

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Brett Taylor



VICE CHAIRPERSON:

Liz Wynn

COMMISSIONERS: Brett Taylor, Liz Wynn, Chris Gomez, Marvin Hansen, Sarrah Peariso

MONDAY, AUGUST 27, 2018; 7:00 P.M., COUNCIL CHAMBERS, 707 W. ACEQUIA, VISALIA CA

1. THE PLEDGE OF ALLEGIANCE –
2. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. The Commission requests that a 5-minute time limit be observed for comments. Please begin your comments by stating and spelling your name and city. Please note that issues raised under Citizen's Comments are informational only and the Commission will not take action at this time.
3. CHANGES OR COMMENTS TO THE AGENDA–
4. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
5. PRESENTATION – Todd Oto from VUSD
6. PUBLIC HEARING – Paul Scheibel
Conditional Use Permit No. 2018-14: A request for a mixed use development, adding three residential units to the third floor of an existing commercial building in the D-MU (Downtown Mixed Use) Zone District. The project is located at 117 East Main Street (APN: 094-298-005) The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, Categorical Exemption No. 2018-45.
7. PUBLIC HEARING – Paul Scheibel
 - a. General Plan Amendment No. 2018-04: A request by the City of Visalia to amend the General Plan Air Quality Element to address revisions to the Indirect Source Review (ISR) Rule 9510 administered by the San Joaquin Valley Air Pollution Control District (SJVAPCD), Citywide
 - b. Zoning Text Amendment No. 2018-05: A request by the City of Visalia to amend Chapters 17.28 (Site Plan Review Permit) and 17.32 (Special Provisions) of the City of Visalia Zoning Ordinance pertaining to revisions to the Indirect Source Review (ISR) Rule 9510 administered by the San Joaquin Valley Air Pollution Control District (SJVAPCD), Citywide
8. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-
 - a. Joint Meeting with City Council and Planning Commission postponed to 2019
 - b. Planning Commission meeting on Sept10, 2018

The Planning Commission meeting may end no later than 11:00 P.M. Any unfinished business may be continued to a future date and time to be determined by the Commission at this meeting. The Planning Commission routinely visits the project sites listed on the agenda.

For Hearing Impaired – Call (559) 713-4900 (TTY) 48-hours in advance of the scheduled meeting time to request signing services.

Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Office, 315 E. Acequia Visalia, CA 93291, during normal business hours.

APPEAL PROCEDURE

THE LAST DAY TO FILE AN APPEAL IS THURSDAY, SEPTEMBER 6, 2018 BEFORE 5 PM

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe, Visalia, CA 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, SEPTEMBER 10, 2018



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: August 27, 2018

PROJECT PLANNER: Paul Scheibel, AICP, Principal Planner
Phone No.: (559) 713-4369

SUBJECT: General Plan Amendment (GPA) No. 2018-04: A request by the City of Visalia to amend the General Plan Air Quality Element to address revisions to the Indirect Source Review (ISR) Rule 9510 administered by the San Joaquin Valley Air Pollution Control District (SJVAPCD), Citywide

Zoning Text Amendment (ZTA) No. 2018-05: A request by the City of Visalia to amend Chapters 17.28 (Site Plan Review Permit) and 17.32 (Special Provisions) of the City of Visalia Zoning Ordinance pertaining to revisions to the Indirect Source Review (ISR) Rule 9510 administered by the San Joaquin Valley Air Pollution Control District (SJVAPCD), Citywide

STAFF RECOMMENDATION

Staff recommends approval of General Plan Amendment (GPA) No. 2018-04, based on the findings contained in Resolution No. 2018-38, and approval of Zoning Text Amendment (ZTA) No. 2018-05, based on the findings contained in Resolution No. 2018-39. Staff's recommendations are based on the conclusion that the GPA and ZTA are consistent with the goals, objectives, and policies of the City's General Plan, Zoning Ordinance, and General Plan Environmental Impact Report (GP EIR).

RECOMMENDED MOTION

I move to recommend approval of General Plan Amendment No. 2018-04 and Zoning Text Amendment No. 2018-05, based on the findings contained in Resolutions 2018-38 and 2018-39.

PROJECT DESCRIPTION AND ANALYSIS

Summary and Background

GPA No. 2018-04 and ZTA No. 2018-05 are companion General Plan and Zoning Code amendments that are necessary to address recent changes to the Indirect Source Review (ISR) Rule 9510, which is a regulation of the San Joaquin Valley Air Pollution Control District (SJVAPCD) (Please see Attachment 4). Rule 9510 set limits on the allowable levels of mobile source emissions (PM10 and nitrogen oxides) for various project categories and project sizes. It establishes a modelling process that quantifies project emissions and credits mitigation measures that are applied to the project to reduce emissions to below the allowable threshold. Projects that will still exceed the thresholds are required to pay an offsite mitigation fee.

Rule 9510 was amended in December 2017 and, as of March 2018, applies to all large-scale development. The recent change to Rule 9510 made the regulation applicable to all projects exceeding certain project size thresholds. Previously, Rule 9510 only applied to discretionary approvals that exceeded certain project size thresholds, and exempted all projects that are ministerial (permitted by right) in nature.

The amendment to Rule 9510 creates a potential conflict with the City's development entitlement process, the City's General Plan Air Quality Element, and the General Plan EIR. This is because all three are premised on ministerial developments being exempt from both Rule 9510 and from environmental review under CEQA [Statutory Exemption per CEQA Guidelines 15268 (Ministerial Permits)]. Failure to incorporate the Rule change into the development and environmental review process could jeopardize the City's ability to streamline its local entitlement process. Further, failure to analyze the GP EIR Air Quality section in the context of the Rule change could limit the City's ability to tier from the GP EIR in making project by project CEQA determinations. Consequently, the GPA and ZTA amendments, along with the GP EIR addendum, will preserve the City's regulatory and CEQA authority and practices while still complying with the SJVAPCD's new regulation.

Discussion and Analysis for General Plan and Zone Text Amendments

The GPA amends the General Plan Air Quality Element by adding two new policies. Policy AQ-P-11.1 incorporates Rule 9510 into the City's air quality attainment strategies. Policy AQ-P-11.2 acknowledges the applicability of the revised Rule 9510 to an expanded number and types of development projects, including new developments that are permitted by right [through the Site Plan Review (SPR) process].

The two new policies are as follows (draft General Plan additions are as shown *in italicized*):

Draft General Plan Air Quality Element Amendment

AQ-P-11.1: In compliance with the California Health and Safety Code Sections 40910 et seq., adopt Rule 9510 of the San Joaquin Valley Unified Air Pollution Control District, as administered by, and as amended from time to time by said district, as the indirect source review regulation within the City.

AQ-P-11.2: As part of Site Plan Review, inform all applicants for large-scale development that Indirect Source Review, as required by the San Joaquin Valley Air Pollution Control District, will apply to all new large-scale development meeting or exceeding the district's thresholds and assist in reviewing the applicability of the new source review regulation within the city to ensure that adequate on-site emission reduction measures for nitrogen oxides and particulates are put in place, monitoring and reporting procedures are followed, and, when required, off-site fees for construction and operation emissions reductions projects are paid.

As of mid-2018, large-scale development is defined to include any project with at least 250 residential units, 10,000 square feet of commercial space, 125,000 square feet of light industrial space, 250,000 square feet of heavy industrial space, 1,000,000 square feet of medical office space, 195,000 square feet of general office space, 45,000 square feet of educational space, 50,000 square feet of government space, 100,000 square feet of recreational space, or 45,000 square feet of space not otherwise identified.

Analysis: These two new GP Air Quality Element policies facilitate the implementation of the District's PM10 and Ozone (NOx) Attainment Plans, and achieves emissions reductions from the construction and use of development projects through design features and on-site measures and a mechanism that allows for a fee payment for off-site measures that will achieve required emissions reductions. Adopting these new GP Air Quality Element policies, along with the GP EIR addendum, will preserve the City's regulatory and CEQA authority and practices while still complying with the SJVAPCD's new regulation, and will continue to permit the City the ability to streamline its local entitlement process.

Zone Text Amendment Changes

The ZTA adds two items to Zoning Ordinance Chapter 17.28 (Site Plan Review Permits) and Chapter 17.32 (Special Provisions). These new Code provisions describe the ongoing integration of Rule 9510 in the development process, including ministerial projects that are permitted by the Site Plan Review (SPR) Committee.

The ZTA amendments are as follows (draft code revisions are shown in *italicized underline* and deletions (~~strike thru~~ text):

- A. The site plan review committee shall declare their intention to allow the project to proceed to apply for the necessary city permits, or require resubmittal of the site plan at the site plan review committee meeting.
- B. Within thirty (30) working days after submission, the site plan review committee shall provide, in writing to the applicant, either to proceed with applying for necessary city permits, either with or without required revisions, or require resubmittal of the site plan review and identify required revisions. The site plan review committee shall consider each project's consistency with current city ordinances and whether it will affect the public health, safety and general welfare. In issuing direction to proceed, the committee shall consider the following:
 1. That all applicable provisions of the Municipal Code are complied with;
 2. That the following are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected with no adverse effect on surrounding property and to provide for a site plan which supports current adopted planning commission and city council policies:
 - a. Facilities, improvements and utilities,
 - b. Vehicular ingress, egress and internal circulation,
 - c. Setbacks,
 - d. Location of service use areas,
 - e. Walls,
 - f. Landscaping;
 3. That proposed lighting is so arranged as to deflect the light away from adjoining properties and will not cause a traffic hazard;
 4. That proposed equipment which is used in conjunction with a use is so designed to avoid excessive noise at the property line of the use.

