;
- (6) Projections such as balconies; or
- (7) Use of trellis and similar features.

In the 1st submittal plan elevations, the front side is articulated with the entrance. Articulation needs to be added to the other sides. Since visibility of these sides will be limited until the sites

to the east and south develop, use of landscaped trellis on the side of the building would be acceptable.

Per B.1.f variations in rooflines shall be provided with the use of dormers, windows, overhangs, arches, gables, or similar details.

Per B.2.a (1) weather protection at building entries and extending along the facade (e.g., overhangs, canopies, awnings, building recesses). The 1<sup>st</sup> submittal entrance shows this.

Per B.2.a (2) a minimum of fifty percent (50%) of primary storefront facades shall be open and transparent to the outside. This is measured horizontally along the front of the building. The 1<sup>st</sup> submittal elevations show 59%.

Per B.2.b primary entries shall be clearly visible from the street and provide visual interest, with at least three (3) of the following:

- (1) Differentiated roof, awning, or portico;
- (2) Trim detail to accentuate the openings;
- (3) Project or recess entries from their surrounding building facades;
- (4) Detailed doors and doorway with ornate hardware, transoms, sidelights, trim details, and framing;
- (5) Windows within entry doorways equivalent to fifty percent (50%) of door surface area;
- (6) Decorative lighting.

The 1<sup>st</sup> submittal meets this.

#### 9-5D1-2: LANDSCAPE STANDARDS

See Article 9-5D for Zoning Ordinance minimum standards for landscaping. Landscape plans provided at building permit stage shall meet these standards. MWELO requirements for landscape irrigation shall be met. Final check of standards will be made at the building permit stage.

Provide street trees from the City street tree list (Section 9-5D1-5) along the street in the park strip between the sidewalk and parking area. Show the number, location, and type of trees on the site plan 2<sup>nd</sup> submittal. On 19½ Avenue show three trees in the park strip and three in the landscape area on the site, with a stagger between them. Also show one tree in the landscape area by the trash enclosure. On Bush Street show two trees in the park strip and two in the landscape area on the site, with a stagger between them. Along the east property line, show one tree east of the Bush Street driveway and three trees by the canopy and building.

Landscape all unbuilt areas of the site.

#### PARKING

#### 9-5E-3: GENERAL PARKING REGULATIONS:

Parking space standards will be calculated based on the standard for a retail store, which is 3.5 spaces per 1,000 sq.ft. This would require 14 parking spaces. There are 20 spaces shown, but one will be removed near the trash enclosure, for a total of 19 spaces. Therefore, the City's parking standard is met.

Provide bicycle parking per the CA Building Code. The location of the bicycle parking shall be visible from the street. An area by the patio is recommended.

Shift the handicapped parking spaces to be in front of the front door.

## ADA ACCESS

Meet all required ADA access standards.

The path of travel along the walkway from the patio to the 19½ Avenue sidewalk shall be a minimum 4 feet.

ADA curb cuts shall be added at the drive approaches.

#### TRASH ENCLOSURE

The location of the trash enclosure is acceptable. Revise to the city standard size of 9' by 18'. Remove one adjacent parking space and replace either as landscaping or an extension of the patio.

#### SIGNS

In the RC zone, the maximum amount of building-attached signage is 169.6 square feet (2 sq.ft. per 1 linear foot, which in this case is 84.8 feet. This amount of square footage can be divided into any number of signs on the building or canopy. Any type of building-attached sign described in the Sign Ordinance (Article 9-5F) is allowed. Signs require a separate application submittal prior to approval. Signs shall not be placed above the roofline.

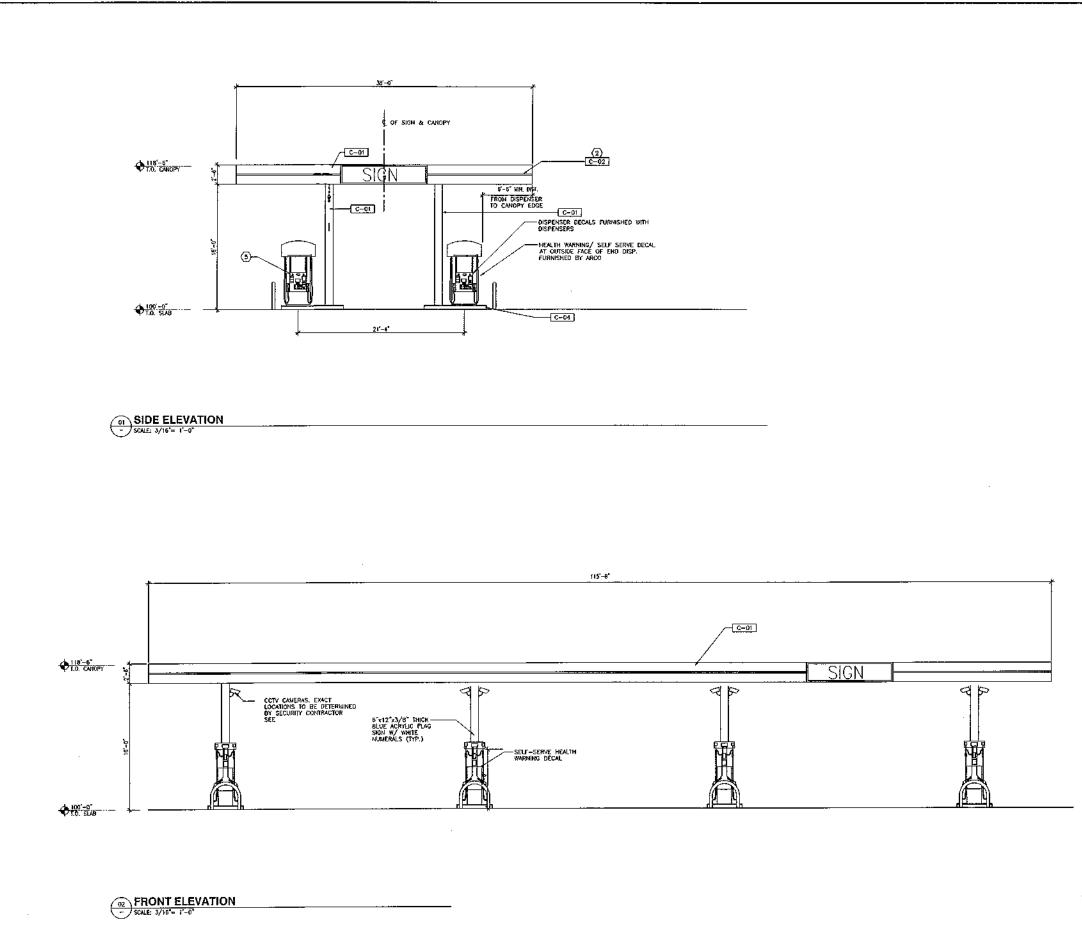
In the RC zone, the maximum amount of freestanding signage is one sign of a maximum 100 square feet. The maximum height is height of the tallest building or 40 feet, whichever is less. The sign must be a pylon style sign. Pylon signs are designed such that the support structure and the sign face are designed as one architecturally unified and proportional element. The posts on the sign that is shown need to be wider and integrated into to the rest of the sign so it does not look like two posts with a sign on it, but instead looks like an integrated structure.

### IMPACT FEES

The latest impact fee schedule can be found on the City website. The project shall pay East Side Neighborhood Commercial fees for 0.95 acres shown in the table titled City of Lemoore Impact Fees – 2014.

Per a previous agreement, the development shall also pay the City \$1,319.30 to reimburse a previous developer for installing wet utilities in 19½ Avenue.

Resubmit site plan with any changes described above. Show required trees, along with other changes outlined in the comments above. <u>An engineer's scale such as 1" = 20' is preferred</u>.



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# **INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

# CITY OF LEMOORE

# Arco Gas Station

# June 2017

Contact:

Judy Holwell, Development Services Director (559) 924-6740 jholwell@lemoore.com 711 W. Cinnamon Drive Lemoore, CA 93245

Comments must be received by: July 10, 2017 (20 days after notice)



# **INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

# City of Lemoore



City of Lemoore 711 W Cinnamon Drive Lemoore, CA 93245 Contact Person: Judy Holwell, Development Services Director Phone: 559) 924-6740

**Consultant:** 



901 East Main Street Visalia, CA 93292 Contact: Steve Brandt, City Planner Phone: (559) 733-0440 Fax: (559) 733-7821

June 2017

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Appendix A Mitigation Monitoring and Reporting Program

# **MITIGATED NEGATIVE DECLARATION**

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

### Project Name

Arco Gas Station

# **Project Location**

The proposed site is located at the southeast corner of Bush Street and 19 ½ Avenue in the City of Lemoore (APNs 023-420-001 and 023-420-002).

### **Project Description**

A request by AGC Design Concepts, Inc. for conditional use permit and site plan review for a new 3,800 sq.ft. convenience store that includes alcohol sales and gas station with eight pumps and canopy structure.

### Mailing Address and Phone Number of Contact Person

Nasser Saleh Owner/Applicant 1014 Fresno Street, Suite 104 Fresno, CA 93706 (559) 572-0365

### Findings

As Lead Agency, the City of Lemoore finds that the Project will not have a significant effect on the environment. The Environmental Checklist (CEQA Guidelines Appendix G) or Initial Study (IS) (see *Section 3 - Environmental Checklist*) identified no potentially significant effects on the environment. The Lead Agency further finds that there is no substantial evidence that this Project would have a significant effect on the environment.

### Mitigation Measures Included in the Project to Avoid Potentially Significant Effects

#### Mitigation Measures:

**MM 3.8.1:** A qualified biologist shall conduct a pre-construction survey on the Project site and within 500 feet of its perimeter within 14 days and no more than 30 days prior to the start of construction activities.

If any evidence of occupation of the Project site by listed or other special-status species is subsequently observed, a buffer shall be established by a qualified biologist that results in sufficient avoidance to comply with applicable regulations. If sufficient avoidance cannot be established, the United States Fish and Wildlife Service and California Department of Fish and Game shall be contacted for further guidance and consultation on additional measures. The Project proponent shall obtain any required permits from the appropriate wildlife agency. Copies of all permits and evidence of compliance with applicable regulations shall be submitted to the lead agency.

The following buffer distances shall be established prior to construction activities:

- San Joaquin kit fox or American badger potential den: 50 feet;
- San Joaquin kit fox known den: 100 feet;
- San Joaquin kit fox or American badger pupping den: contact the California Department of Fish and Game and United States Fish and Wildlife Service;
- Burrowing owl burrow outside of breeding season: 160 feet;
- Burrowing owl burrow during breeding season: 250 feet;
- Swainson's hawk nest during breeding season: <sup>1</sup>/<sub>2</sub> mile;
- Other protected raptor nests during the breeding season: 300 feet;
- Other protected nesting migratory bird nests during the breeding season: 50 feet; and
- Other special-status wildlife species: as recommended by qualified biologist.

**MM 3.8.2:** A qualified biologist shall be obtained to assist in the removal of the on-site trees. The removal of trees shall be done between February 15<sup>th</sup> to August 15<sup>th</sup> to avoid potential impacts with nesting birds.

**MM 3.8.3:** If initial grading activities are planned during the potential nesting season for migratory birds/raptors that may nest on or near the Project site, the preconstruction survey shall evaluate the sites and accessible lands within an adequate buffer for active nests of migratory birds/raptors. If any nesting birds/raptors are observed, a qualified biologist shall

determine buffer distances and/or the timing of Project activities so that the proposed Project does not cause nest abandonment or destruction of eggs or young. This measure shall be implemented so that the proposed Project remains in compliance with the Migratory Bird Treaty Act and applicable state regulations.

If nesting raptors are identified during the surveys, active raptor nests should be avoided by 500 feet and all other migratory bird nests should be avoided by 250 feet. Avoidance buffers may be reduced if a qualified and approved on-site monitor determines that encroachment into the buffer area is not affecting nest building, the rearing of young, or otherwise affect the breeding behaviors of the resident birds. Avoidance buffers can also be reduced through consultation with the CDFW and USFWS. If Swainson's hawks are found to nest within the survey area, active Swainson's hawk nests shall be avoided by 0.5 mile unless this avoidance buffer is reduced through consultation with the CDFW and/or USFWS.

No construction or earth-moving activity shall occur within a non-disturbance buffer until it is determined by a qualified biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid Project construction areas. This typically occurs by early July, but September 1st is considered the end of the nesting period unless otherwise determined by a qualified biologist. Once raptors have completed nesting and young have fledged, disturbance buffers will no longer be needed and can be removed, and monitoring can be terminated.