5. That the project's design features, construction management, and operational plans will reduce emissions of nitrogen oxides and particulates associated with construction and use of the development as required by the Indirect Source Review (ISR) regulations adopted by the City (see Section 17.32.040) or, alternatively, that payment is made for off-site emissions reduction fees as established by the San Joaquin Valley Air Pollution Control District (SJVAPCD).

C. In making the required findings, the site plan review committee shall assure that the approval will be consistent with established policies and regulations relating to public improvements, street improvements, as approved and adopted by the city council, including necessary dedications and traffic safety.

D. Upon completion or review, the Community Development Department shall notify the applicant of the committee's determination along with a copy of the finally approved site plan.

Chapter 32 (Special Provisions), add new Article 4, Section 17.32.300, as follows:

Article 4, Indirect Source Review

17.32.300 Adoption of Indirect Source Review (ISR) Regulations.

In compliance with the California Health and Safety Code Sections 40910 et seq., the City adopts Rule 9510 of the San Joaquin Valley Unified Air Pollution Control District, as administered by, and as amended from time to time by said district, as the indirect source review regulation within the City.

It should be noted that the SJVAPCD administers all aspects of Rule 9510. The City, like all member agencies under the District's jurisdiction, has neither the authority nor the responsibility to implement the Rule. However, the proposed GPA and Zoning Text amendments will ensure that applicants of ministerial development projects are provided with early notice that Rule 9510 may apply to their projects. As such, applicants can have their projects evaluated by the District before, or in conjunction with securing their City-issued construction permits. This early advisory process will help preserve the streamlined nature of the City's permit issuance process, and will minimize the time delays, costs, and predictability associated with revising plans to meet Rule 9510 requirements that are separate from the City's Code requirements. Of equal importance, the GPA and ZTA will resolve incongruity between Rule 9510 and the City's permitting process for projects that qualify for ministerial approval.

Environmental Review

An Addendum to the General Plan Environmental Impact Report (GP EIR) has been prepared pursuant to CEQA Guidelines section 15164 (please see Attachment 5). The CEQA Guidelines (Sections 15162 thru 15164) sets forth the process for reviewing a "project" under CEQA that seeks to rely on an previously approved EIR for its environmental conclusion. In this case, the "project" is the implementation of the GPA and ZTA addressing Rule 9510. Where a project's impacts meet the criteria of CEQA Guidelines section 15162, wherein no increase in environmental impacts will occur, an addendum to the EIR may be prepared and filed by the Lead Agency (City of Visalia). No public notice or review is required per CEQA Guidelines section 15164.

Evidence in support of the decision to prepare the Addendum to the GP EIR are as follows:

- a. The “proposed project” analyzed in the Addendum is the proposed 2018 General Plan and Municipal Code Amendments for Indirect Source Review for large scale development to help achieve and maintain air quality standards.
- b. The proposed amendments are consistent with the City Council’s vision for land use, growth management, and environmental stewardship and make no changes to land use or development standards; they simply align General Plan implementation with the recently enacted Rule 9510 for Indirect Source Review, adopted by the San Joaquin Valley Air Pollution Control District (the “District”).

RECOMMENDED FINDINGS

General Plan Amendment (GPA) No. 2018-04

1. That the proposed General Plan Amendment is consistent with the goals, objectives, and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed General Plan Amendment will assist the City of Visalia in implementing the General Plan Air Quality Element to ensure for internal consistency among all General Plan Elements, the City Zoning Code and with Rule 9510.
3. That the proposed revisions would not adversely affect any land uses existing or proposed within the City.
4. That an Addendum to General Plan Program EIR, SCH 2010041078, has been prepared pursuant to CEQA Guidelines sections 15162-15164. The GP EIR was prepared for the City of Visalia General Plan and was certified by Resolution No. 2014-37, adopted on October 14, 2014. The City, acting as the Lead Agency concludes that the Program Environmental Impact Report adequately analyzed and addresses the project necessary to achieve consistency between the General Plan and implementing ordinances. Therefore, the Addendum to the GP EIR can be adopted for this project.

Zoning Text Amendment Zone (ZTA) No. 2018-05

1. That the Zoning Text Amendment is consistent with the intent of the General Plan and the Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements Citywide.
2. That applying the proposed Code standards to future developments will support uses in all zone districts throughout the City.
3. That an Addendum to General Plan Program EIR, SCH 2010041078, has been prepared pursuant to CEQA Guidelines sections 15162-15164. The GP EIR was prepared for the City of Visalia General Plan and was certified by Resolution No. 2014-37, adopted on October 14, 2014. The City, acting as the Lead Agency concludes that the Program Environmental Impact Report adequately analyzed and addresses the project necessary to achieve consistency between the General Plan and implementing ordinances. Therefore, the Addendum to the GP EIR can be adopted for this project.

APPEAL INFORMATION

The Planning Commission's decisions on these matters are advisory only. The final decisions will be by the Visalia City Council after one or more public hearings. Therefore, the Planning Commission's decisions in these matters are not appealable.

Attachments:

1. Related Plans and Policies
2. Resolution No. 2018-38 (For GPA 2018-04)
3. Resolution No. 2018-39 (For ZTA 2018-05)
4. SJVAPCD Rule 9510
5. Addendum to GP EIR SCH2010041078

RELATED PLANS AND POLICIES

Chapter 17.44 AMENDMENTS

Section 17.44.010 Purpose.

As a general plan for Visalia is put into effect, there will be a need for changes in zoning boundaries and other regulations of this title. As the general plan is reviewed and revised periodically, other changes in the regulations of this title may be warranted. Such amendments shall be made in accordance with the procedure prescribed in this chapter. (Prior code § 7580)

Section 17.44.020 Initiation.

A. A change in the boundaries of any zone may be initiated by the owner of the property within the area for which a change of zone is proposed or by his authorized agent. If the area for which a change of zone is proposed is in more than one ownership, all of the property owners or their authorized agents shall join in filing the application, unless included by planning commission resolution of intention.

B. A change in boundaries of any zone, or a change in a zone regulation, off-street parking or loading facilities requirements, general provision, exception or other provision may be initiated by the city planning commission or the city council in the form of a request to the commission that it consider a proposed change; provided, that in either case the procedure prescribed in Sections 17.44.040 and 17.44.090 shall be followed. (Prior code § 7581)

Section 17.44.030 Application procedures.

A. A property owner or his authorized agent may file an application with the city planning commission for a change in zoning boundaries on a form prescribed by the commission and which said application shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property for which the change in zoning boundaries is proposed, the authorized agent of the owner, or is or will be the plaintiff in an action in eminent domain to acquire the property involved;
3. Address and legal description of the property;
4. The application shall be accompanied by such sketches or drawings as may be necessary to clearly show the applicant's proposal;
5. Additional information as required by the historic preservation advisory board.

B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of processing the application. (Prior code § 7582)

Section 17.44.040 Public hearing--Notice.

The city planning commission shall hold at least one public hearing on each application for a change in zone boundaries and on each proposal for a change in zone boundaries or of a zone regulation, off-street parking or loading facilities requirements, general provisions, exception or other provision of this title initiated by the commission or the city council. Notice of the public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation within the city, and by mailing notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing. (Prior code § 7583)

Section 17.44.050 Investigation and report.

The city planning staff shall make an investigation of the application or the proposal and shall prepare a report thereon which shall be submitted to the city planning commission. (Prior code § 7584)

Section 17.44.060 Hearing.

A. At the public hearing, the city planning commission shall review the application or the proposal and may receive pertinent evidence as to why or how the proposed change is necessary to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020.

B. If the commission's recommendation is to change property from one zone designation to another, the commission may recommend that conditions be imposed so as not to create problems adverse to the public health, safety and general welfare of the city and its residents. (Prior code § 7585)

Section 17.44.070 Action of city planning commission.

The city planning commission shall make a specific finding as to whether the change is required to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020. The commission shall transmit a report to the city council recommending that the application be granted, conditionally approved, or denied or that the proposal be adopted or rejected, together with one copy of the application, resolution of the commission or request of the Council, the sketches or drawings submitted and all other data filed therewith, the minutes of the public hearing, the report of the city engineer and the findings of the commission. (Prior code § 7586)

Section 17.44.080 Appeal to city council.

A. Within five calendar days following the date of a decision of the city planning commission on a zone change application, the decision may be appealed to the city council by the applicant or any other interested party. An appeal shall be made on a form prescribed by the commission and shall be filed with the city clerk. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the commission or wherein it is claimed there was an error or abuse of discretion by the commission or wherein its decision is not supported by the evidence in the record.

B. The city clerk shall give notice to the applicant and the appellant (if the applicant is not the appellant) and may give notice to any other interested party of the time when the appeal will be considered by the city council. (Prior code § 7587)

Section 17.44.090 Action of city council.

A. Upon receipt of the resolution or report of the city planning commission, the city council shall review the application or the proposal and shall consider the resolution or report of the commission and the report of the city planning staff.

B. The city council shall make a specific finding as to whether the change is required to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020. If the council finds that the change is required, it shall enact an ordinance amending the zoning map or an ordinance amending the regulations of this title, whichever is appropriate. The city council may impose conditions on the change of

zone for the property where it finds that said conditions must be imposed so as not to create problems inimical to the public health, safety and general welfare of the city and its residents. If conditions are imposed on a change of zone, said conditions shall run with the land and shall not automatically be removed by a subsequent reclassification or change in ownership of the property. Said conditions may be removed only by the city council after recommendation by the planning commission. If the council finds that the change is not required, it shall deny the application or reject the proposal. (Prior code §

Chapter 17.54

GENERAL PLAN AMENDMENTS

Sections:

- 17.54.010 Purpose.**
- 17.54.020 Initiation.**
- 17.54.030 Application procedures.**
- 17.54.040 Public hearing—Notice.**
- 17.54.050 Investigation and report.**
- 17.54.060 Hearing.**
- 17.54.070 Action of city planning commission.**
- 17.54.080 Action of the city council.**

17.54.010 Purpose.

As the general plan for Visalia is implemented, there may be a need for amendments to land use boundaries and policies of the general plan. Such amendments shall be made in accordance with the procedure prescribed in this chapter.

17.54.020 Initiation.

A. An amendment to the land use boundaries of the general plan may be initiated by any interested person or the owners of the property within the area for which the amendment is proposed. The area of a proposed land use amendment and/or policy amendment may be expanded in scope by the planning commission in the resolution of intention.

B. An amendment to land use boundaries and/or policies may be initiated by the city planning commission or the city council by adoption of a resolution of intention.

17.54.030 Application procedures.

A. An application for an amendment shall be filed by the applicant with the city planning commission on a form prescribed by the commission. Said application shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property for which a land use boundary amendment is proposed or the authorized agent of the owner. In the case of a policy amendment the statement shall indicate the interest of the applicant;
3. Address and legal description of the subject property, if applicable;

4. The application shall include material deemed necessary by the city planner to clearly show the applicant's proposal.

B. The application shall be accompanied by a fee set by resolution of the city council to cover the cost of processing the application.

17.54.040 Public hearing—Notice.

Notice of the public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation within the city, and by mailing notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area under consideration if an amendment to the land use element is under consideration.

17.54.050 Investigation and report.

The city planning staff shall make an investigation of the application or the proposal and shall prepare a report thereon that shall be submitted to the city planning commission.

17.54.060 Hearing.

At the public hearing, the city planning commission shall review the application or the proposal and may receive pertinent evidence regarding the proposed amendment.

17.54.070 Action of city planning commission.

Within forty-five (45) days following the public hearing, the city planning commission shall make a specific recommendation and shall transmit a report to the city council. The report shall include a resolution recommending either approval or denial of the proposed amendment, together with pertinent information and the report of the city planning staff.

17.54.080 Action of the city council.

A. Upon receipt of the resolution and report of the city planning commission, the city council shall hold at least one public hearing with public notice as prescribed in Section 17.54.040. Following the noticed public hearing, the city council shall approve, deny or modify the city planning commission recommendation.

B. If the element or amendment has been approved by the city planning commission, the city council shall not modify the recommendation until the proposed change or modification has been referred back to the city planning commission for a report and a copy of the report has been filed with the city council. Failure of the city planning commission to report within forty (40) days after the reference, or such longer period as may be designated by the city council shall be deemed to be approval of the proposed change or modification. It shall not be necessary for the city planning commission to hold a public hearing on such proposed change or modification.

C. The adoption of a general plan element, or amendment, shall be by resolution of the city council.

RESOLUTION NO. 2018-38

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 2018-04, A REQUEST BY THE CITY OF VISALIA TO AMEND THE GENERAL PLAN AIR QUALITY ELEMENT TO ADDRESS REVISIONS TO THE INDIRECT SOURCE REVIEW (ISR) RULE 9510 ADMINISTERED BY THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD), CITYWIDE

WHEREAS, General Plan Amendment No. 2018-04 is a request by the City of Visalia to amend the General Plan Air Quality Element to address revisions to the Indirect Source Review (ISR) Rule 9510 administered by the San Joaquin Valley Air Pollution Control District (SJVAPCD), Citywide; and,

WHEREAS, An Addendum to the General Plan Environmental Impact Report (GP EIR) has been prepared which disclosed that the project is consistent with said GP EIR; and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on August 27, 2018; and,

WHEREAS, the Planning Commission of the City of Visalia considered the General Plan Amendment in accordance with Section 17.54.060 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff report and testimony presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council find that the Addendum to the GP EIR was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of General Plan Amendment No. 2018-04, as shown on Attachment "A" of this Resolution, based on the following specific findings and based on the evidence presented:

1. That the proposed General Plan Amendment is consistent with the goals, objectives, and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed General Plan Amendment will assist the City of Visalia in implementing the General Plan Air Quality Element to ensure for internal consistency among all General Plan Elements, the City Zoning Code and with Rule 9510.
3. That the proposed revisions would not adversely affect any land uses existing or proposed within the City.
4. That an Addendum to General Plan Program EIR, SCH 2010041078, has been prepared pursuant to CEQA Guidelines sections 15162-15164. The GP EIR was prepared for the City of Visalia General Plan and was certified by Resolution No.

2014-37, adopted on October 14, 2014. The City, acting as the Lead Agency concludes that the Program Environmental Impact Report adequately analyzed and addresses the project necessary to achieve consistency between the General Plan and implementing ordinances. Therefore, the Addendum to the GP EIR can be adopted for this project.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of the General Plan Amendment described herein, in accordance with the terms of this resolution under the provisions of Section 17.54.070 of the Ordinance Code of the City of Visalia and based on the above findings.

Resolution No. 2018-38

ATTACHMENT A

General Plan Text Amendment No. 2018-04: A request by the City of Visalia to Amend the General Plan Air Quality Element as follows:

AQ-P-11.1: In compliance with the California Health and Safety Code Sections 40910 et seq., adopt Rule 9510 of the San Joaquin Valley Unified Air Pollution Control District, as administered by, and as amended from time to time by said district, as the indirect source review regulation within the City.

AQ-P-11.2: As part of Site Plan Review, inform all applicants for large-scale development that Indirect Source Review, as required by the San Joaquin Valley Air Pollution Control District, will apply to all new large-scale development meeting or exceeding the district's thresholds and assist in reviewing the applicability of the new source review regulation within the city to ensure that adequate on-site emission reduction measures for nitrogen oxides and particulates are put in place, monitoring and reporting procedures are followed, and, when required, off-site fees for construction and operation emissions reductions projects are paid.

As of mid-2018, large-scale development is defined to include any project with at least 250 residential units, 10,000 square feet of commercial space, 125,000 square feet of light industrial space, 250,000 square feet of heavy industrial space, 1,000,000 square feet of medical office space, 195,000 square feet of general office space, 45,000 square feet of educational space, 50,000 square feet of government space, 100,000 square feet of recreational space, or 45,000 square feet of space not otherwise identified.

RESOLUTION NO. 2018-39

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF ZONING TEXT AMENDMENT NO. 2018-05, A REQUEST BY THE CITY OF VISALIA TO AMEND CHAPTERS 17.28 (SITE PLAN REVIEW PERMIT) AND 17.32 (SPECIAL PROVISIONS) OF THE CITY OF VISALIA ZONING ORDINANCE PERTAINING TO REVISIONS TO THE INDIRECT SOURCE REVIEW (ISR) RULE 9510 ADMINISTERED BY THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD), CITYWIDE

WHEREAS, Zoning Text Amendment (ZTA) No. 2018-05 is a request by the City of Visalia to amend Chapters 17.28 and 17.32 of the City of Visalia Zoning Ordinance pertaining to revisions to the Indirect Source Review (ISR) Rule 9510 administered by the San Joaquin Valley Air Pollution Control District (SJVAPCD), Citywide; and,

WHEREAS, An Addendum to the General Plan Environmental Impact Report (GP EIR) has been prepared which disclosed that the project is consistent with said GP EIR; and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on August 27, 2018; and,

WHEREAS, the Planning Commission of the City of Visalia considered the Zoning Text Amendment in accordance with Section 17.44.070 of the Zoning Ordinance of the City of Visalia and on the evidence contained in the staff report and testimony presented at the public hearing; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of the proposed Zoning Text Amendment based on the following specific findings and evidence presented:

1. That the Zoning Text Amendment is consistent with the intent of the General Plan and the Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements Citywide.
2. That applying the proposed Code standards to future developments will support uses in all zone districts throughout the City.
3. That an Addendum to General Plan Program EIR, SCH 2010041078, has been prepared pursuant to CEQA Guidelines sections 15162-15164. The GP EIR was prepared for the City of Visalia General Plan and was certified by Resolution No. 2014-37, adopted on October 14, 2014. The City, acting as the Lead Agency concludes that the Program Environmental Impact Report adequately analyzed and addresses the project necessary to achieve consistency between the General Plan and implementing ordinances. Therefore, the Addendum to the GP EIR can be adopted for this project.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of the Zoning Text Amendment as shown on Attachment "A" of this Resolution, in accordance with the terms of this resolution and under the provisions of Section 17.44.070 of the Ordinance Code of the City of Visalia.