**MM 3.8.4:** If any burrowing owl burrows are observed during the preconstruction survey, avoidance measures shall be consistent and in accordance with protocols outlined in the Burrowing Owl Survey Protocol and Mitigation Guidelines (Burrowing Owl Consortium 1993) and the Staff Report on Burrowing Owl Mitigation (CDFW 2012). Active burrows shall be avoided, but if avoidance is not possible then compensation shall be provided for the active or passive displacement of western burrowing owls, and habitat acquisition and the creation of artificial dens for any western burrowing owls shall be provided for any owls relocated from construction areas. These measures are outlined as follows:

- 1. A pre-construction survey of construction area, including a 150-meter buffer (500 feet), shall be conducted no less than 14 days and no more than 30 days prior to ground disturbing activities. If more than 30 days lapse between the time of the pre-construction survey and the start of ground-disturbing activities, another pre-construction survey shall be completed. The second survey (or other subsequent surveys if necessary) shall be conducted and timed to occur sometime between 30 days and 24 hours prior to ground disturbance.
- 2. If western burrowing owls are present on the construction site (or within 500 feet of the construction site), exclusion fencing shall be installed between the nest site or active burrow and any earth-moving activity or other disturbance. Exclusion areas shall extend 160 feet around occupied burrows during the non-breeding season (September 1 through January 31) and extend 250 feet around occupied burrows during the breeding season (February 1 through August 31) as described in The California Burrowing Owl

Consortium's Survey Protocol and Mitigation Guidelines (California Burrowing Owl Consortium 1993).

- 3. If western burrowing owls are present in the non-breeding season and must be passively relocated from the Project site, passive relocation shall not commence until October 1st and must be completed by February 1st. Passive relocation must only be conducted by a qualified biologist or ornithologist and with approval by CDFW. After passive relocation, the area where owls occurred and its immediate vicinity shall be monitored by a qualified biologist daily for one week and once per week for an additional two weeks to document that owls are not reoccupying the site.
- 4. If permanent impacts to nesting, occupied and satellite burrows, or burrowing owl habitat occur, compensation shall be based upon the number of owls or pairs of owls relocated from the construction area. Compensation acreage shall be determined as described in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012).

**MM 3.8.5:** The measures listed below shall be implemented during construction:

1. Pre-construction surveys shall be conducted no fewer than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities. If any San Joaquin kit fox dens are found during preconstruction surveys, exclusion zones shall be placed in accordance with USFWS Recommendations using the following:

Recommendation
50-foot radius
100-foot radius
Contact U.S. Fish and Wildlife
Service for guidance
50-foot radius

#### San Joaquin kit fox USFWS Exclusion Zone Recommendations

- 2. If any den must be removed, it must be appropriately monitored and excavated by a trained wildlife biologist. Destruction of natal dens and other "known" kit fox dens must not occur until authorized by USFWS. Replacement dens will be required if such dens are removed. Potential dens that are removed do not need to be replaced if they are determined to be inactive by using standard monitoring techniques (e.g., applying tracking medium around the den opening and monitoring for San Joaquin kit fox tracks for three consecutive nights).
- 3. Project-related vehicles shall observe a daytime speed limit of 20-mph throughout the site in all Project areas, except on County roads and State and federal highways; this is particularly important at night when kit foxes and badgers are most active. Night-time construction shall be minimized to the extent possible. However, if construction at night

does occur, then the speed limit shall be reduced to 10-mph. Off-road traffic outside of designated Project areas shall be prohibited.

- 4. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a Project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the CDFW shall be contacted at the addresses provided below.
- 5. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.
- 6. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from a construction or Project sites.
- 7. No pets, such as dogs or cats, shall be permitted on the Project sites to prevent harassment, mortality of kit foxes, or destruction of dens.
- 8. Use of rodenticides and herbicides in Project areas shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional Project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide shall be used because of a proven lower risk to kit fox.
- 9. A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the USFWS.
- 10. An employee education program shall be conducted. The program shall consist of a brief presentation by persons knowledgeable in San Joaquin kit fox biology and legislative

protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the Project. The program shall include: a description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the Project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during Project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the previously referenced people and anyone else who may enter the Project sites.

- 11. Upon completion of the Project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. shall be recontoured if necessary, and revegetated to promote restoration of the area to pre-Project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the Project, but after Project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the USFWS, CDFW, and revegetation experts.
- 12. In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the USFWS shall be contacted for guidance.
- 13. Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916)445-0045. They will contact the local warden or CDFW representative, the wildlife biologist, at (530)934-9309. The USFWS shall be contacted at the numbers below.
- 14. The Sacramento Fish and Wildlife Office of USFWS and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact can be reached at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.
- 15. All sightings of the San Joaquin kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed shall also be provided to the Service at the address below.

Any Project-related information required by the USFWS or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife

Service at: Endangered Species Division, 2800 Cottage Way, Suite W 2605, Sacramento, California 95825-1846, phone (916) 414-6620 or (916) 414-6600.

**MM 3.9.1:** If prehistoric or historic-era cultural or archaeological materials are encountered during construction activities, all work within 25 feet of the find shall halt until a qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, can evaluate the significance of the find and make recommendations. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal, wood, brick, or structural remnants. If the qualified professional archaeologist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required to mitigate adverse impacts from Project implementation. These additional studies may include avoidance, testing, and evaluation or data recovery excavation.

If a potentially-eligible resource is encountered, then the qualified professional archaeologist, the Lead Agency, and the Project proponent shall arrange for either 1) total avoidance of the resource or 2) test excavations to evaluate eligibility and, if eligible, total data recovery. The determination shall be formally documented in writing and submitted to the Lead Agency as verification that the provisions for managing unanticipated discoveries have been met.

**MM 3.9.2:** During any ground disturbance activities, if paleontological resources are encountered, all work within 25 feet of the find shall halt until a qualified paleontologist as defined by the Society of Vertebrate Paleontology Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010), can evaluate the find and make recommendations regarding treatment. Paleontological resource materials may include resources such as fossils, plant impressions, or animal tracks preserved in rock. The qualified paleontologist shall contact the University of California Museum of Paleontology, or other appropriate facility regarding any discoveries of paleontological resources.

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

Construction in that area shall not resume until the resource appropriate measures are recommended or the materials are determined to be less than significant. If the resource is significant and fossil recovery is the identified form of treatment, then the fossil shall be deposited in an accredited and permanent scientific institution. Copies of all correspondence and reports shall be submitted to the Lead Agency.

**MM 3.9.3:** If human remains are discovered during construction or operational activities, further excavation or disturbance shall be prohibited pursuant to Section 7050.5 of the California Health and Safety Code. The protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and Senate Bill 447 (Chapter 44, Statutes of 1987), shall be followed. Section 7050.5(c) shall guide any potential Native American involvement, in the event of discovery of human remains, at the direction of the county coroner.

**MM 3.13.1:** Prior to ground-disturbing activities, the City shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) that specifies best management practices (BMP), with the intent of keeping all products of erosion from moving offsite. The SWPPP shall include contain a site map that shows the construction site perimeter, existing and proposed man-made facilities, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the Project site. Additionally, the SWPPP shall contain a visual monitoring program and a chemical monitoring program for non-visible pollutants to be implemented (if there is a failure of best management practices). The requirements of the SWPPP and BMPs shall be incorporated into design specifications and construction contracts. Recommended best management practices for the construction phase may include the following:

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

# **SECTION 1** - INTRODUCTION

### 1.1 - Overview

A request by AGC Design Concepts, Inc. for conditional use permit and site plan review for a new 3,800 sq.ft. convenience store that includes alcohol sales and gas station with eight pumps and canopy structure.

### 1.2 - CEQA Requirements

The City of Lemoore is the Lead Agency for this Project pursuant to the CEQA Guidelines (Public Resources Code Section 15000 et seq.). The Environmental Checklist (CEQA Guidelines Appendix G) or Initial Study (IS) (see *Section 3 – Initial Study*) provides analysis that examines the potential environmental effects of the construction and operation of the Project. Section 15063 of the CEQA Guidelines requires the Lead Agency to prepare an IS to determine whether a discretionary project will have a significant effect on the environment. A Negative Declaration (ND) is appropriate when an IS has been prepared and a determination can be made that no significant environmental effects will occur.

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

### 1.3 - Impact Terminology

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

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

### 1.4 - Document Organization and Contents

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

- Section 1 Introduction: This section provides an overview of CEQA requirements, intended uses of the IS/MND, document organization, and a list of regulations that have been incorporated by reference.
- *Section 2– Project Description:* This section describes the Project and provides data on the site's location.
- Section 3 Environmental Checklist: This chapter contains the evaluation of 18 different environmental resource factors contained in Appendix G of the CEQA Guidelines. Each environmental resource factor is analyzed to determine whether the proposed Project would have an impact. One of four findings is made which include: no impact, less-than-significant impact, less than significant with mitigation, or significant and unavoidable. If the evaluation results in a finding of significant and unavoidable for any of the 18 environmental resource factors, then an Environmental Impact Report will be required.
- *Section 4 References:* This chapter contains a full list of references that were used in the preparation of this IS/MND.

# **SECTION 2 - PROJECT DESCRIPTION**

# 2.1 - Introduction

A request by AGC Design Concepts, Inc. for conditional use permit and site plan review for a new 3,800 sq.ft. convenience store that includes alcohol sales and gas station with eight pumps and canopy structure.

# 2.2 - Project Location

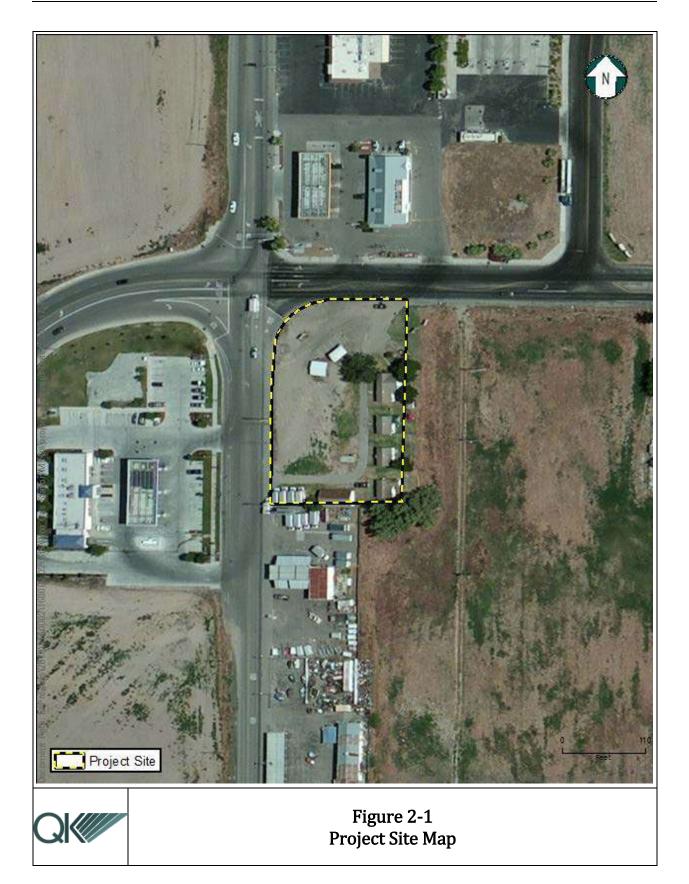
The proposed site is located at the southeast corner of Bush Street and 19 ½ Avenue approximately 500 feet east of State Route 41 in the City of Lemoore (APNs 023-420-001 and 023-420-002). The site is in Section 9, Township 19 South, Range 20 East, Mount Diablo Base and Meridian (MDB&M) within the Lemoore United States Geological Survey (USGS) 7.5-minute topographic quadrangle.