Resolution No. 2018-39

ATTACHMENT "A"

[Additions (*italicized*) are denoted in **bold** font and deletions are shown as ~~strike-thru-text~~]

**AN ORDINANCE OF THE CITY COUNCIL
AMENDING CHAPTERS 17.28 and 17.32 OF THE VISALIA MUNICIPAL CODE
PERTAINING TO REVISIONS TO THE INDIRECT SOURCE REVIEW (ISR) RULE 9510
ADMINISTERED BY THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL
DISTRICT (SJVAPCD), CITYWIDE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA:

Section 1: Amendment of Chapters 17.28 (Site Plan Review Permit) and 17.32 (Special Provisions) is hereby made as follows:

17.28.040 Issuance and Re-submittal

- A. The site plan review committee shall declare their intention to allow the project to proceed to apply for the necessary city permits, or require resubmittal of the site plan at the site plan review committee meeting.
- B. Within thirty (30) working days after submission, the site plan review committee shall provide, in writing to the applicant, either to proceed with applying for necessary city permits, either with or without required revisions, or require resubmittal of the site plan review and identify required revisions. The site plan review committee shall consider each project's consistency with current city ordinances and whether it will affect the public health, safety and general welfare. In issuing direction to proceed, the committee shall consider the following:
 1. That all applicable provisions of the Municipal Code are complied with;
 2. That the following are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected with no adverse effect on surrounding property and to provide for a site plan which supports current adopted planning commission and city council policies:
 - a. Facilities, improvements and utilities,
 - b. Vehicular ingress, egress and internal circulation,
 - c. Setbacks,
 - d. Location of service use areas,
 - e. Walls,
 - f. Landscaping;
 3. That proposed lighting is so arranged as to deflect the light away from adjoining properties and will not cause a traffic hazard;
 4. That proposed equipment which is used in conjunction with a use is so designed to avoid excessive noise at the property line of the use.

5. That the project's design features, construction management, and operational plans will reduce emissions of nitrogen oxides and particulates associated with construction and use of the development as required by the Indirect Source Review (ISR) regulations adopted by the City (see Section 17.32.040) or, alternatively, that payment is made for off-site emissions reduction fees as established by the San Joaquin Valley Air Pollution Control District (SJVAPCD).

- C. In making the required findings, the site plan review committee shall assure that the approval will be consistent with established policies and regulations relating to public improvements, street improvements, as approved and adopted by the city council, including necessary dedications and traffic safety.
- D. Upon completion or review, the Community Development Department shall notify the applicant of the committee's determination along with a copy of the finally approved site plan.

Chapter 17.32 (Special Provisions), add new Article 4, Section 17.32.300, as follows:

Article 4, Indirect Source Review

17.32.300 Adoption of Indirect Source Review (ISR) Regulations.
In compliance with the California Health and Safety Code Sections 40910 et seq., the City adopts Rule 9510 of the San Joaquin Valley Unified Air Pollution Control District, as administered by, and as amended from time to time by said district, as the indirect source review regulation within the City.

Section 2: Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is or any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not effect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 3: Construction. The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section 4: Effective Date. This Ordinance shall take effect thirty days after its adoption.

Section 5: Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

RULE 9510 INDIRECT SOURCE REVIEW (ISR) (Adopted December 15, 2005; Amended December 21, 2017, but not in effect until March 21, 2018)

1.0 Purpose

The purposes of this rule are to:

- 1.1 Fulfill the District's emission reduction commitments in the PM10 and Ozone Attainment Plans.
- 1.2 Achieve emission reductions from the construction and use of development projects through design features and on-site measures.
- 1.3 Provide a mechanism for reducing emissions from the construction of and use of development projects through off-site measures.

2.0 Applicability

- 2.1 Effective on and after March 1, 2006, this rule shall apply to any applicant that seeks to gain a final discretionary approval for a development project, or any portion thereof, which upon full build-out will include any one of the following:
 - 2.1.1 50 residential units;
 - 2.1.2 2,000 square feet of commercial space;
 - 2.1.3 25,000 square feet of light industrial space;
 - 2.1.4 100,000 square feet of heavy industrial space;
 - 2.1.5 20,000 square feet of medical office space;
 - 2.1.6 39,000 square feet of general office space;
 - 2.1.7 9,000 square feet of educational space;
 - 2.1.8 10,000 square feet of government space;
 - 2.1.9 20,000 square feet of recreational space; or
 - 2.1.10 9,000 square feet of space not identified above.
- 2.2 Except as specified in Section 2.3, this rule shall apply to any applicant that seeks to gain approval from a public agency for a large development project, which upon full build-out will include any one of the following:

- 2.2.1 250 residential units;
 - 2.2.2 10,000 square feet of commercial space;
 - 2.2.3 125,000 square feet of light industrial space;
 - 2.2.4 500,000 square feet of heavy industrial space;
 - 2.2.5 100,000 square feet of medical office space;
 - 2.2.6 195,000 square feet of general office space;
 - 2.2.7 45,000 square feet of educational space;
 - 2.2.8 50,000 square feet of government space;
 - 2.2.9 100,000 square feet of recreational space; or
 - 2.2.10 45,000 square feet of space not identified above.
- 2.3 Section 2.2 shall not apply if any of the following are true:
- 2.3.1 Final discretionary approval for the large development project has been received prior to March 1, 2006; or
 - 2.3.2 The large development project requires or required a discretionary approval and is subject to the rule under Section 2.1; or
 - 2.3.3 Prior to March 21, 2018, the applicant received project-level building permits, a conditional use permit, or similar approvals for the particular large development project; or
 - 2.3.4 The large development project qualifies as a Grandfathered Large Development Project.
- 2.4 Effective on and after March 1, 2006, this rule shall apply to any transportation or transit development project where construction exhaust emissions equal or exceed two (2.0) tons of NOx or two (2.0) tons of PM10.
- 2.5 Projects on Contiguous or Adjacent Property
- 2.5.1 Residential projects with contiguous or adjacent property under common ownership of a single entity in whole or in part, that is designated and zoned for the same development density and land use, regardless of the number of tract maps, and has the capability to accommodate more than fifty (50) residential units when determining applicability of the rule under Section 2.1, or more than 250 residential units when determining applicability of the rule under Section 2.2, are subject to this rule.

2.5.2 Nonresidential projects with contiguous or adjacent property under common ownership of a single entity in whole or in part, that is designated and zoned for the same development density and land use, and has the capability to accommodate development projects emitting more than two (2.0) tons per year of operational NO_x or PM₁₀ when determining applicability of the rule under Section 2.1, or more than ten (10.0) tons per year of operational NO_x or PM₁₀ when determining applicability of the rule under Section 2.2, are subject to this rule. Single parcels where the individual building pads are to be developed in phases must base emissions on the potential development of all pads when determining the applicability of this rule.

3.0 Definitions

- 3.1 APCO: as defined in Rule 1020 (Definitions).
- 3.2 APCO-Approved Model: any computer model that estimates construction, area source and/or operational emissions of NO_x and PM₁₀ from potential land uses, using the most recent approved version of relevant ARB emissions models and emission factors, and has been approved by the APCO and EPA.
- 3.3 Air Impact Assessment (AIA): the calculation of emissions generated by the project and the emission reductions required by the provisions set forth in this rule. The AIA must be based solely on the information provided to the APCO in the AIA application, and must include all information listed in Section 5.6, et seq.
- 3.4 Air Impact Assessment (AIA) Application: the aggregate of documentation supporting the development of an AIA. This includes, but is not limited to, the information listed in Section 5.0, et seq.
- 3.5 Air Resources Board (ARB or CARB): as defined in Rule 1020 (Definitions).
- 3.6 Applicant: any person or entity that undertakes a development project.
- 3.7 Area Source: any multiple non-mobile emissions sources such as water heaters, gas furnaces, fireplaces, wood stoves, landscape equipment, architectural coatings, consumer product, etc., that are individually small but can be significant when combined in large numbers.
- 3.8 Baseline Emissions: the unmitigated NO_x or PM₁₀ emissions as calculated by the APCO-approved model.
- 3.9 Construction: any excavation, grading, demolition, vehicle travel on paved or unpaved surfaces, or vehicle exhaust that occurs for the sole purpose of building a development project.
- 3.10 Construction Baseline: the sum of baseline NO_x or exhaust PM₁₀ for the duration

of construction activities for a project, or any phase thereof, in total tons.

- 3.11 Construction Emissions: any NO_x or exhaust PM₁₀ emissions resulting from the use of internal combustion engines related to construction activity, which is under the control of the applicant through ownership, rental, lease agreements, or contract.
- 3.12 Contiguous or Adjacent Property: a property consisting of two or more parcels of land with a common point or boundary, or separated solely by a public roadway or other public right-of-way.
- 3.13 Development Project: any project, or portion thereof, that is subject to an approval by a public agency, and will ultimately result in:
- the construction of a new building, facility, or structure; or
 - the reconstruction of a building, facility, or structure for the purpose of increasing capacity or activity.
- 3.14 Discretionary Approval: a decision by a public agency that requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular development project, as distinguished from situations where the public agency merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.
- 3.15 District: the San Joaquin Valley Unified Air Pollution Control District as defined in Rule 1020 (Definitions).
- 3.16 Emission Reduction Measure: an activity taken or conditions incorporated in a project to avoid, minimize, reduce, eliminate, or compensate emissions estimated to occur from new development projects.
- 3.16.1 On-Site Emission Reduction Measure: any feature activity, device, or control technology of a project, which is incorporated into the design of that project or through other means, which will avoid, minimize, reduce or eliminate the project's emissions. All on-site emission reductions achieved beyond District or state requirements shall count towards the mitigated baseline. City, County and other public agency requirements may also be credited towards emission reductions.
- 3.16.2 Off-Site Emission Reduction Measure: any feature, activity, or emission reduction project used, undertaken, or funded to compensate for a project's emission that is not part of the development project.
- 3.17 Grandfathered Large Development Project: a large development project that meets the following to the satisfaction of the APCO:
- 3.17.1 The large development project must be identified by the applicant and be a particular and defined large development project meeting at least one of the land use categories in Section 2.2; and

- 3.17.2 The applicant provides written confirmation from the public agency responsible for project-level building permits, conditional use permits, or similar approvals, that the large development project identified under Section 3.17.1 has received a land-use entitlement and requires no discretionary approval prior to starting construction; and
- 3.17.3 Prior to March 21, 2018, and in reliance upon the land use entitlement, the applicant has entered into binding agreements or contractual obligations for the large development project identified under Section 3.17.1, which cannot be canceled or modified without substantial loss to the applicant, for designing, developing, or constructing the large development project.
- 3.18 Indirect Source: any facility, building, structure, or installation, or combination thereof, which attracts or generates mobile source activity that results in emissions of any pollutant, or precursor thereof, for which there is a state ambient standard, as specified in Section 1.1.
- 3.19 Land Use: any facility, building, structure, installation, activity, or combination thereof, and the purpose, for which it is arranged, designed, intended, constructed, erected, moved, altered or enlarged on, or for which it is or may be occupied or maintained. Land use can be identified in the following categories:
- 3.19.1 Commercial: any facility, building, structure, installation, activity or combination thereof, that offers goods and services for sale. This can include but is not limited to wholesale and retail stores, food establishments, hotels or motels, and movie theatres.
- 3.19.2 Educational: any facility, building, structure, installation, activity or combination thereof, whose purpose is to develop knowledge, skill, and character. This can include but is not limited to: schools, day care centers, libraries, and churches.
- 3.19.3 General Office: any facility, building, structure, installation, activity or combination thereof, where the affairs of a non-medical business are conducted.
- 3.19.4 Governmental: any facility, building, structure, installation, activity or combination thereof, where the affairs of an entity that exercises authority over a country, or any subdivision thereof, are carried on.
- 3.19.5 Industrial: any facility, building, structure, installation, activity or combination thereof that creates, collects, extracts, packages, modifies, and/or distributes goods.
- 3.19.5.1 Light Industrial: usually employs fewer than 500 persons, with an emphasis on activities other than manufacturing and typically

have minimal office space. Typical light industrial activities include: print plants, material testing labs, and assemblers of data processing equipment. Light Industrial tends to be free-standing.

- 3.19.5.2 Heavy Industrial: also categorized as manufacturing facilities. Heavy Industrial usually has a high number of employees per industrial plant.
- 3.19.6 Medical Office: any facility, building, structure, installation, activity or combination thereof, where the affairs of a business related to the science and art of diagnosing, treating, and preventing diseases are carried on.
- 3.19.7 Recreational: any facility, building, structure, installation, activity or combination thereof, where individuals may relax or refresh the body or the mind. This can include but is not limited to: parks, fitness clubs, and golf courses.
- 3.19.8 Residential: any facility, building, structure, installation, activity or combination thereof, which provides a living space for an individual or group of individuals.
- 3.20 Mitigation: synonym of on-site emission reduction measure. For the purposes of this rule, mitigation is all on-site emission reductions achieved beyond District or state requirements. City, County and other public agency requirements may be counted as mitigation, and credited towards emission reductions for the mitigated baseline.
- 3.21 Mitigated Baseline: the NOx or PM10 emission generated by a project after on-site emission reduction measures have been applied.
- 3.22 Mobile Emissions: the NOx or PM10 emissions generated by motorized vehicles.
- 3.23 Monitoring and Reporting Schedule (MRS): a form listing on-site emission reduction measures committed to by the applicant that are not enforced by another public agency along with the implementation schedule and enforcement mechanism for each measure. The Construction Equipment Schedule constitutes a MRS for the construction phase of a development project. The format of the MRS shall be provided by the District.
- 3.24 NOx: any oxides of nitrogen.
- 3.25 Off-Site Emission Reduction Fee (Off-Site Fee): a fee to be paid by the applicant to the District for any emission reductions required by the rule that are not achieved through on-site emission reduction measures. Off-Site Fees shall only apply to off-site emission reductions required, and shall only be used for funding off-site emission reduction projects.

- 3.26 Off-Site Emission Reduction Fee Deferral Schedule (FDS): a payment schedule requested by the applicant and approved by the District for Off-Site Emission Reduction Fees that ensures contemporaneous off-site emission reductions for the development project. Fee payment shall be made prior to the issuance of a building permit. The District shall provide the FDS format.
- 3.27 On-Site Emission Reduction Checklist (On-Site Checklist): the list provided by the District that identifies potential on-site emission reduction measures. Project applicants must identify those measures that will be implemented and those that will not. There is no minimum required to be selected for implementation.
- 3.28 Operational Baseline: the baseline NOx or PM10 emissions, including area source and mobile emissions, calculated by the APCO-approved model, for the first year of buildout for that project, or any phase thereof, in tons per year.
- 3.29 Operational Emissions: for the purposes of this rule, the combination of area and mobile emissions associated with an indirect source.
- 3.30 Phase: a defined portion or stage of a development project.
- 3.31 PM10 (or PM-10): as defined in Rule 1020 (Definitions).
- 3.32 Public Agency: any federal, state, local, or special agency that exercises discretionary powers on development activities within the San Joaquin Valley Air Basin.
- 3.33 San Joaquin Valley Air Basin (SJVAB): as defined in Rule 1020 (Definitions).
- 3.34 Transit Development Project: any project solely intended to create a passenger transportation service, local, metropolitan or regional in scope that is available to any person who pays a prescribed fare. Examples of transit development projects include: transportation by bus, rail, or other conveyance, either publicly or privately owned, which is provided to the public or specialty service on a regular or continuing basis. Also known as “mass transit,” “mass transportation,” or “public transportation.”
- 3.35 Transportation Development Project: any project solely intended to create a new paved surface that is used for the transportation of motor vehicles, or any structural support thereof. Examples of transportation development projects include: streets, highways and any related ramps, freeways and any related ramps, and bridges. This does not include development projects where traffic surfaces are a portion of the project, but not the main land-use.
- 3.36 Vehicle Trip: a trip by a single vehicle regardless of the number of persons in the vehicle, which is one way starting at one point and ending at another. A ‘round trip’ is counted as two separate trips.

4.0 Exemptions

- 4.1 Transportation development projects shall be exempt from the requirements in Sections 6.2 and 7.1.2.
- 4.2 Transit development projects shall be exempt from the requirements in Sections 6.2 and 7.1.2.
- 4.3 Development projects that have a mitigated baseline below two (2.0) tons per year of NO_x and two (2.0) tons per year of PM₁₀ shall be exempt from the requirements in Sections 6.0 and 7.0.
- 4.4 The following shall be exempt from the requirements of this rule:
 - 4.4.1 Reconstruction of any development project that is damaged or destroyed, or is retrofitted solely for seismic safety, and is rebuilt to essentially the same use and intensity.
 - 4.4.2 Transportation development projects that consist solely of:
 - 4.4.2.1 A modification of existing roads subject to District Rule 8061 that is not intended to increase single occupancy vehicle capacity, or,
 - 4.4.2.2 Transportation control measures included in a District air quality attainment plan.
 - 4.4.3 A development project on a facility whose primary functions are subject to Rule 2201 (New and Modified Stationary Source Review Rule) or Rule 2010 (Permits Required), including but not limited to the following industries:
 - 4.4.3.1 Aggregate Mining or Processing;
 - 4.4.3.2 Almond Hulling, Canning Operations, Food Manufacturing, Grain Processing and Storage, Vegetable Oil Manufacturing, and Wineries;
 - 4.4.3.3 Animal Food Manufacturing;
 - 4.4.3.4 Confined Animal Facilities;
 - 4.4.3.5 Coatings and Graphic Arts;
 - 4.4.3.6 Cotton Ginning Facilities;
 - 4.4.3.7 Energy Production Plants;
 - 4.4.3.8 Ethanol Manufacturing;

- 4.4.3.9 Gas Processing and Production, Oil Exploration, Production, Processing, and Refining;
- 4.4.3.10 Glass Plants;
- 4.4.3.11 Solid Waste Landfills;
- 4.4.3.12 Petroleum Product Transportation and Marketing Facilities.

5.0 Application Requirements

Any applicant subject to this rule shall submit an Air Impact Assessment (AIA) application no later than applying for a final discretionary approval with the public agency. Nothing in this rule shall preclude an applicant from submitting an AIA application prior to filing an application for a final discretionary approval with the public agency. It is preferable for the applicant to submit an AIA application as early as possible in the process for that final discretionary approval.

Any applicant for a large development project subject to this rule under Section 2.2 shall submit an AIA application no later than applying for, or otherwise seeking to gain, approval from a public agency for the project. An applicant for a large development project subject to this rule under Section 2.2 who has applied for, or otherwise sought to gain, approval from a public agency for the project prior to March 21, 2018 shall submit an AIA application prior to April 20, 2018.