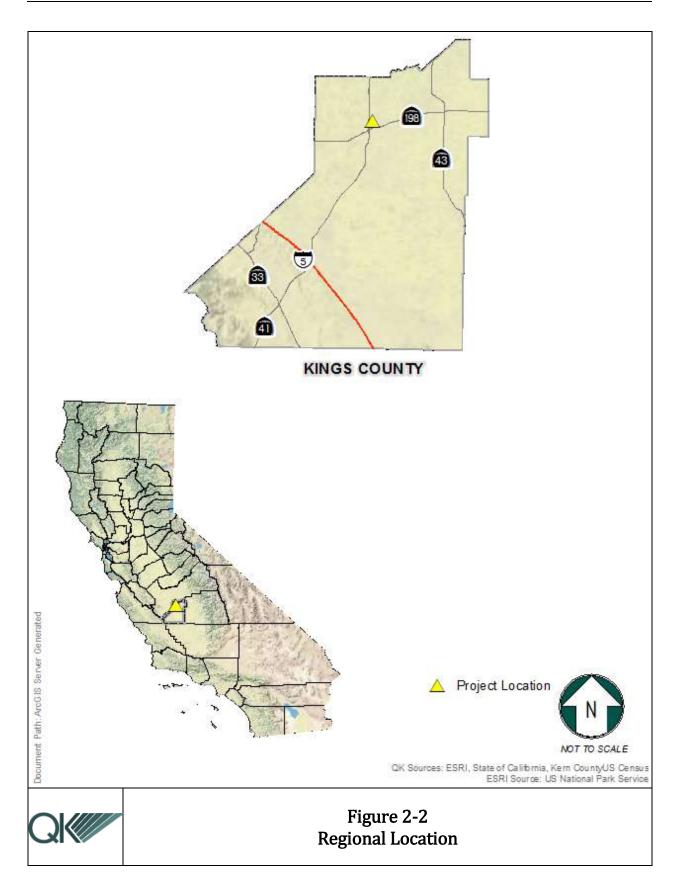
# 2.3 - Surrounding Land Uses

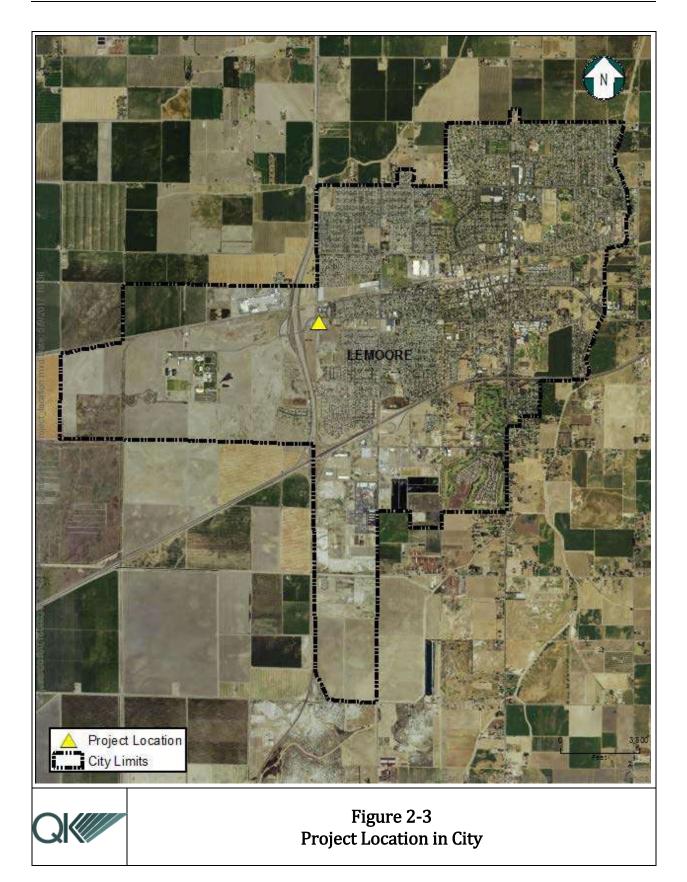
The area surrounding the proposed subdivision site consists of a 7-Eleven gas station and convenience store to the north, a Chevron gas station and convenience store to the west, five residences and undeveloped field to the east and a Uhaul rental store to the south. Land uses and development surrounding the site are depicted on Figure 2-4.

# 2.4 - Proposed Project

The proposed Project is the development of a new fueling station with eight pumps and a 3,800 sq.ft. convenience store that includes alcohol sales (Figure 2-1). Existing buildings would all be demolished. Both Bush Street and 19  $\frac{1}{2}$  Avenue would be widened to their ultimate width. New drive approaches to access the site would be constructed on 19  $\frac{1}{2}$  Avenue and Bush Street. A paved driveway and parking area with 20 parking spaces is proposed, two with ADA access. A trash enclosure, lighting, and landscaping are also proposed.









# **SECTION 3 - EVALUATION OF ENVIRONMENTAL IMPACTS**

### 3.1 - Environmental Checklist and Discussion

#### 1. Project Title:

Arco Gas Station

#### 2. Lead Agency Name and Address:

City of Lemoore 119 Fox Street Lemoore, CA 93245

#### 3. Contact Person and Phone Number:

Judy Holwell, Development Services Director (559) 924-6740

#### 4. Project Location:

The proposed site is located at the southeast corner of Bush Street and 19  $\frac{1}{2}$  Avenue in the City of Lemoore (APNs 023-420-001 and 023-420-002).

#### 5. Project Sponsor's Name and Address:

Nasser Saleh Owner/Applicant 1014 Fresno Street, Suite 104 Fresno, CA 93706

### 6. General Plan Designation:

Regional Commercial

#### 7. Zoning:

**Regional Commercial - RC** 

#### 8. Description of Project:

See Section 2.4 – Proposed Project.

#### 9. Surrounding Land Uses and Setting:

See *Section 2.3 – Surrounding Land Uses* and Figures 2-5.

10. Other Public Agencies Approval Required:

None.

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

Yes, the Santa Rosa Rancheria Tachi Tribe has requested consultation with the City of Lemoore. Letters were sent to the tribe on May 9, 2017, informing them of the Project.

NOTE: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

### 3.2 - Environmental Factors Potentially Affected:

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

Aesthetics	Agriculture and Forest Resources	Air Quality
Biological Resources	Cultural Resources	Geology /Soils
Greenhouse Gas Emissions	Hazards & Hazardous Materials	Hydrology / Water Quality
Land Use/Planning	Mineral Resources	Noise
Population/Housing	Public Services	Recreation
Transportation/Traffic	Utilities / Service Systems	Findings of Significance

### 3.3 - Determination

On the basis of this initial evaluation:

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

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

//ss

June 9, 2017

Judy Holwell, Development Services Director

Date

### 3.4 - Evaluation of Environmental Impacts

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

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

3.5	- Aesthetics	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Wou	ld the project:				
a.	Have a substantial adverse effect on a scenic vista?				$\boxtimes$
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				
C.	Substantially degrade the existing visual character or quality of the site and its surroundings?				$\boxtimes$
d.	Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?				

**Response:** a) As seen in Figure 2-4, the Project site is located adjacent to other gas station/convenience stores in central Lemoore near the Bush Street and Highway 41 interchange. To the east is vacant, undeveloped land, to the north and west are gas stations and convenience stores, and to the south is a truck rental service company.

The City of Lemoore 2030 General Plan states there are currently no buildings or structures listed in the National Register of Historic Places or as California Historic Landmarks. However, there are 37 sites listed as having local historic significance located within the downtown district (City of Lemoore , 2008). There are no local historic resources within the vicinity of the Project site. The Project is not located in an area that would result in substantial adverse effects on any scenic vistas and no impact would occur.

Mitigation Measures: No mitigation is required.

**Conclusion:** There would be *no impact.* 

**Response:** b), c) There are no listed State scenic highways within Kings County; therefore, the site would not damage scenic resources within a state scenic highway (Caltrans, 2017). The Project site does have several trees that would be removed prior to construction, which is addressed in *Section 3.8 - Biological Resources*. As discussed, the proposed gas station/convenience store development is consistent with the existing character and uses of the surrounding area. There would be no substantial degrade to the existing visual character or quality of the site and its surroundings.

Mitigation Measures: No mitigation is required.

**Conclusion:** There would be *no impact.* 

**Response:** d) The proposed development would comply with all lighting standards established in the City's Zoning Ordinance (Title 9, Chapter 5, Article B, Section 4). There would be no impact.

Mitigation Measures: No mitigation is required.

**Conclusion:** There would be *no impact.* 

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

### 3.6 - Agriculture and Forestry Resources

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

- a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?
- b. Conflict with existing zoning for agricultural use or a Williamson Act Contract?
- c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?
- d. Result in the loss of forest land or conversion of forest land to non-forest use?
- e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

	$\boxtimes$
	$\boxtimes$
	$\boxtimes$
	$\boxtimes$
	$\boxtimes$

**Response:** a), b), c), d), e) There will not be any conversion of farmland, nor conflict with any existing zoning for agricultural use or forest land, or Williamson Act contracts. The proposed Project site is classified as "urban and built-up land" by the Department of Conservation's Farmland Mapping and Monitoring Program (FMMP). The site is a highly disturbed undeveloped parcel besides the five dwellings, which would be demolished prior to construction.

Mitigation Measures: None are required.

Conclusion: There would be *no impact*.

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

## 3.7 - Air Quality

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

a.	Conflict with or obstruct implementation of the applicable air quality plan?		$\boxtimes$	
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	$\boxtimes$		
C.	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)?			
d.	Expose sensitive receptors to substantial pollutant concentrations?	$\boxtimes$		
e.	Create objectionable odors affecting a substantial number of people?	$\boxtimes$		

**Response:** a) The SJVAB is designated nonattainment of state and Federal health based air quality standards for ozone and PM2.5. The SJVAB is designated nonattainment of state PM10. To meet Federal Clean Air Act (CAA) requirements, the SJVAPCD has multiple air quality attainment plan (AQAP) documents, including

- 2016 Ozone Plan;
- 2007 PM10 Maintenance Plan and Request for Redesignation; and
- 2016 PM2.5 Plan.

The SJVAPCD's AQAPs account for projections of population growth and vehicle miles traveled (VMT) provided by the Council of Governments (COG) in the SJVAB and identify strategies to bring regional emissions into compliance with federal and State air quality standards. It is assumed that the existing and future pollutant emissions computed in the AQAPs were based on land uses from area general plans that were prepared prior to the AQAP's adoption. Because population growth and VMT projections are the basis of the AQAPs' strategies, a project would conflict with the plans if it results in more growth or VMT

than the plans' projections. The proposed Project would result in the construction and operation of a gas station and convenience store. This development could potentially result in new vehicle trips per day in the area with only temporary vehicle trips during the construction period. Additionally, the proposed Project is consistent with the current General Plan designation for the site. Therefore, if the proposed Project's VMT are consistent with the General Plan, then the proposed Project is consistent with the growth assumptions used in the applicable AQAPs. In conclusion, the proposed Project is consistent with the General Plan and would not require a general plan amendment. Therefore, the proposed Project is consistent with the applicable AQAPs.

#### Mitigation Measures: None are required.

#### **Conclusion:** Impacts would be *less than significant*.

**Response:** b) The proposed Project is located within the San Joaquin Valley Air Basin (SJVAB). The proposed Project consists of the development and operation of a gas station and convenience store. The Project is consistent with the City of Lemoore 2030 General Plan and Zoning Ordinance and therefore, an allowable use at the Project site.

The General Plan analyzed activities that disturb the soil, such as grading and excavation, infrastructure construction, building demolition, and a variety of construction activities. The General Plan also analyzed operational air quality impacts that would likely occur based on the various land use designations and possible resultant land uses that could occur during buildout of the City in compliance with the General Plan. Because the proposed Project is consistent with the General Plan, construction and operational air emissions as a result have already been analyzed in the General Plan EIR.

The General Plan EIR requires that all new development that is consistent with the General Plan land use designations, such as the proposed Project, be subject to Best Management Practices to reduce dust and other air pollutant emissions, as well as mandatory compliance with all applicable SJVAPCDs rules and regulations. These rules and regulations include, but are not limited to, Rule 2201 (New and Modified Station Source Review), Rule 4002 (National Emission Standards for Hazardous Air Pollutants), Regulation VIII (Fugitive PM10 Prohibitions), and Rule 9510 (Indirect Source Review [ISR]). The construction and operation of the proposed Project would also be subject to SJVAPCD's Regulation VIII (Fugitive PM10 Prohibitions). Implementation of Mitigation Measures MM AQ-1 through MM AQ-3 requires that the proposed Project comply with applicable SJVAPCD rules and regulations to reduce construction and operational impacts as described in the mitigation.

With implementation of this mitigation, the Project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Impacts would be less than significant.

#### Mitigation Measures:

MM AQ-1: Construction and operation of the proposed project shall be conducted in compliance with applicable rules and regulations set forth by the San Joaquin Valley Air Pollution Control District. Dust control measures outlined below shall be implemented where they are applicable and feasible. The list shall not be considered all-inclusive, and any other measures to reduce fugitive dust emissions not listed shall be encouraged.

- a) <u>Land Preparation, Excavation, and/or Demolition</u>. The following dust control measures shall be implemented:
  - i) All soil excavated or graded shall be sufficiently watered to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soil areas. Watering shall take place a minimum of twice daily on unpaved/untreated roads and on disturbed soil areas with active operations.
  - ii) All clearing, grading, earth moving, and excavation activities shall cease during periods of winds greater than 20 miles per hour (averaged over 1 hour), if disturbed material is easily windblown, or when dust plumes of 20 percent or greater opacity impact public roads, occupied structures, or neighboring property.
  - iii) All fine material transported on-site a freeboard limit of at least 6 inches shall be maintained and fine material shall be either sufficiently watered or securely covered to prevent excessive dust.
  - iv) Areas disturbed by clearing, earth moving, or excavation activities shall be minimized at all times.
  - v) Stockpiles of soil or other fine loose material shall be stabilized by watering or other appropriate method to prevent wind-blown fugitive dust.
  - vi) Where acceptable to the Fire Department, weed control shall be accomplished by mowing instead of discing, thereby leaving the ground undisturbed and with a mulch covering.
- b) <u>Site Construction</u>. After clearing, grading, earth moving, and/or excavating, the following dust control practices shall be implemented:
  - i) Once initial leveling has ceased, all inactive soil areas within the construction site shall be (1) seeded and watered until plant growth is evident, (2) treated with a dust palliative, or (3) watered twice daily until soil has sufficiently crusted to prevent fugitive dust emissions.
  - ii) All active disturbed soil areas shall be sufficiently watered at least twice daily to prevent excessive dust.
  - iii) The project proponent and/or its contractor(s) shall comply with the provisions of SJVAPCD Rule 4601 - Architectural Coatings, during the construction of all buildings and facilities. Application of architectural coatings shall be completed in a manner that poses the least emissions impacts whenever such application is deemed proficient.
  - iv) The project proponent and/or its contractor(s) shall comply with the provisions of SJVAPCD Rule 4641 during the construction and pavement of all roads and parking

areas within the project area. Specifically, the applicant shall not allow the use of rapid cure cutback asphalt, medium cure cutback, or slow cure cutback or emulsified asphalt.