The AIA application shall be submitted on a form provided by the District and shall contain the following information:

- 5.1 Applicant name and address;
- 5.2 Detailed project description including, but not limited to:
 - 5.2.1 Site Size;
 - 5.2.2 Site Plans;
 - 5.2.3 Proposed Project Schedule;
 - 5.2.4 Associated Project;
 - 5.2.5 If residential, the number and type of dwelling units;
 - 5.2.6 If commercial, the type, square footage and loading facilities;
 - 5.2.7 If industrial, the type, estimated employment per shift, and loading facilities;
 - 5.2.8 Amount of off-street parking provided for non-residential projects;

- 5.3 On-site Emission Reduction Checklist (On-Site Checklist): The District shall provide an On-Site Checklist that includes quantifiable on-site measures that reduce operational NOx and/or PM10 emissions.
- 5.3.1 The applicant shall identify measures voluntarily selected and how those measures will be enforced. On-Site measures must be fully enforceable through permit conditions, development agreements, or other legally binding instrument entered into by the applicant and the public agency; or, if the measure is not a requirement by another public agency, by a MRS contract with the District. Enforcement mechanisms can include:
- 5.3.1.1 Applicable local ordinance or section of a regulation that requires the measure, if any,
- 5.3.1.2 A District approved MRS, as identified in Section 5.4 below.
- 5.3.2 The applicant shall also include justification for those measures not selected.
- 5.3.3 All selected on-site measures, regardless of enforcement mechanism, shall count towards on-site emission reductions.
- 5.4 Monitoring and Reporting Schedule (MRS): The District shall provide a standardized MRS format. The applicant shall include in the AIA application a completed proposed MRS for on-site emission reduction measures selected that are not subject to other public agency enforcement, and the timeline for submittal of the construction equipment schedule. A proposed MRS shall outline how the measures will be implemented and enforced, and will include, at minimum, the following:
- 5.4.1 A list of on-site emission reduction measures included;
- 5.4.2 Standards for determining compliance, such as funding, record keeping, reporting, installation, and/or contracting;
- 5.4.3 A reporting schedule;
- 5.4.4 A monitoring schedule;
- 5.4.5 Identification of the responsible entity for implementation;
- 5.4.6 Provisions for failure to comply;
- 5.4.7 Applicants proposing on-site emission reduction measures that require ongoing funding, shall provide evidence in the proposed MRS of continued funding, including, but not limited to:

- 5.4.7.1 Bonds; or
- 5.4.7.2 Community Service Districts; or
- 5.4.7.3 Contracts.

5.4.8 The schedule for submitting a construction equipment schedule.

5.5 Off-Site Fee Deferral Schedule (FDS): The District shall provide a standardized Fee Deferral Schedule form. The payment schedule must provide assurance that reductions from off-site emission reduction projects can be obtained reasonably contemporaneous with emissions increases associated with the project and shall, at minimum, include the following:

- 5.5.1 Identification of the person or entity responsible for payment;
- 5.5.2 Billing address;
- 5.5.3 Total required off-site operational emissions for the development project and any phase thereof;
- 5.5.4 Total required off-site construction emissions for the development project and any phase thereof;
- 5.5.5 Year of build-out, and any phase thereof;
- 5.5.6 Any applicable milestones;
- 5.5.7 Payment schedule not to exceed or go beyond the issuance of a building permit. For development projects with multiple phases, the payment schedule shall connect fee deadlines for off-site emission reductions required by each phase prior to the issuance of building permits for those phases.
- 5.5.8 The cost of reductions corresponding to the payment schedule;
- 5.5.9 Applicable project termination and delay clauses; and
- 5.5.10 Provisions for failure to comply.

5.6 Air Impact Assessment (AIA): An AIA shall be produced for the project from the project specific information identified in the AIA application. An AIA may be produced by or for the applicant. If an AIA is not provided by the applicant, the District shall perform the AIA during the AIA application review period. The AIA shall meet the following requirements:

- 5.6.1 The analysis of the proposed project shall be conducted according to the information provided in the application;
- 5.6.2 The analysis shall employ an APCO-approved model or calculator and include detailed documentation and reasons for all changes to the default input values;
- 5.6.3 If the AIA is conducted by or for the applicant, a hard copy and an electronic copy of all model runs conducted for the project and each phase thereof, shall be submitted;
- 5.6.4 The applicant shall include any other information and documentation that supports the calculation of emissions and emissions reductions;
- 5.6.5 The AIA shall quantify construction and operational NOx and PM10 emissions associated with the project. This shall include the estimated construction and operational baseline emissions, and the mitigated emissions for each applicable pollutant for the development project, or each phase thereof;
- 5.6.6 The AIA shall quantify the Off-Site Fee, if applicable.

6.0 General Mitigation Requirements

6.1 Construction Equipment Emissions

- 6.1.1 The exhaust emissions for construction equipment greater than fifty (50) horsepower used or associated with the development project shall be reduced by the following amounts from the statewide average as estimated by the ARB:
 - 6.1.1.1 20% of the total NOx emissions, and
 - 6.1.1.2 45% of the total PM10 exhausts emissions.
- 6.1.2 An applicant may reduce construction emissions on-site by using less-polluting construction equipment, which can be achieved by utilizing add-on controls, cleaner fuels, or newer lower emitting equipment.

6.2 Operational Emissions

6.2.1 NOx Emissions

Applicants shall reduce 33.3%, of the project's operational baseline NOx emissions over a period of ten years as quantified in the approved AIA as specified in Section 5.6.

6.2.2 PM10 Emissions

Applicants shall reduce of 50% of the project’s operational baseline PM10 emissions over a period of ten years as quantified in the approved AIA as specified in Section 5.6.

6.3 The requirements listed in Sections 6.1 and 6.2 above can be met through any combination of on-site emission reduction measures or off-site fees.

7.0 Off-site Emission Reduction Fee (Off-Site Fee) Calculations and Fee Schedules

7.1 Off-site Fee Calculations

7.1.1 Construction Activities

7.1.1.1 NOx Emissions

The applicant shall pay to the District a monetary sum necessary to offset the required construction NOx emissions not reduced on-site. The off-site fee shall be calculated as follows:

$$CN\ OF = \sum_{i=1}^n [NACE_i - (0.8 \times NSEE_i)] \times CNR_i$$

Where,

CN OF = Construction NOx Off-Site Fee, in dollars

i = each phase

n = last phase

NACE = Actual Estimated Equipment NOx Emissions, as documented in the APCO approved Air Impact Assessment application, in total tons

NSEE = Statewide Average Equipment NOx Emissions, as calculated by the APCO, in total tons

CNR = Cost of NOx Reductions identified in Section 7.2.1 below, in dollars per ton. The cost of emissions reductions, in dollars per ton, shall be based on the applicable rate at the time the invoice is issued.

7.1.1.2 PM10 Emissions

The applicant shall pay a monetary sum necessary to offset the required construction PM10 exhaust emissions not reduced on-

site. The off-site fee shall be calculated as follows:

$$CPM\ OF = \sum_{i=1}^n [PMACE_i - (0.55 \times PSEE_i)] \times CPR_i$$

Where,

CPM OF = Construction PM10 Off-Site Fee, in dollars

i = each phase

n = last phase

PMACE = Actual Estimated Equipment PM10 Emissions, as documented in the APCO approved AIA application, in total tons

PSEE = Statewide average Equipment PM10 Emissions, as calculated by the APCO, in total tons

CPR = Cost of PM10 Reductions identified in Section 7.2.2 below, in dollars per ton. The cost of emissions reductions, in dollars per ton, shall be based on the applicable rate at the time the invoice is issued.

7.1.2 Operational and Area Source Activities

7.1.2.1 NOx Emissions

The applicant shall pay a monetary sum necessary to offset the excess NOx emissions not reduced on-site. The off-site fee shall be calculated as follows:

$$NOx\ OF = \sum_{i=1}^n \left[\left(\frac{NEB_i \times 7.5}{3} \right) - (NEB_i \times 7.5 \times NAPOR_i) \right] \times CNR_i$$

Where,

NOx OF = Operational NOx Off-Site Fee, in dollars

i = each phase

n = last phase

NEB = Estimated Baseline Emissions, of Operational NOx, as documented in the APCO approved AIA application, in tons per year

NAPOR = NOx Actual Percent of On-Site Reductions, as documented in the APCO approved air impact assessment application, as a fraction of one, calculated as (NEB-NOx

Mitigated Baseline)/NEB

CNR = Cost of NOx Reductions identified in Section 7.2.1 below, in dollars per ton. The cost of emissions reductions, in dollars per ton, shall be based on the applicable rate at the time the invoice is issued.

7.1.2.2 PM10 Emissions

The applicant shall pay a monetary sum necessary to offset the excess PM10 emissions not reduced on-site for a period of ten years. The off-site fee shall be calculated as follows:

$$PM10OF = \sum_{i=1}^n [(PMMB - 0.5PEB_i)(10)] \times CPR_i$$

Where,

PM10 OF = Operational PM Off-Site Fee, in dollars

i = each phase

n = last phase

PEB = Estimated Baseline Emissions, of Operational PM10, as documented in the APCO approved AIA application, in tons per year

PMMB = Mitigated Baseline Emissions, as documented in the APCO approved AIA application, in tons per year

CPR = Cost of PM10 Reductions, identified in Section 7.2.2 below, in dollars per ton. The cost of emissions reductions, in dollars per ton, shall be based on the applicable rate at the time the invoice is issued.

7.2 Fee Schedules

7.2.1 The costs of NOx reductions are as follows:

Year	Cost of NOx Reductions (\$/ton)
2006	\$4,650.00
2007	\$7,100.00
2008 and beyond	\$9,350.00

7.2.2 The costs of PM10 reductions are as follows:

Year	Cost of PM10 Reductions (\$/ton)
2006	\$2,907.00
2007	\$5,594.00
2008 and beyond	\$9,011.00

7.3 The applicant shall pay the Off-Site Fees in full by the invoice due date or prior to generating emissions associated with the project or any phase thereof, whichever occurs first.

7.4 The applicant shall receive credit for any off-site emission reduction measures that have been completed and/or paid for, prior to December 15, 2005, if the following conditions have been met:

7.4.1 The prior off-site emission reduction measures were part of an air quality mitigation agreement with the APCO; or

7.4.2 The applicant demonstrates to the satisfaction of the APCO that the off-site emission reduction measures result in real, enforceable, and surplus reductions in emissions.

7.5 Refund: If a project is terminated or is cancelled, the building permit or use permit expires, is cancelled, or is voided, no construction has taken place, and the use has never occupied the site, the applicant is entitled to a refund of the unexpended Off-Site fees paid less any administrative costs incurred by the APCO. The applicant must provide a written request for the refund, with proof of the project termination, within thirty (30) calendar days of the termination. Proof of project termination can include a confirmation from a local agency of permit cancellation.

7.6 The APCO may adjust the cost of reductions according to the following process:

7.6.1 An Analysis shall be performed that details:

7.6.1.1 The cost effectiveness of projects funded to date;

7.6.1.2 The rule effectiveness of achieving the required emission reductions to date;

7.6.1.3 The availability of off-site emission reduction projects;

7.6.1.4 The cost effectiveness of those projects.

7.6.2 The APCO shall provide a draft revised cost effectiveness based on the analysis.

7.6.3 The process shall include at least one public workshop.

8.0 Administrative Process

8.1 Completeness of the AIA application: The APCO shall determine whether the application is complete and contains the necessary information no later than ten (10) calendar days after receipt of the application, or after such longer time as agreed to by both the applicant and the APCO.

8.1.1 Should the application be deemed incomplete, the APCO shall notify the applicant in writing of the decision and shall specify the additional information required. Resubmittal of any portion of the application begins a new ten (10) day calendar period for the determination of completeness by the APCO.

8.1.2 Completeness of an application or resubmitted application shall be evaluated on the basis of the information requirements set forth in the District Rules and Regulations as they exist on the date on which the application or resubmitted application is received.

8.1.3 The APCO shall notify the applicant in writing that the application is deemed complete.

8.2 Public Agency Review of the proposed project: The APCO shall forward a copy of the AIA application, including the MRS (if applicable) to the relevant public agencies for review. The public agencies may review and comment at any time on the provisions of the MRS. Comments received by the APCO shall be forwarded to the applicant. The proposed MRS may be modified, if necessary, based on the input from the public agency. If any changes result from their comments, the APCO shall make the appropriate changes and provide the applicant a revised Off- Site Fee, if applicable. No section or provision within this rule requires action on the part of the public agency.

8.3 APCO Evaluation of the AIA Application: The AIA application shall be evaluated for content.

8.3.1 If the applicant submits an AIA, the APCO will evaluate the modeling inputs and calculations.

8.3.2 If the applicant does not submit an AIA, the APCO will complete an AIA from the information contained in the AIA application.

8.3.3 The APCO may, during the evaluation of the application, request

clarification, amplification, and any correction as needed, or otherwise supplement the information submitted in the application. Any request for such information shall not count towards the time the APCO has to provide notice of approval or disapproval. The clock shall resume once the APCO has received the requested information.

- 8.4 AIA Approval: The APCO shall notify the applicant in writing of its decision regarding the AIA application and its contents within thirty (30) calendar days after determination of an application as complete and provide the following in writing to the applicant, the public agency, all interested parties as identified by the developer, and make available to the public.
- 8.4.1 APCO approval determination of the AIA application;
 - 8.4.2 The required emission reductions;
 - 8.4.3 The amount of on-site emission reduction achieved;
 - 8.4.4 The amount of off-site emission reduction required, if applicable;
 - 8.4.5 The required Off-Site Fee if applicable;
 - 8.4.6 A statement of tentative rule compliance;
 - 8.4.7 A copy of the final MRS, if applicable; and
 - 8.4.8 An approved FDS, if applicable.
- 8.5 Off-Site Fee: After the APCO approves the AIA application and its contents; the APCO shall provide the applicant with an estimate for the projected off-site fees, if applicable. The applicant shall pay the off-site fee in accordance with Section 7.3.
- 8.6 Fee Deferral Schedule: In the event that the applicant had not previously submitted FDS in the AIA application, but desires one, the applicant shall ensure that the proposed FDS is submitted to the APCO no later than fifteen (15) calendar days after receipt of the AIA Approval. The District shall have fifteen (15) calendar days to approve the FDS request.
- 8.7 MRS Compliance: After the APCO approves the AIA application and its contents; the APCO shall enact the MRS contract, if applicable. The applicant is responsible for implementation and/or maintenance of those measures identified within the MRS. Upon completion of Monitoring and Reporting, the District shall provide to the applicant, the public agency, and make available to the public, an MRS Compliance letter.
- 8.7.1 Operational On-Site Measures: On-site emission reduction measures that are active operational measures, such as providing a service, must be

implemented for 10 years after buildout of the project, if applicable.

8.7.2 Construction Equipment Schedule: The construction equipment schedule shall be submitted to the District if identified in the MRS prior to the start of construction, but not to exceed the issuance of a grading permit, if applicable.

8.8 In the event the applicant significantly changes the AIA application or any portion thereof during the Administrative Process, the APCO shall re-start the evaluation process pursuant to Section 8.3.

9.0 Changes to the Project

9.1 Changes Proposed By The Applicant

9.1.1 The applicant may substitute equivalent or more effective on-site emission reduction measures upon written approval from the APCO.

9.1.2 Changes in the project or to the build-out schedule that increase the emissions associated with the project shall require submission of a new AIA application. A new AIA shall be conducted and the off-site fees shall be recalculated in accordance with the applicable provisions of this rule. The APCO shall notify the applicant of the new off-site fees, the difference of which shall be payable by the due date specified on the billing invoice.

9.1.3 If a project, or portion thereof, changes ownership, the seller shall inform the District of the change in ownership by filing a "Change of Developer" form with the District prior to the buyer generating emissions associated with the project.

9.2 Changes Required By The Public Agency or Any Court Of Law

Project changes that result in an increase in the emissions shall require submission of a new AIA application within 60 days of said changes, or prior to the start of project construction, whichever is less. A new AIA shall be conducted and the off-site fees shall be recalculated in accordance with the applicable provisions of this rule.

10.0 APCO Administration of the Off-Site Fee Funds

10.1 The District shall establish and maintain separate accounts for NOx and for PM10 for funds collected under this rule. Any off-site fees collected by the District shall be deposited into these accounts.

10.2 The District shall utilize monies from the accounts to fund quantifiable and enforceable Off-Site projects that reduce surplus emissions of NOx and PM10 in an expeditious manner.

- 10.2.1 The District shall set forth funding criteria for each category of off-site projects that may be funded by this rule.
- 10.2.2 The District shall ensure that the emission reductions calculations for the off-site projects are accurate.
- 10.2.3 If the off-site project involves the replacement of existing equipment, the District shall inspect the existing equipment.
- 10.2.4 The District shall enter into a binding contract with the applicant of the off-site project, which will, at minimum, require an annual report from the applicant that includes information necessary to ensure that emissions reductions are actually occurring.
- 10.2.5 The District shall conduct inspections on the off-site project to verify that the project is installed or implemented and operating for the life of the contract.
- 10.2.6 The District may substitute NO_x reductions for PM₁₀ in a 1.5 to 1 ratio.
- 10.3 Any interest that accrues in the off-site account(s) shall remain in the account, to be used in accordance with Section 10.2 above.
- 10.4 The District shall prepare an annual report that will be available to the public regarding the expenditure of those funds, and shall include the following:
 - 10.4.1 Total amount of Off-Site Fees received;
 - 10.4.2 Total monies spent;
 - 10.4.3 Total monies remaining;
 - 10.4.4 Any refunds distributed;
 - 10.4.5 A list of all projects funded;
 - 10.4.6 Total emissions reductions realized; and
 - 10.4.7 The overall cost-effectiveness factor for the projects funded.

CITY OF VISALIA

General Plan and Municipal Code Amendments for Indirect Source Review

**Addendum to the
Visalia General Plan Update and
Climate Action Plan
Final Environmental Impact Report
(SCH# 2010041078)**

July 27, 2018

City Staff Review Draft

Prepared by

DYETT & BHATIA
Urban and Regional Planners

ATTACHMENT 5

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I Introduction

This Addendum is intended to serve as the environmental documentation for the City of Visalia's proposed General Plan and Municipal Code Amendment for Indirect Source Review to protect air quality. It is an addendum to the City of Visalia General Plan and Climate Action Plan Final Environmental Impact Report ("General Plan EIR") SCH#2010041078, for which the Notice of Determination was filed on October 16, 2014, to demonstrate that the analysis contained in that EIR adequately addresses the potential physical impacts associated with implementation of the City's proposed strategy for Indirect Source Review, as required by the California Environmental Quality Act (CEQA), and that none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

The "proposed project" analyzed in this Addendum is the proposed July 2018 General Plan and Municipal Code Amendments for Indirect Source Review for large scale development to help achieve and maintain air quality standards. The proposed amendments are consistent with the City Council's vision for land use, growth management, and environmental stewardship and make no changes to land use or development standards; they simply align General Plan implementation with the recently enacted Rule 9510 for Indirect Source Review, adopted by the San Joaquin Valley Air Pollution Control District (the "District"). This section explains the background and purpose of the Addendum, establishes its context and scope, and provides references to relevant previous environmental review documents and reports.

The City of Visalia is the Lead Agency for the proposed project for purposes of environmental review under CEQA. The term "lead agency" is defined by Section 21067 of CEQA as "the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment."