- c) <u>Vehicular Activities</u>. During all phases of construction, the following vehicular control measures shall be implemented:
  - i) On-site vehicle speed shall be limited to 15 miles per hour.
  - ii) All areas with vehicle traffic shall be paved, treated with dust palliatives, or watered a minimum of twice daily.
  - iii) Streets adjacent to the project site shall be kept clean, and project-related accumulated silt shall be removed.
  - iv) Access to the site shall be by means of an apron into the project site from adjoining surfaced roadways. The apron shall be surfaced or treated with dust palliatives. If operating on soils that cling to the wheels of vehicles, a grizzly or other such device shall be used on the road exiting the project site, immediately prior to the pavement, in order to remove most of the soil material from vehicle tires.

MM AQ-2: The project proponent and/or its contractor(s) shall implement the following measures during construction of the proposed project:

- a) All equipment shall be maintained as recommended by manufacturer manuals.
- b) Equipment shall be shut down when not in use for extended periods of time.
- c) Construction equipment shall operate no longer than eight cumulative hours per day.
- d) Electric equipment shall be used whenever possible in lieu of diesel- or gasoline-powered equipment.
- e) All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NO<sub>X</sub> emissions.
- f) On- and off-road diesel equipment shall use diesel particulate filters if permitted under manufacturer's guidelines.
- g) On- and off-road diesel equipment shall use cooled exhaust gas recirculation (EGR) if permitted under manufacturer's guidelines.
- h) All construction workers shall be encouraged to shuttle (car-pool) to retail establishments or to remain on-site during lunch breaks.
- i) All construction activities within the project area shall be discontinued during the first stage smog alerts.
- j) Construction and grading activities shall not be allowed during first stage ozone alerts. First stage ozone alerts are declared when the ozone level exceeds 0.20 ppm (1-hour average).

MM AQ-3: Prior to the issuance of building and grading permits, the project proponent shall provide the City of Lemoore Development Services Department with proof that an Indirect Source Review application has been approved by the San Joaquin Valley Air Pollution Control District, if applicable.

MM AQ-4: Prior to the issuance of demolition permits, the project proponent shall provide the City of Lemoore Development Services Department with proof that a Demolition Permit has been issued by the San Joaquin Valley Air Pollution Control District, if applicable

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

**Response:** c) See Response (b), above.

**Mitigation Measures:** Implement MM AQ-1 through MM AQ-4.

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

**Response:** d) As noted in Response (b), the proposed Project is consistent with the surrounding land uses and would not create or expose sensitive receptors to substantial pollutant concentrations or emissions. With implementation of MM AQ-1 through MM AQ-4, impacts would be considered less than significant.

**Mitigation Measures:** Implement MM AQ-1 through MM AQ-4.

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

**Response:** e) According to the 2015 SJVAPCD's *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI), analysis of potential odor impacts should be conducted for the following two situations:

- Generators projects that would potentially generate odorous emissions proposed to locate near existing sensitive receptors or other land uses where people may congregate; and
- Receivers residential or other sensitive receptor projects or other projects built for the intent of attracting people locating near existing odor sources.

As proposed, the Project would not generate odors that would impact sensitive receptors. With implementation of MM QA-1 through MM AQ-4, odor impacts that may be generated during temporary construction activities would be reduced to less than significant levels.

**Mitigation Measures:** Implement MM AQ-1 through MM AQ-4.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
- Biological Resources				
d the project:				
Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				
Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				
Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				
Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				
Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				$\boxtimes$
Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local,				

Methodology: Database searches were conducted to determine which sensitive biological resources historically occurred on and within 10 miles of the Project site. The California Natural Diversity Database (CNDDB) (CNDDB 2017), California Native Plants Society (CNPS) database (CNPS 2017), U.S. Fish and Wildlife Service (USFWS) Threatened and Endangered

3.8 - Biological Resources

regional, or state habitat conservation plan?

Would the project:

a.

b.

c.

d.

e.

f.

Species List (USFWS 2017a), and USFWS Critical Habitat database (USFWS 2017b) were reviewed to identify State and federal special-status species were searched. The CNDDB provides element-specific spatial information on individual documented occurrences of special-status species and sensitive natural vegetation communities. The CNPS database provides similar information specific to plant species, but at a much lower spatial resolution. The USFWS query generates a list of federally-protected species known to potentially occur within individual USGS quadrangles. Wildlife species designated as "Fully Protected" by California Fish and Game Code Sections 5050 (Fully Protected reptiles and amphibians), 3511 (Fully Protected birds), 5515 (Full Protected Fish), and 4700 (Fully Protected mammals) are added to the list.

Additional databases that were accessed included the USFWS National Wetlands Inventory (NWI) Map (NWI 2017), the USGS topographical maps, National Hydrography Dataset (NHD) (NHD 2017), Federal Emergency Management Agency (FEMA) 100-year floodplain database (FEMA 2017), and the Recovery Plan for Upland Species of the San Joaquin Valley and Essential Connectivity Habitat Areas for wildlife corridors (Spencer 2010).

**Response:** a), b) The CNDDB searches listed historical occurrences of five special-status bird species, three special-status plant species, nine special-status wildlife species and one sensitive natural community within a 10-mile buffer around the Project site (Figure 3-1 through Figure 3-4). However, none of these records were on or within the immediate vicinity of the Project site.

No USFWS-designated Critical Habitat units occur on the Project site. Critical Habitat for the Buena Vista Lake ornate Shrew (*Sorex ornatus relictus*) is approximately five miles southwest of the site (Figure 3-5). Riparian habitats are defined as vegetative communities that are influenced by a river or stream, specifically the land area that encompasses the water channel and its current or potential floodplain. No riparian habitat occurs on or near the Project site. No sensitive natural communities or critical habitats occur on or near the Project site.

The proposed Project site is highly disturbed and surrounded by similar commercial uses to the north, west and south. There are five dwellings and several trees on the east portion of the site that would be removed prior to construction of the project. The potential for specialstatus species to occur on the site is low; however, a pre-construction survey would need to be completed to ensure there is no evidence of occupation by special-status species on the Project site. General mitigation measures are included to prevent any potential impacts during construction. Therefore, there would be a less-than-significant impact with mitigation incorporated.

#### Mitigation Measures:

**MM 3.8.1:** A qualified biologist shall conduct a pre-construction survey on the Project site and within 500 feet of its perimeter within 14 days and no more than 30 days prior to the start of construction activities.

If any evidence of occupation of the Project site by listed or other special-status species is subsequently observed, a buffer shall be established by a qualified biologist that results in sufficient avoidance to comply with applicable regulations. If sufficient avoidance cannot be established, the United States Fish and Wildlife Service and California Department of Fish and Game shall be contacted for further guidance and consultation on additional measures. The Project proponent shall obtain any required permits from the appropriate wildlife agency. Copies of all permits and evidence of compliance with applicable regulations shall be submitted to the lead agency.

The following buffer distances shall be established prior to construction activities:

- San Joaquin kit fox or American badger potential den: 50 feet;
- San Joaquin kit fox known den: 100 feet;
- San Joaquin kit fox or American badger pupping den: contact the California Department of Fish and Game and United States Fish and Wildlife Service;
- Burrowing owl burrow outside of breeding season: 160 feet;
- Burrowing owl burrow during breeding season: 250 feet;
- Swainson's hawk nest during breeding season: <sup>1</sup>/<sub>2</sub> mile;
- Other protected raptor nests during the breeding season: 300 feet;
- Other protected nesting migratory bird nests during the breeding season: 50 feet; and
- Other special-status wildlife species: as recommended by qualified biologist.

**MM 3.8.2:** A qualified biologist shall be obtained to assist in the removal of the on-site trees. The removal of trees shall be done between February 15<sup>th</sup> to August 15<sup>th</sup> to avoid potential impacts with nesting birds.

**MM 3.8.3:** If initial grading activities are planned during the potential nesting season for migratory birds/raptors that may nest on or near the Project site, the preconstruction survey shall evaluate the sites and accessible lands within an adequate buffer for active nests of migratory birds/raptors. If any nesting birds/raptors are observed, a qualified biologist shall determine buffer distances and/or the timing of Project activities so that the proposed Project does not cause nest abandonment or destruction of eggs or young. This measure shall be implemented so that the proposed Project remains in compliance with the Migratory Bird Treaty Act and applicable state regulations.

If nesting raptors are identified during the surveys, active raptor nests should be avoided by 500 feet and all other migratory bird nests should be avoided by 250 feet. Avoidance buffers may be reduced if a qualified and approved on-site monitor determines that encroachment into the buffer area is not affecting nest building, the rearing of young, or otherwise affect

the breeding behaviors of the resident birds. Avoidance buffers can also be reduced through consultation with the CDFW and USFWS. If Swainson's hawks are found to nest within the survey area, active Swainson's hawk nests shall be avoided by 0.5 mile unless this avoidance buffer is reduced through consultation with the CDFW and/or USFWS.

No construction or earth-moving activity shall occur within a non-disturbance buffer until it is determined by a qualified biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid Project construction areas. This typically occurs by early July, but September 1st is considered the end of the nesting period unless otherwise determined by a qualified biologist. Once raptors have completed nesting and young have fledged, disturbance buffers will no longer be needed and can be removed, and monitoring can be terminated.

**MM 3.8.4:** If any burrowing owl burrows are observed during the preconstruction survey, avoidance measures shall be consistent and in accordance with protocols outlined in the Burrowing Owl Survey Protocol and Mitigation Guidelines (Burrowing Owl Consortium 1993) and the Staff Report on Burrowing Owl Mitigation (CDFW 2012). Active burrows shall be avoided, but if avoidance is not possible then compensation shall be provided for the active or passive displacement of western burrowing owls, and habitat acquisition and the creation of artificial dens for any western burrowing owls shall be provided for any owls relocated from construction areas. These measures are outlined as follows:

- 5. A pre-construction survey of construction area, including a 150-meter buffer (500 feet), shall be conducted no less than 14 days and no more than 30 days prior to ground disturbing activities. If more than 30 days lapse between the time of the pre-construction survey and the start of ground-disturbing activities, another pre-construction survey shall be completed. The second survey (or other subsequent surveys if necessary) shall be conducted and timed to occur sometime between 30 days and 24 hours prior to ground disturbance.
- 6. If western burrowing owls are present on the construction site (or within 500 feet of the construction site), exclusion fencing shall be installed between the nest site or active burrow and any earth-moving activity or other disturbance. Exclusion areas shall extend 160 feet around occupied burrows during the non-breeding season (September 1 through January 31) and extend 250 feet around occupied burrows during the breeding season (February 1 through August 31) as described in The California Burrowing Owl Consortium's Survey Protocol and Mitigation Guidelines (California Burrowing Owl Consortium 1993).
- 7. If western burrowing owls are present in the non-breeding season and must be passively relocated from the Project site, passive relocation shall not commence until October 1st and must be completed by February 1st. Passive relocation must only be conducted by a qualified biologist or ornithologist and with approval by CDFW. After passive relocation, the area where owls occurred and its immediate vicinity shall be monitored by a qualified biologist daily for one week and once per week for an additional two weeks to document that owls are not reoccupying the site.

8. If permanent impacts to nesting, occupied and satellite burrows, or burrowing owl habitat occur, compensation shall be based upon the number of owls or pairs of owls relocated from the construction area. Compensation acreage shall be determined as described in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012).

**MM 3.8.5:** The measures listed below shall be implemented during construction:

16. Pre-construction surveys shall be conducted no fewer than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities. If any San Joaquin kit fox dens are found during preconstruction surveys, exclusion zones shall be placed in accordance with USFWS Recommendations using the following:

Den Type	Recommendation
Potential Den	50-foot radius
Known Den	100-foot radius
Natal/Pupping Den	Contact U.S. Fish and Wildlife
(Occupied and Unoccupied)	Service for guidance
Atypical Den	50-foot radius

- 17. If any den must be removed, it must be appropriately monitored and excavated by a trained wildlife biologist. Destruction of natal dens and other "known" kit fox dens must not occur until authorized by USFWS. Replacement dens will be required if such dens are removed. Potential dens that are removed do not need to be replaced if they are determined to be inactive by using standard monitoring techniques (e.g., applying tracking medium around the den opening and monitoring for San Joaquin kit fox tracks for three consecutive nights).
- 18. Project-related vehicles shall observe a daytime speed limit of 20-mph throughout the site in all Project areas, except on County roads and State and federal highways; this is particularly important at night when kit foxes and badgers are most active. Night-time construction shall be minimized to the extent possible. However, if construction at night does occur, then the speed limit shall be reduced to 10-mph. Off-road traffic outside of designated Project areas shall be prohibited.
- 19. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a Project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the CDFW shall be contacted at the addresses provided below.

- 20. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.
- 21. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from a construction or Project sites.
- 22. No pets, such as dogs or cats, shall be permitted on the Project sites to prevent harassment, mortality of kit foxes, or destruction of dens.
- 23. Use of rodenticides and herbicides in Project areas shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional Project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide shall be used because of a proven lower risk to kit fox.
- 24. A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the USFWS.
- 25. An employee education program shall be conducted. The program shall consist of a brief presentation by persons knowledgeable in San Joaquin kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the Project. The program shall include: a description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the Project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during Project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the previously referenced people and anyone else who may enter the Project sites.
- 26. Upon completion of the Project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. shall be recontoured if necessary, and revegetated to promote restoration of the area to pre-Project

conditions. An area subject to "temporary" disturbance means any area that is disturbed during the Project, but after Project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the USFWS, CDFW, and revegetation experts.

- 27. In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the USFWS shall be contacted for guidance.
- 28. Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916)445-0045. They will contact the local warden or CDFW representative, the wildlife biologist, at (530)934-9309. The USFWS shall be contacted at the numbers below.
- 29. The Sacramento Fish and Wildlife Office of USFWS and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact can be reached at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.
- 30. All sightings of the San Joaquin kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed shall also be provided to the Service at the address below.

Any Project-related information required by the USFWS or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at: Endangered Species Division, 2800 Cottage Way, Suite W 2605, Sacramento, California 95825-1846, phone (916) 414-6620 or (916) 414-6600.

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

**Response:** c) No National Wetlands Inventory (NWI) features or blue-line drainages (as found on USGS topographic maps and in the National Hydrography Dataset) occurred on the Project site (Figure 3-6).

Mitigation Measures: None are required.

**Response:** d) The proposed Project site does not occur within a known migration route, significant wildlife corridor, or linkage area as identified in the Recovery Plan for Upland Species in the San Joaquin Valley (USFWS 1998). The site is located within areas of highway commercial development. Wildlife movement corridors are routes that provide shelter and sufficient food supplies to support regular movements of wildlife species. A movement corridor is a continuous geographic extent of habitat that either spatially or functionally links ecosystems across fragmented, or otherwise inhospitable, landscapes. Faunal movement may include seasonal or migration movement, life cycle links, species dispersal, recolonization of an area, and movement in response to external pressures. Movement corridors typically include riparian habitats, ridgelines, and ravines, as well as other contiguous expanses of natural habitats. Movement corridors may be functional on regional, sub-regional, or local scales.

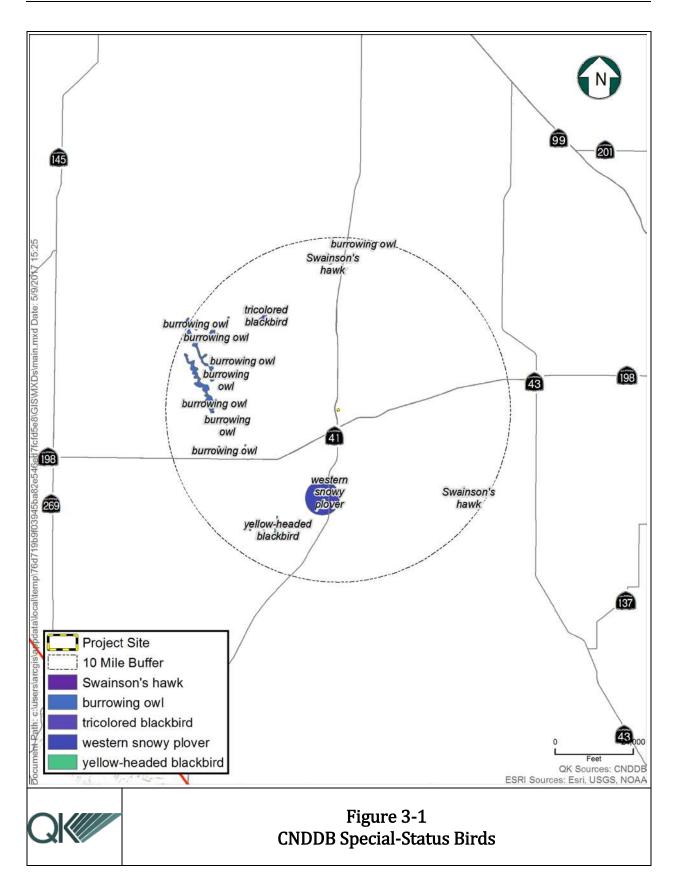
No significant wildlife movement corridors, core areas, or Essential Habitat Connectivity areas occur on or near the Project site. The Project would not substantially affect migrating birds or other wildlife. The Project will not restrict, eliminate, or significantly alter wildlife movement corridors, core areas, or Essential Habitat Connectivity areas either during construction or after the Project has been constructed. Project construction will not substantially interfere with wildlife movements or reduce breeding opportunities.

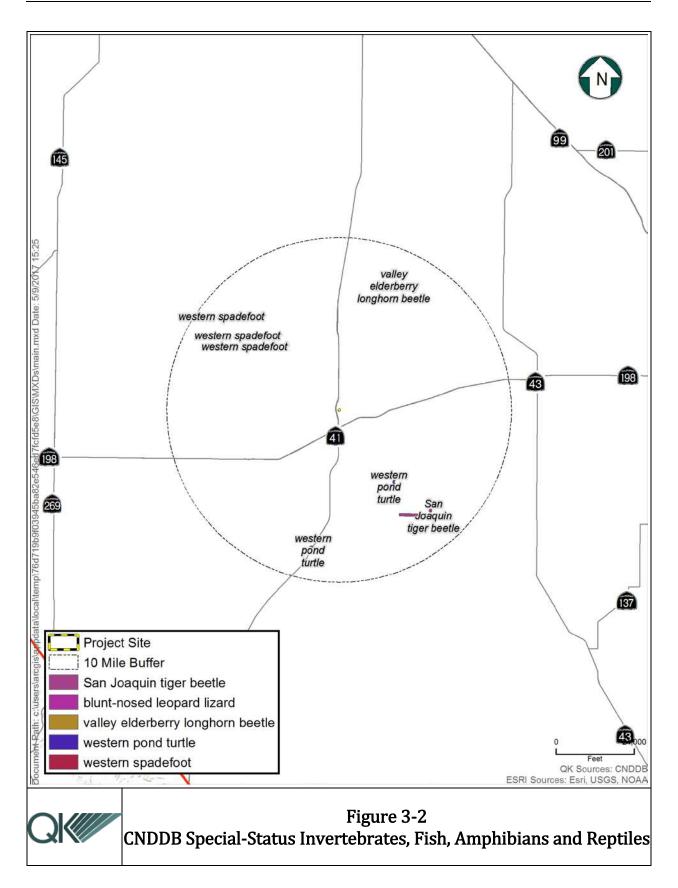
Mitigation Measures: None are required.

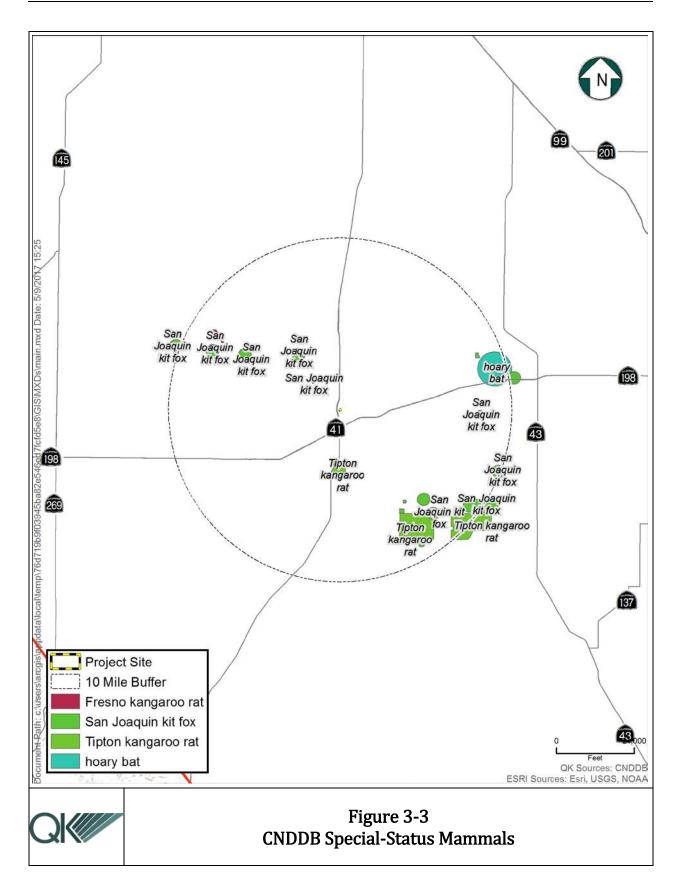
Conclusion: There would be *no impact*.

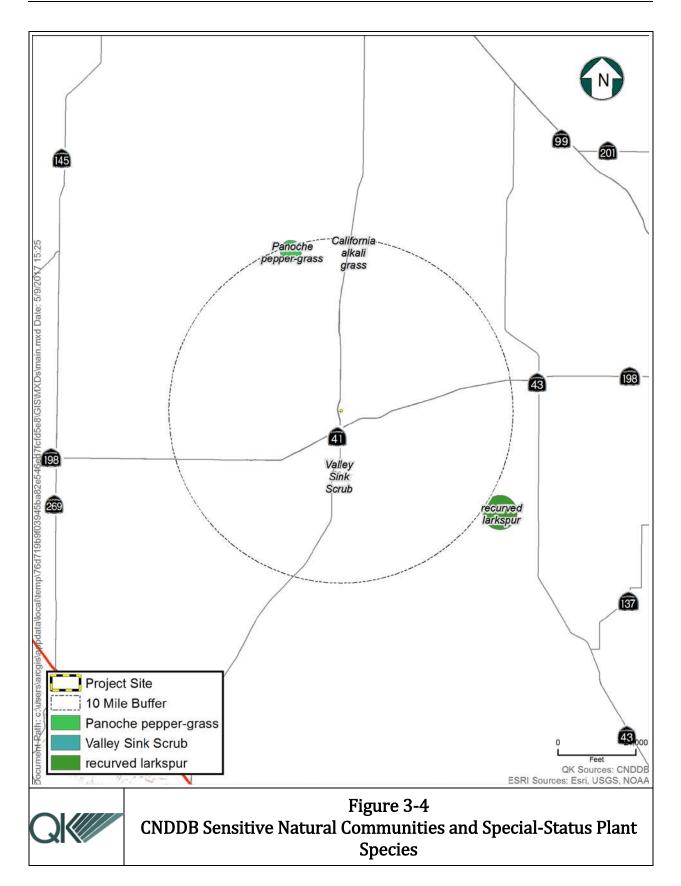
**Response:** e), f) The City of Lemoore does not have any local policies or ordinances protecting biological resources nor an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, there would be no impact.

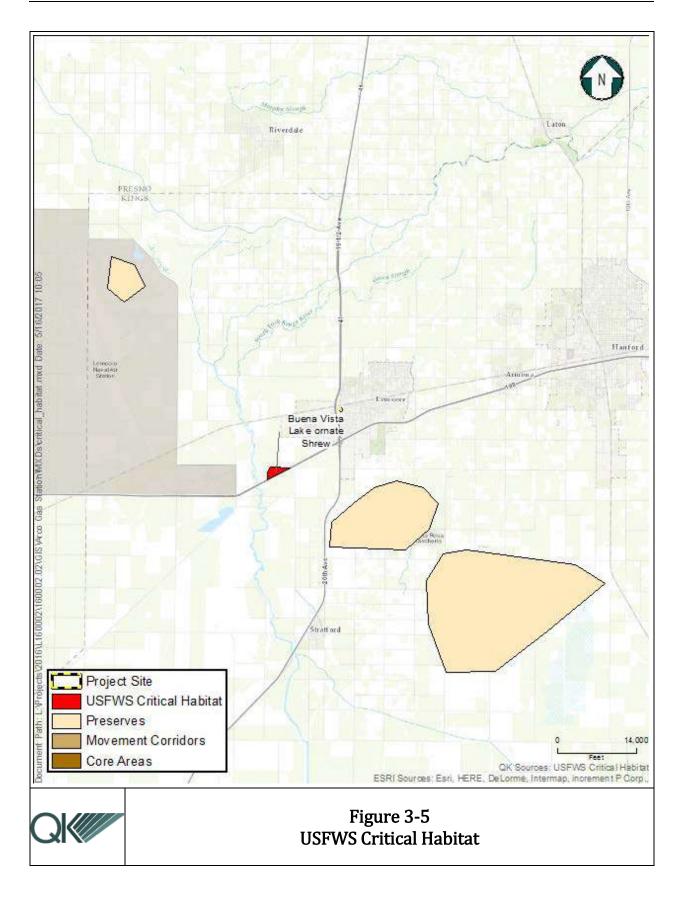
Mitigation Measures: None are required.

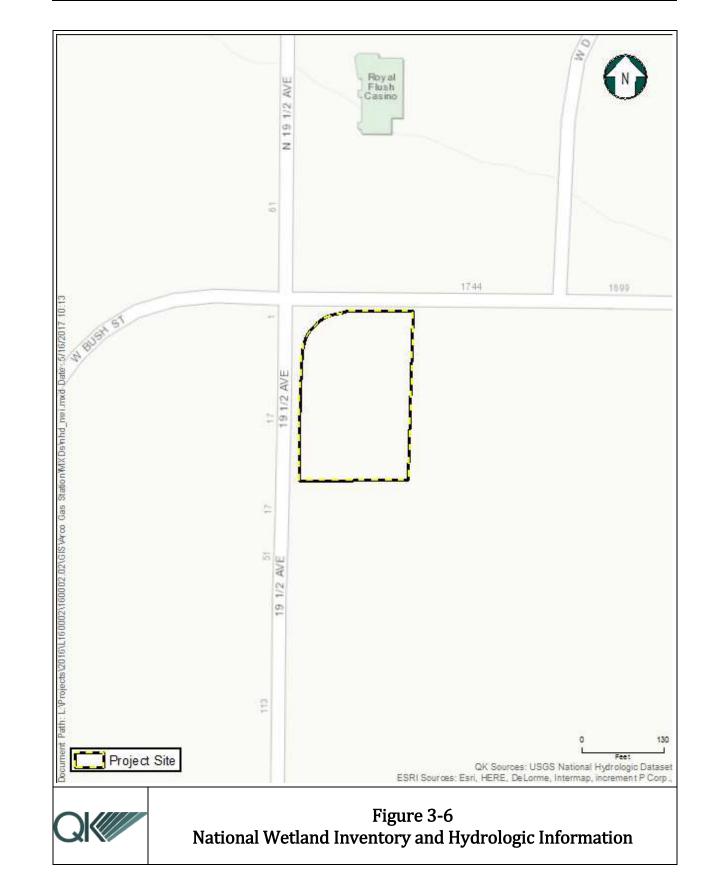












	<b>9 - <i>Cultural Resources</i></b> uld the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
a.	Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?				
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?		$\boxtimes$		
C.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		$\boxtimes$		
d.	Disturb any human remains, including those interred outside of formal cemeteries?		$\boxtimes$		

**Response:** a), b) As discussed in *Section 3.5 – Aesthetics*, there are no identified historical resources within the vicinity of the Project site. There is a low potential for ground-disturbing activities to expose and affect previously unknown significant cultural resources, including historical or prehistorical resources at the Project site. However, there is still a possibility that historical materials may be exposed during construction. Grading and trenching, as well as other ground-disturbing actions, have the potential to damage or destroy these previously unidentified and potentially significant cultural resources within the Project area, including historical resources. Disturbance of any deposits that have the potential to provide significant cultural data would be considered a significant impact under CEQA.

Although considered unlikely since there is no indication of any archaeological resources on or in the vicinity of the Project site, subsurface construction activities associated with the proposed Project could potentially damage or destroy previously undiscovered archaeological resources.

#### Mitigation Measures:

**MM 3.9.1:** If prehistoric or historic-era cultural or archaeological materials are encountered during construction activities, all work within 25 feet of the find shall halt until a qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, can evaluate the significance of the find and make recommendations. Cultural resource materials may include prehistoric resources

such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal, wood, brick, or structural remnants. If the qualified professional archaeologist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required to mitigate adverse impacts from Project implementation. These additional studies may include avoidance, testing, and evaluation or data recovery excavation.

If a potentially-eligible resource is encountered, then the qualified professional archaeologist, the Lead Agency, and the Project proponent shall arrange for either 1) total avoidance of the resource or 2) test excavations to evaluate eligibility and, if eligible, total data recovery. The determination shall be formally documented in writing and submitted to the Lead Agency as verification that the provisions for managing unanticipated discoveries have been met.

## **Conclusion:** Impacts would be *less than significant with mitigation incorporated*.

**Response:** c) There are no unique geological features or known fossil-bearing sediments in the vicinity of the Project site. However, there remains the possibility for previously unknown, buried paleontological resources or unique geological sites to be uncovered during subsurface construction activities.

## Mitigation Measures:

**MM 3.9.2:** During any ground disturbance activities, if paleontological resources are encountered, all work within 25 feet of the find shall halt until a qualified paleontologist as defined by the Society of Vertebrate Paleontology Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010), can evaluate the find and make recommendations regarding treatment. Paleontological resource materials may include resources such as fossils, plant impressions, or animal tracks preserved in rock. The qualified paleontologist shall contact the University of California Museum of Paleontology, or other appropriate facility regarding any discoveries of paleontological resources.

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

Construction in that area shall not resume until the resource appropriate measures are recommended or the materials are determined to be less than significant. If the resource is

significant and fossil recovery is the identified form of treatment, then the fossil shall be deposited in an accredited and permanent scientific institution. Copies of all correspondence and reports shall be submitted to the Lead Agency.

## **Conclusion:** Impacts would be *less than significant with mitigation incorporated*.

**Response:** d) Human remains including known cemeteries are not known to exist within the Project area. However, construction would involve earth-disturbing activities, and it is still possible that human remains may be discovered, possibly in association with archaeological sites.

## Mitigation Measures:

**MM 3.9.3:** If human remains are discovered during construction or operational activities, further excavation or disturbance shall be prohibited pursuant to Section 7050.5 of the California Health and Safety Code. The protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and Senate Bill 447 (Chapter 44, Statutes of 1987), shall be followed. Section 7050.5(c) shall guide any potential Native American involvement, in the event of discovery of human remains, at the direction of the county coroner.

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

ls	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
cures to potential , including the risk olving:				
n earthquake fault, the most recent Earthquake Fault ed by the State area or based on l evidence of a fer to Division of Geology Special				
ound shaking?			$\boxtimes$	
ground failure, tion?				$\boxtimes$
				$\bowtie$
osion or the loss of				$\boxtimes$
unit or soil that is come unstable as a octentially result in lateral spreading, r collapse?				
soil, as defined in orm Building Code ial risks to life or				
quately supporting ks or alternative ms in areas where for the disposal of				$\boxtimes$

## 3.10 - Geology and Soils

Would the project:

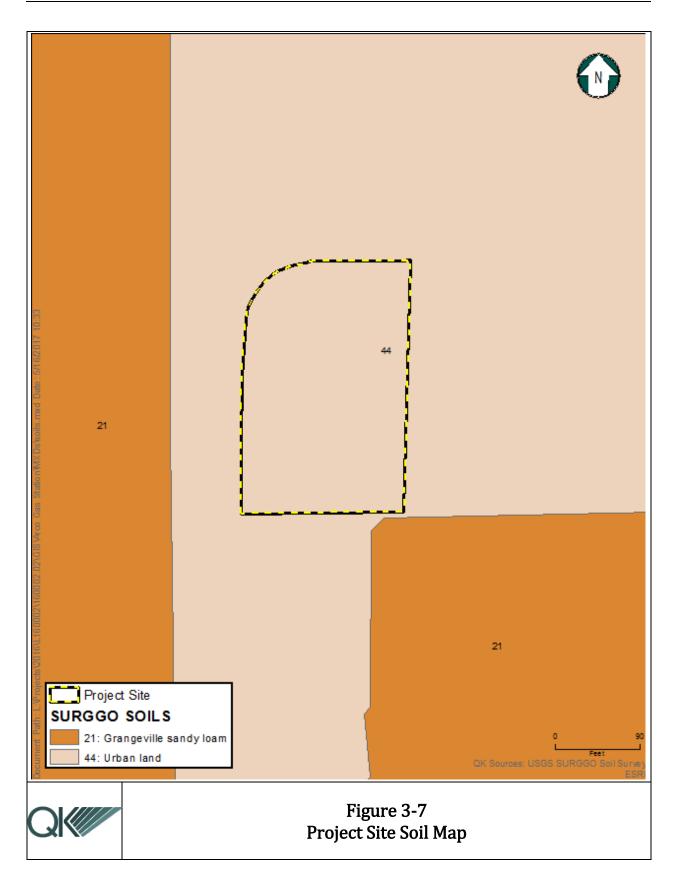
- a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
  - ii. Strong seismic ground shaking?
  - iii. Seismic-related ground failure, including liquefaction?
  - iv. Landslides?
- b. Result in substantial soil erosion or the loss of topsoil?
- c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?
- d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?

**Response:** a), b), c), d), e) There are no known active seismic faults in Kings County or within its immediate vicinity. The principle earthquake hazard affecting the area is ground shaking as opposed to surface rupture or ground failure (City of Lemoore , 2008). Per the Department of Conservation Landslide Map, the City of Lemoore does not contain any areas that are prone to landslides (Department of Conservation, 2017). As shown in Figure 3-7, the site is classified as urban land. This consists of land covered by streets, parking lots, buildings, airstrips, and other structures that obscure or alter the soils so that identification is not feasible (United States Department of Agriculture, 1986). There would be no impacts from soil erosion, expansive soil as the site is currently urban. The proposed gas station and convenience store would be required to comply with City building code requirements and Lemoore's General Plan policies, and their cited regulations, that mitigate seismic hazards and soils-related structural concerns for permitted development.

The Project site is not located on an unstable geologic unit or soil nor on expansive soil. The proposed Project does not include the development of septic tanks or alternative wastewater disposal systems as the Project would hook up to the City's existing sewer system.

Mitigation Measures: None are required.

**Conclusion:** Impacts would be *no impact and less than significant.* 



		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
3.1	11 - Greenhouse Gas Emissions				
Woi	ıld the project:				
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				
b.	Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				

**Response:** a), b) Greenhouse gas (GHG) significance thresholds are based on the 2014 Kings County Regional Climate Action Plan (CAP). According to the CAP, the AB 32 Scoping Plan encourages local governments to establish a GHG reduction target that "parallels the State's commitment to reduce GHG emissions by approximately 15 percent from current levels by 2020." Therefore, this CAP establishes a reduction target to achieve emissions levels 15 percent below 2005 baseline levels by 2020 consistent with the AB 32 Scoping Plan. Proposed development projects that are consistent with the emission reduction and adaptation measures included in the CAP and the programs that are developed because of the CAP, would be considered to have a less-than-significant cumulative impact on climate change. Therefore, the 29 percent reduction from Business as Usual will be used as the significance threshold for GHG emissions for this analysis.

The General Plan analyzed activities that generated GHG emissions, and proposed policies and actions intended to reduce those emissions. These actions include but are not limited to the following:

- CD-I-58: which requires new development to incorporate passive heating and natural light strategies;
- CD-I-60: which requires the use of energy efficient appliances and equipment, solar energy systems;
- CD-I-62: which requires restricting chlorofluorocarbons and other GHG emissions in mechanical equipment and the use of sustainable, locally sourced building materials;
- CD-I-63: which outlines outdoor lighting standards and requires energy efficient lighting fixtures, etc.;

Because the proposed Project is consistent with the General Plan, construction and operational GHG emissions as a result have already been analyzed in the General Plan EIR. With implementation of these and other applicable City policies, as well as mandatory compliance with all applicable SJVAPCDs rules and regulations, as required in MM GHG-1, Project GHG emissions will be reduced to less than significant levels.

## Mitigation Measures:

MM GHG-1: Prior to the issuance of building or grading permits, and continually throughout Project operations, the Project proponent shall comply with applicable policies of the City of Lemoore General Plan, as well as all applicable rules and regulations set forth by San Joaquin Valley Air Pollution Control District.

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

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
	12 - Hazards and Hazardous Aterials				
Woi	ıld the project:				
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				
C.	Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one- quarter mile of an existing or proposed school?				
d.	Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				
f.	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?				
g.	Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?				$\boxtimes$
h.	Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are				

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

adjacent to urbanized areas or where residences are intermixed with wildlands?

**Response:** a), b), c) The proposed project includes the construction and operation of a gas station and convenience store. Therefore, the proposed project includes the dispensing of gasoline and other auto-related chemicals that, if handled improperly, may result in spills. The transport, use and storage of hazardous materials would be required to comply with all applicable state and federal regulations, such as requirements that spills would be cleaned up immediately and all wastes and spills control materials would be properly disposed of at approved disposal facilities. Compliance with CCR Title 23, Chapter 16 would also be required for maintenance and monitoring of the USTs for potential leaks. Mitigation Measure 3.13.1 in *Section 3.13 - Hydrology and Water Quality* requires the preparation of a Stormwater Pollution Prevention Program (SWPPP), which includes a list of Best Management Practices (BMPs) to be implemented on the site both during and after construction to minimize potential impacts from accidental spills. With compliance of the SWPPP as well as all local, State, and Federal regulations regarding hazardous materials, impacts associated with the use or accidental spill of hazardous materials would be less than significant.

Engvall Elementary School is located approximately 0.85-mile southeast of the proposed Project site. Given the proximity and the intervening uses there is a very limited potential for the project to affect Engvall Elementary School. The proposed Project would not emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing school.

Mitigation Measures: Implement Mitigation Measure 3.13.1.

#### **Conclusion:** Impacts would be *less than significant with mitigation incorporated.*

d) Per the Cortese List, there are no hazardous waste and substances sites in the vicinity of the Project site (Cal EPA, 2017). Additionally, the State Water Resources Control Board GeoTracker compiles a list of Leaking Underground Storage Tank (LUST) Sites. There are two LUST Cleanup Sites within the vicinity of the Project site (California Water Resources Board, 2017). Both LUST Cleanup Sites were for gasoline spills; however, have been cleaned up and are closed. The proposed Project site is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and would therefore not create a significant hazard to the public or the environment.

Mitigation Measures: None are required.

e), f) There are two private airstrips and no public airports within the Lemoore area including Reeves Field at the Naval Air Station and Stone Airstrip. There is no adopted airport land use plan for the City of Lemoore. Both are located outside of the City's limits and would not impact the proposed Project.

## Mitigation Measures: None are required.

Conclusion: There would be *no impact.* 

g) The City of Lemoore published an Emergency Operations Plan in 2005, which provides guidance to City staff in the event of extraordinary emergency situation associated with natural disaster and technological incidents (City of Lemoore , 2008). The proposed Project would not interfere with the City's adopted emergency response plan; therefore, there would be no impact.

Mitigation Measures: None are required.

## Conclusion: There would be *no impact.*

h) The proposed Project site is in an unzoned area of the Kings County Fire Hazard Severity Zone Map Local Responsibility Area (LRA). However, Cal Fire has determined that portions of the City of Lemoore are categorized as a Moderate Fire Hazard Severity Zone in LRA. The Project site is not within a wildland area nor is there within the vicinity of the Project site. The Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. Therefore, there would be no impact.

Mitigation Measures: None are required.

3.1	3 - Hydrology and Water Quality	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Wou	ld the project:				
a.	Violate any water quality standards or waste discharge requirements?		$\boxtimes$		
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?				
C.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on site or off site?				
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on site or off site?				
e.	Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				
f.	Otherwise substantially degrade water quality?		$\boxtimes$		
g.	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?				

 $\square$ 

 $\square$ 

 $\square$ 

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 $\boxtimes$ 

 $\boxtimes$ 

- h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?
- i. 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?
- j. Contribute to inundation by seiche, tsunami, or mudflow?

**Response:** a), f) Project construction would cause ground disturbance that could result in soil erosion or siltation and subsequent water quality degradation offsite, which is a potentially significant impact. Construction-related activities would also involve the use of materials such as vehicle fuels, lubricating fluids, solvents, and other materials that could result in polluted runoff, which is also a potentially significant impact. However, the potential consequences of any spill or release of these types of materials are generally small due to the localized, short-term nature of such releases because of construction. The volume of any spills would likely be relatively small because the volume in any single vehicle or container would generally be anticipated to be less than 50 gallons.

 $\square$ 

As required by the State Water Resources Control Board's (SWRCB) National Pollutant Discharge Elimination System (NPDES) General Permit (No. 2012-0006-DWQ) for stormwater discharges associated with construction and land disturbance activities, the City must develop and implement a SWPPP that specifies BMPs to prevent construction pollutants from contacting stormwater, with the intent of keeping all products of erosion from moving offsite. The City is required to comply with the Construction General Permit because Project-related construction activities result in soil disturbances of least 1 one acre of total land area. Mitigation Measure MM HYD-1 below requires the preparation and implementation of a SWPPP to comply with the Construction General Permit requirements.

With implementation of Mitigation Measures MM HYD-1, the Project would not violate any water quality standards or waste discharge requirements (WDRs) during the construction period, and impacts would be less than significant.

Project operation would not violate any water quality standards or WDRs because it: 1) does not result in point-source pollution (e.g., outfall pipe) discharges into surface waters that require WDRs and 2) would be developed in compliance with the General Permit for the Discharge of Stormwater from Small MS4s (No. 2013-0001-DWQ) in which the City is one of the permittees. Operators of MS4s<sup>1</sup>, like the City, serve urbanized areas with populations fewer than 100,000. To comply with the MS4 General Permit, the Project would have to comply with City design standards to maximize the reduction of pollutant loading in runoff

<sup>&</sup>lt;sup>1</sup> MS4s are defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains): 1) designed or used for collecting and/or conveying storm water; 2) which is not a combined sewer; and 3) which is not part or a Publicly Owned Treatment Works.

to the maximum extent practicable. The City Building Department would review grading and site plans to ensure compliance before approving such plans. The site plan review process ensures that operations of the Project would not violate water quality standards outlined in the MS4 General Permit, and operational impacts would be less than significant.

## Mitigation Measures:

**MM 3.13.1:** Prior to ground-disturbing activities, the City shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) that specifies best management practices (BMP), with the intent of keeping all products of erosion from moving offsite. The SWPPP shall include contain a site map that shows the construction site perimeter, existing and proposed man-made facilities, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the Project site. Additionally, the SWPPP shall contain a visual monitoring program and a chemical monitoring program for non-visible pollutants to be implemented (if there is a failure of best management practices). The requirements of the SWPPP and BMPs shall be incorporated into design specifications and construction contracts. Recommended best management practices for the construction phase may include the following:

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

## Conclusion:

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

**Response:** b) The City of Lemoore currently utilizes local groundwater as its sole source of supply from underground aquifers via ten active groundwater wells. The groundwater basin underlying the City is the Tulare Lake Basin and the City of Lemoore is immediately adjacent to the south boundary of the Kings subbasin. Water for construction and operation would come from the City of Lemoore's existing water system. Per the City's Urban Water Management Plan, the City's existing system has a total supply capacity of 21,674,000 gallons per day with an average day demand of 8,769,000 gallons (City of Lemoore, 2013). The proposed Project would make a minor contribution to the City's current demand and would comply with the City's water conservation measures and regulations. Since the proposed Project would have minimal impacts on the City's water supply, impacts would be less than significant.

Mitigation Measures: None are required.

**Conclusion:** Impacts would be *less than significant.* 

**Response:** c), d), e) The Project site is relatively flat and Project grading would be minimal and consist of mostly grubbing the site to remove vegetation. The topography of the site would not appreciably change because of grading activities. The site does not contain any blue-line water features, including streams or rivers. Construction-related erosion and sedimentation impacts as a result of soil disturbance would be less than significant after implementation of a SWPPP (MM 3.13.1). The Project would include development of impervious surfaces; however, the proposed development would include reconstruction of the site's curb and gutter and would connect to the City's stormwater system, which would mitigate surface runoff. Therefore, the Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or offsite. Impacts would be less than significant.

## Mitigation Measures: None are required.

## **Conclusion:** There would be *no impact.*

**Response:** g), h) As shown in Figure 3-8, the Project is not located within a FEMA 100-year floodplain (FEMA Map 06031C01700). Portions of the site is in an area of minimal flood hazard and is located primarily in a 0.2% annual chance flood hazard area (500-year floodplain). The Project would not 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. The Project would not place, within a 100-year flood hazard areas, structures that would impede or redirect flood flows. There would be no impact.

Mitigation Measures: None are required.

## **Conclusion:** There would be *no impact*.

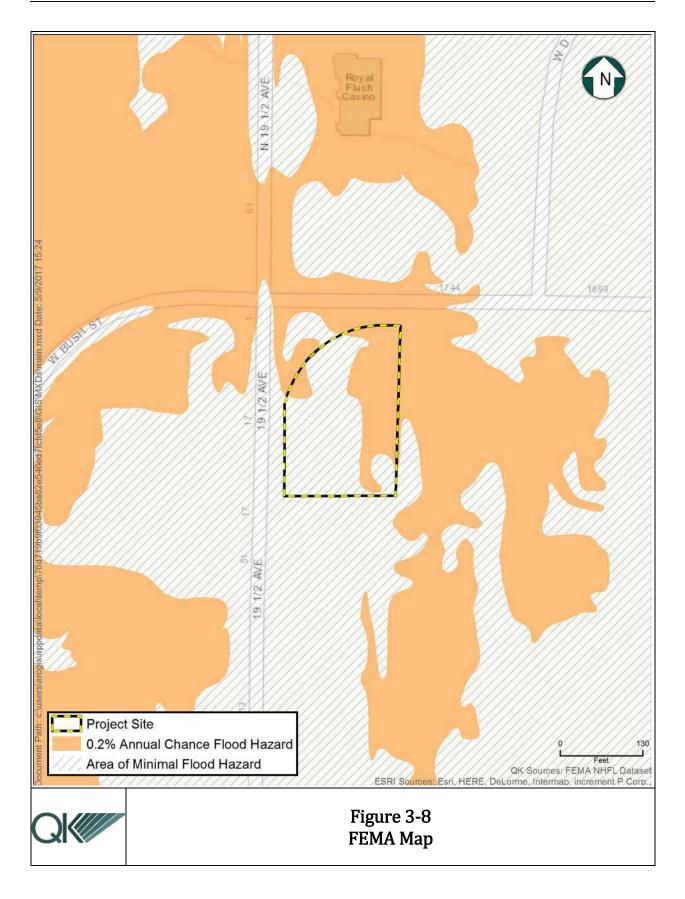
**Response:** i) The City of Lemoore is located within the Pine Flat Dam inundation area. Pine Flat Dam is located east of the valley floor in the Sierra Nevada Mountains. If Pine Flat Dam failed while at full capacity, its floodwaters would arrive in Kings County within approximately five hours (Kings County, 2010). Dam failure has been adequately planned for through the Kings County Multi-Hazard Mitigation Plan, which identifies a dam failure hazard to be of medium significance and unlikely to occur in the City of Lemoore (Kings County, 2007). With the implementation of the Kings County Multi-Hazard Mitigation Plan, impacts related to dam failure would be less than significant.

## Mitigation Measures: None are required.

## **Conclusion:** Impacts would be *less than significant.*

**Response:** j) The Project site is not located near the ocean, body of water or a steep topographic feature (i.e., mountain, hill, bluff, etc.). Therefore, there is no potential for the site to be inundated by seiche, tsunami or mudflow. There would be no impact.

Mitigation Measures: None are required.



	14 - Land Use and Planning	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Woi	ıld the project:				
a.	Physically divide an established community?				$\boxtimes$
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal Program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				
c.	Conflict with any applicable habitat conservation plan or natural community				$\boxtimes$

**Response:** a) The Project would not physically divide an established community (see Figure 2-1). The proposed development would be consistent to the surrounding uses and City road network.

Mitigation Measures: None are required.

conservation plan?

Conclusion: There would be *no impact.* 

b) The proposed project is consistent with the City's general plan and zoning designations and therefore no impacts will be created.

Mitigation Measures: None are required.

**Conclusion:** There would be *no impact.* 

c) The Project site is not within the boundaries of an adopted habitat or natural community conservation plan. Therefore, there would be no impact.

Mitigation Measures: None are required.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less–than- Significant Impact	No Impact
	<b>15 - Mineral Resources</b>				
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				
b.	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				

**Response:** a), b) The City of Lemoore and the surrounding area are designated as Mineral Resources Zone 1 (MRZ-1) by the State Mining and Geology Board (SMGB). MRZ-1 areas are described as those for which adequate information indicates that no significant mineral deposits are present or where it is judged that little likelihood exists for their presence. Additionally, per the California Division of Oil, Gas, and Geothermal Resources (DOGGR), there are no active, inactive, or capped oil wells located within the Project site, and it is not within a DOGGR-recognized oilfield. Therefore, there would be no impact.

Mitigation Measures: None are required.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
3.1	6 - Noise				
Woul	d the project result in:				
a.	Exposure of persons to, or generate, noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?				
b.	Exposure of persons to or generate excessive groundborne vibration or groundborne noise levels?			$\boxtimes$	
C.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			$\boxtimes$	
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				
f.	For a project located within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				
<b>Response:</b> a) Project construction would generate temporary increases in noise levels. Title 5, Chapter 6 of the City's Municipal Code establishes regulations and enforcement procedures for noise generated in the city. The regulations do not apply to the operation on days other than Sunday of construction equipment or of a construction vehicle, or the					

**Response:** a) Project construction would generate temporary increases in noise levels. Title 5, Chapter 6 of the City's Municipal Code establishes regulations and enforcement procedures for noise generated in the city. The regulations do not apply to the operation on days other than Sunday of construction equipment or of a construction vehicle, or the performance on days other than Sunday of construction work, between the hours of 7:00 A.M. and 8:00 P.M., provided that all required permits for the operation of such construction equipment or construction vehicle or the performance of such construction work have been obtained from the appropriate city department (Lemoore Municipal Code 5-6-1-C.4). The City of Lemoore 2030 General Plan (City of Lemoore , 2008) has objectives to minimize residential development noise levels. The proposed Project would comply with all

regulations, standards and policies within the City's General Plan and Municipal Code. Therefore, the Project would not result in the exposure of persons to, or generate, noise levels more than standards established in a local general plan or noise ordinance or applicable standards of other agencies. Impacts would be less than significant.

Mitigation Measures: None are required.

Conclusion: Impacts would be *less than significant*.

**Response:** b), c), d) The Project involves the construction and operation of a gas station and convenience store. As shown in Figure 2-4, the Project would be consistent with the surrounding land uses and would not cause out of the ordinary noise levels than what is currently established in the area. Construction of the Project would generate temporary ground borne vibrations. However, like construction noise, such vibrations would be attenuated over distance to the point where they would not be felt by the nearest receptors. Additionally, construction would be done during the daylight hours and would be temporary so the surrounding land uses would not be affected by construction of the new development. The Project would not expose persons to or generate excessive groundborne vibration or noise levels and would not result in substantial permanent, temporary or periodic increase in ambient noise levels above the existing environment.

Mitigation Measures: None are required.

**Conclusion:** Impacts would be *less than significant.* 

**Response:** e), f) There are no airports within two miles of the Project site, nor is it in the vicinity of a private airstrip. Therefore, there would be no impact.

Mitigation Measures: None are required.

3	17 - Population and Housing	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less- than Significant Impact	No Impact
Wo	uld the project:				
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				
C.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				

**Response:** a) The proposed project does not include plans for the development of housing or other habitable structures, nor does it propose extensions of other infrastructure that would support each structure. The proposed project would not result in substantial population growth.

Mitigation Measures: None are required.

Conclusion: There would be *no impact.* 

**Response:** b), c) The proposed project includes the demolition of the five existing dwellings located on the site. The project would not displace substantial numbers of existing housing or people. Therefore, there would be a less than significant impact.

Mitigation Measures: None are required.

**Conclusion:** Impacts would be *less than significant.* 

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

## 3.18 - Public Services

Would the project:

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

i.	Fire protection?		$\boxtimes$	
ii.	Police protection?		$\boxtimes$	
iii.	Schools?		$\boxtimes$	
iv.	Parks?			$\bowtie$
v.	Other public facilities?			$\boxtimes$

**Response**: a) In general, impacts to public services from implementation of a Project are due to its ability to induce population growth and, in turn, result in a greater need for fire and police protection, etc. to serve the increased population. The proposed Project does not include plans for the development of housing or other habitable structures and would not be inducing population growth; however, the project would require amenities provided by public services. Additionally, the Project would not physically affect any existing government facilities as the proposed site is currently undeveloped. As part of the City's project approval processes, the applicant will be required to construct the infrastructure needed to serve the Project site and pay the appropriate impact fees to cover the subdivision's impacts to public services.

i. Fire suppression support is provided by the City of Lemoore Volunteer Fire Department (LVFD). The LVFD has three stations and the closest station to the Project site is located near the intersection of C Street and Fox Street approximately 1.4-mile northeast of the Project site. The proposed Project would result in the construction and operation of a gas station and convenience store in central Lemoore. Construction activities would be in accordance with local and State fire codes. Fire services are

adequately planned for within the City's General Plan through policies to ensure the City maintains Fire Department performance and response standards by allocating the appropriate resources. As stated, the Project applicant is responsible for constructing any infrastructure needed to serve the project and pay the appropriate impact fees, which would reduce impacts to less than significant.

Mitigation Measures: None are required.

Conclusion: Impacts would be *less than significant.* 

ii. Law enforcement and public protection are provided by the City of Lemoore Police Department. The City's police station is located at 657 Fox Street on the northwest corner of Fox Street and Cinnamon Drive. The station is approximately 1.4-mile northeast of the Project site. As discussed, the proposed Project would not induce population growth, and therefore would not increase demands for public safety protection. As stated, the Project applicant is responsible for constructing any infrastructure needed to serve the project and pay the appropriate impact fees. Impacts on police protection services related to population growth would therefore be considered less than significant.

Mitigation Measures: None are required.

**Conclusion:** Impacts would be *less than significant.* 

iii. The project would not result in population growth for the City and would not increase demand for public services or require construction of new school facilities. There would be no impact to existing schools.

Mitigation Measures: None are required.

**Conclusion:** There would be *no impact.* 

iv. The proposed Project would not result in population growth for the City and would not increase demand for public parks. The City is currently maintaining a 5-acre to 1,000 residents park ratio, which exceeds current City Park Standards and Quimby Act requirements (City of Lemoore , 2008). The Project would have no impact to the City park system.

Mitigation Measures: None are required.

**Conclusion:** There would be *no impact.* 

v. The proposed Project does not include any other impacts to public facilities.

Mitigation Measures: None are required.

3	19 - Recreation	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less–than- Significant Impact	No Impact
Wo a.	uld the project: Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				
b.	Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				$\boxtimes$

**Response:** a), b) As stated in *Section 3.18.a.iv*, the proposed Project would not induce population growth or affect the City's park system. The City's General Plan indicates that the City is continuing to maintain its parkland dedication standard of 5 acres of park land per 1,000 residents. There would be no increase to the use of existing parks or the need to construct or expand existing recreational facilities. There would be no impact.

Mitigation Measures: None are required.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
3.2	0 - Transportation and Traffic				
Woul	d the project:				
a.	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				
b.	Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				
C.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				
e.	Result in inadequate emergency access?				$\boxtimes$
f.	Conflict with adopted policies, plans, or Programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such				

Response: a) The City's transportation policies and requirements are incorporated in its General Plan. The only such policy which is affected by this Project is that requiring that no Level of Service violations be engendered by a Project. Per the City's Circulation Element of

facilities?

the City of Lemoore 2030 General Plan Update (City of Lemoore, 2008), the "City of Lemoore does not currently have any adopted level of service (LOS) standard. However, recent traffic studies have used level of service D as the standard for evaluating project impacts at intersections." A LOS of D is characterized by congestion with average vehicle speeds decreasing below the user's desired level for two and four lane roads. The existing AM and PM LOS for Bush Street is C and the proposed AM and PM LOS for Bush Street is C and D. Urban arterials can accommodate 810 peak hour trips per lane for a LOS D. The proposed Project would build out the adjacent roads per the 2030 General Plan; therefore, Bush Street would be built out to four travel lanes equating 3,240 trips per day for a LOS D. Per the Trip Generation Manual, 9<sup>th</sup> edition the daily traffic of the proposed Project would be 155.5 peak AM trips (40.92 trips per 1,000 sq.ft.) and 193.5 peak PM trips (50.92 trips per 1,000 sq.ft.). The calculated trips per day is considered the worst-case scenario as most of the trips made to the Project would be quick stops made by those travelling along State Route 41. It is assumed that the LOS of the surrounding streets would remain the same. Additionally, trips to bring materials for construction to the site would be temporary. Therefore, the Project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. Impacts would be less than significant.

Mitigation Measures: None are required.

**Conclusion:** Impacts would be *less than significant.* 

**Response:** b) Neither the City of Lemoore or Kings County has an adopted congestion management program. Therefore, there would be no impact.

Mitigation Measures: None are required.

**Conclusion:** There would be *no impact.* 

**Response:** c) As discussed, there are no public airports or private airstrips within the vicinity of the Project site and the Project does not include the construction of any structures that would interfere with air traffic patterns. Therefore, there would be no impact.

Mitigation Measures: None are required.

**Conclusion:** There would be *no impact.* 

**Response:** d), e) The Project would not involve design features that would increase hazards or involve the development of incompatible uses. It would also not result in inadequate emergency access. Therefore, there would be no impact.

Mitigation Measures: None are required.

**Response:** f) The Project would not affect existing pedestrian and bicycle facilities within the surrounding area. There is no conflict with the Kings County's 2005 Regional Bicycle Plan; therefore, there would be no impact.

Mitigation Measures: None are required.

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

## 3.21 - Tribal Cultural Resources

Would the project:

- a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
  - Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
  - A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

**Response:** a) The Project is not located within an area with known tribal cultural resources. As discussed in the *Section 3.9 - Cultural Resources*, there are no historical resources located on or within the vicinity of the Project site. Additionally, consultation has been requested from the local tribes; however, no responses have been received. Therefore, the proposed Project would have no impact to tribal cultural resources.

 $\square$ 

 $\square$ 

#### Mitigation Measures: None are required.

Conclusion: There would be no impact.

 $\boxtimes$ 

 $\square$ 

 $\square$ 

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact	
3.2	22 - Utilities and Service Systems					
Woi	ıld the project:					
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?					
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?					
c.	Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?					
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed?					
e.	Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?					
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?					
g.	Comply with federal, state, and local statutes and regulations related to solid waste?			$\boxtimes$		
lespo	(esponse: a), b), c), d), e), f), g) Like public services, the Project applicant is required to either					

**Response:** a), b), c), d), e), f), g) Like public services, the Project applicant is required to either extend the needed utility infrastructure or pay impact fees to accommodate the subdivision's impact to local utility and infrastructure systems. The project can hook up to the existing water line, sewer line, and storm drain line that are in  $19\frac{1}{2}$  Avenue. There are existing fire hydrants near the southwest corner and the northeast corner of the site. The developer will be required to pay all applicable developer impact fees. This site would pay eastside impact

fees. The City's wastewater facilities, water system, storm drainage system, and solid waste disposal programs have capacity for, or are planned to maintain capacity for, community growth in accord with the adopted General Plan.

Per a previous agreement between the City of Lemoore and Castadio-Guthrie dated September 18, 2007, in addition to developer impact fees, this site is required to pay \$1,319.30 per acre for a portion of the cost of previous sewer line installation. This money shall be paid to the City prior to building permit issuance, who will then use it to reimburse Castadio-Guthrie for a portion of their cost to install the sewer line that was oversized in 2007 to accommodate future development.

Mitigation Measures: None are required.

**Conclusion:** Impacts would be *less than significant.* 

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
	<i>3 - Mandatory Findings of nificance</i>				
a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or en- dangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)				
c.	Does the project have environmental effects that would cause substantial adverse effects on human beings, either directly or				

**Response:** a) As evaluated in this IS/MND, the proposed Project would not substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory. Mitigation measures have been included to lessen the significance of potential impacts. Similar mitigation measures would be expected of other projects in the surrounding area, most of which share a similar cultural paleontological and biological resources. Consequently, the incremental effects of the proposed project, after mitigation, would not contribute to an adverse cumulative impact on these resources. Therefore, the Project would have a less-than-significant impact with mitigation incorporated.

indirectly?

## Mitigation Measures:

Implement Mitigation Measures MM 3.8.1 through MM 3.8.5, MM CUL 3.9.1 through MM 3.9.3 and MM 3.13.1.

## Conclusion:

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

**Response:** b) As described in the impact analyses in Sections 3.5 through 3.22 of this IS/MND, any potentially significant impacts of the proposed Project would be reduced to a less-than significant level following incorporation of the mitigation measures listed in *Appendix A* – *Mitigation Monitoring and Reporting Program.* All planned projects in the vicinity of the proposed Project would be subject to review in separate environmental documents and required to conform to the City of Lemoore General Plan, zoning, mitigate for project-specific impacts, and provide appropriate engineering to ensure the development meets are applicable federal, State and local regulations and codes. As currently designed, and with compliance of the recommended mitigation measures, the proposed Project would not contribute to a cumulative impact. Thus, the cumulative impacts of past, present, and reasonably foreseeable future projects would be less than cumulatively considerable.

## Mitigation Measures:

Implement Mitigation Measures MM 3.8.1 through MM 3.8.5, MM CUL 3.9.1 through MM 3.9.3 and MM 3.13.1.

## **Conclusion:**

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

**Response:** c) All of the Project's impacts, both direct and indirect, that are attributable to the Project were identified and mitigated to a less than significant level. As shown in *Appendix A - Mitigation Monitoring and Reporting Program*, the Project proponent has agreed to implement mitigation substantially reducing or eliminating impacts of the Project. All planned projects in the vicinity of the proposed Project would be subject to review in separate environmental documents and required to conform to the City of Lemoore General Plan, zoning, mitigate for project-specific impacts, and provide appropriate engineering to ensure the development meets are applicable federal, State and local regulations and codes. Thus, the cumulative impacts of past, present, and reasonably foreseeable future projects would be less than cumulatively considerable. Therefore, the proposed Project would not either directly or indirectly cause substantial adverse effects on human beings because all potentially adverse direct impacts of the proposed Project are identified as having no impact, less than significant impact, or less than significant impact with mitigation incorporated.

## Mitigation Measures:

Implement Mitigation Measures MM 3.8.1 through MM 3.8.5, MM CUL 3.9.1 through MM 3.9.3 and MM 3.13.1.

## **Conclusion:**

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

# **SECTION 4 - REFERENCES**

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