I.1 Purpose of Addendum and Legal Standards

As required by CEQA Guidelines, the City of Visalia has reviewed the information regarding the proposed project and determined that it is appropriate to prepare an addendum to the certified Final EIR on the General Plan Update. The primary purpose of this addendum is to satisfy CEQA requirements by fully documenting why impacts that may occur as a result of adopting the proposed amendment are consistent with impacts studied in the General Plan Final EIR. The addendum describes why the proposed project would not result in a substantial increase in the severity of previously identified significant effects, or new

information of substantial importance when compared to the analysis in the certified General Plan EIR. The proposed General Plan amendment is described in Section 2 of the addendum.

Future land uses and new development allowed pursuant to the General Plan, as modified by the proposed amendments, will not be changed in character or intensity by the amendments and will be subject to permitting and specific use regulations, development and design standards, and conditions of approval as governed by the City's zoning regulations. Additionally, all development in the city will continue to be subject to review on a project-by-project basis to determine compliance with CEQA and the District requires compliance with its Indirect Source Review procedures for large-scale development.

CEQA Guidelines Section 15162 specifies the type of documentation required when changes are proposed to a project. CEQA Guidelines Section 15162 states:

“(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.”

Section 15164 of the CEQA Guidelines includes situations when a subsequent or supplemental EIR is not required. CEQA Guidelines Section 15164 states:

“(a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.

(d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.”

The proposed project will not require revisions of the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Therefore, consideration and approval of this Addendum will satisfy the requirements of CEQA, and no further analysis is required. This is because the proposed General Plan and Municipal Code amendments for Indirect Source Review would not permit more development or land uses of greater height or greater intensity than permitted under the adopted General Plan and would not allow new development in areas where such development is prohibited under the General Plan. No changes in future land use are proposed. Based on the analysis provided within this document, the Addendum has concluded that adoption of the proposed amendment and the Municipal Code amendments for General Plan implementation would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects on the environment that have not been previously examined or adequately addressed in the General Plan EIR.

1.2 Project Background

On October 14, 2014 with Resolution 2014-37, the Visalia City Council certified the Visalia General Plan and Climate Action Plan Update Final Environmental Impact Report (SCH# 2010041078) and approved the Visalia General Plan 2030. The Notice of Determination was filed with Tulare County on that same date.

The City's General Plan contains a Land Use Diagram and individual elements addressing land use, historic preservation, circulation, parks, schools, community facilities, and utilities, open space and conservation, air quality and greenhouse gases, safety and noise to establish a vision and framework for long range development policies and for provision of public services and facilities. It also quantifies anticipated building and development under the General Plan based on density and intensity standards established by the Plan for residential and non-residential uses, respectively. The General Plan policy framework guides development in the city and provides a basis for judging whether specific development proposals and public projects are in harmony with plan policies. This is because the Plan's policies provide direction to City departments, other public agencies, and private developers on how to design projects that will preserve and enhance community character and environmental resources, promote sustainability, and minimize hazards. Only projects that are consistent with the General Plan and reflect its vision are approved.

The analysis in the General Plan EIR addressed the short- and long-term impacts of the city-wide General Plan. The General Plan EIR also included analysis of alternatives and cumulative impacts associated with buildout of the General Plan. The EIR evaluated the potential for environmental impacts in the following issue areas:

- Land Use;
- Transportation;
- Air Quality;
- Greenhouse Gases and Climate Change;
- Agricultural Resources;
- Hydrology, Flooding and Water Quality;
- Geology and Seismicity;
- Biological Resources;
- Public Services, Facilities, and Utilities;
- Noise;
- Hazards and Hazardous Materials;
- Cultural Resources; and
- Visual Resources.

This project has been initiated by City staff as part of General Plan implementation. It furthers the Plan's overall goal for air resources and supports implementation of air quality plans that will achieve and maintain federal and State air quality standards. These amendments also will further ensure that General Plan implementation will not lead to violations of any air quality standard or contribute substantially to an existing or projected air quality violation.

1.3 Documents Incorporated by Reference

The General Plan Update Draft EIR (DEIR) and Final EIR (FEIR) evaluated impacts associated with the City's General Plan and Climate Action Plan, including individual impacts and cumulative impacts associated with future development occurring under the General Plan. These documents, in their entirety, as well as the technical reports and appendices prepared in conjunction with the previous General Plan Update DEIR and FEIR, are incorporated by reference into this addendum. Technical documents supporting the General Plan Update DEIR and FEIR and this addendum are available for review at the City of Visalia Community Development Department. The General Plan DEIR and FEIR are also available online at: www.visalia.city/depts/community_development/planning/gp.asp.

2 Project Description

The project analyzed in this Addendum is a set of General Plan and Municipal Code amendments for Indirect Source Review for air quality purposes. The proposed amendments are intended to further the General Plan's vision for environmentally sustainable land use and environmental stewardship and to align the City's project review procedures with the District's Indirect Source Review procedures, as embodied in Rule 9510 and administered by, and as amended from time to time by the District. Through these amendments, the provisions of Rule 9510 become the indirect source review regulations within the City. This project description provides background information regarding the location and boundaries of Indirect Source Review, as well as the substantive provisions of the proposed amendments. Additional details are provided in the proposed General Plan and Municipal Code amendments, which are included as attachments to the City Staff Report for this action and can be reviewed on the City's website. See:

- http://www.visalia.city/government/committees/planning_commission/default.asp;
and
- http://www.visalia.city/government/city_council/sire_iframe.asp.

2.1 Regional and Project Location

The City of Visalia, located in the Central Valley, covers an area of approximately 36 square miles. The City is situated in northwestern Tulare County, north of the City of Tulare and west of the City of Farmersville. The City of Hanford, in Kings County, lies 12 miles to the west. Most of the remaining land uses surrounding the city are agricultural in nature. With a 2010 population of 129,582, Visalia is the largest city in Tulare County.

PLANNING AREA

The Planning Area is the geographic area for which the General Plan establishes policies about future urban growth, long-term agricultural activity, and natural resource conservation. The General Plan Planning Area includes all territory within the boundaries of the incorporated area as well as "any land outside its boundaries which in the planning agency's judgment bears relation to its planning" (California Government Code Section 65300).

The Planning Area for the Visalia General Plan comprises all land within the city limits as well as neighboring unincorporated land, including the community of Goshen. It encompasses approximately 104 square miles or 66,640 acres. It is roughly bounded by

Avenue 328 to the north; Road 158 and Mariposa Avenue to the east; Avenue 264 and Avenue 260 to the south; and Road 64 and Road 52 to the west.

City Limits

As of the date of the EIR, the City of Visalia's city limits encompassed approximately 23,580 acres (approximately 36 square miles) of incorporated land or 35 percent of the Planning Area. The city limits include residential, commercial and industrial developments as well as public facilities, including parks and schools, and contained a population of approximately 124,400 as of 2010.

Urban Development Boundary and Urban Growth Boundary

The General Plan establishes a three-tier growth boundary system to define stages of future development. The Tier I Urban Development Boundary (UDB) includes slightly over half of the potentially developable land under the Plan, and accommodates a population of approximately 160,000. Tier I includes the City limits, County islands (excepting the West 198 scenic corridor), and the following additional areas currently outside of City jurisdiction: R.J. Hill property, Sierra Village property, Kaweah Delta Hospital property (southwest corner of Lovers Lane and Caldwell Avenue), future East Visalia City Park, all regional commercial designated land along Mooney, all previously-designated industrial land plus 320 acres of industrial-designated land on north side of Riggin Avenue between Kelsey Street and Shirk Road.

The Tier II UDB is intended to accommodate roughly ten years' worth of growth and support an estimated population of approximately 178,000. With buildout to the UDB, the City would grow to 27,936 acres. The criterion for land in Tier II to become available for annexation and development is that such activity shall only occur if it does not result in excess of a 10-year supply of undeveloped residential land within the new Tier I. This is intended to be consistent with LAFCO policies discouraging residential annexations exceeding a ten-year housing inventory. Thus, Tier II is distinguished from Tier I in that it is not based on projected capacity and need, but rather on a requirement to be able to demonstrate that less than a ten year inventory of residential land exists.

Tier III represents the overall Urban Growth Boundary, and comprises full buildout of the General Plan at 32,648 acres and could support a target buildout population of 210,000, with growth occurring in a balanced way in all quadrants. The overall urban footprint would cover 49 percent of the Planning Area, meaning that half of the Planning Area is expected to remain primarily agricultural through the planning period. The expansion criteria for land in Tier III is that land would only become available for development when building permits have been issued in Tier I and Tier II at the following levels:

- Residential: after permits for 12,800 housing units have been issued, resulting in a target City population in Tier I of 178,000;
- Commercial: after permits for 960,000 square feet of commercial space have been issued; and
- Industrial: after permits for 2,800,000 square feet of industrial space have been issued.

Sphere of Influence

Contained within the Planning Area is Visalia's Sphere of Influence (SOI). The SOI is a boundary that encompasses lands that are expected to ultimately be annexed by the City. Visalia's SOI is determined by the Tulare County Local Agency Formation Commission (LAFCO). Portions of the Planning Area beyond the SOI may or may not be annexed to Visalia but are still considered to be related to and influenced by the City's long-range planning efforts. The city's SOI boundary incorporates a total of 34,678 acres (approximately 54 square miles) or 52 percent of the total land located in the Planning Area.

2.2 Background, Purpose, and Objectives of the Proposed General Plan Addendum

BACKGROUND

The City of Visalia's General Plan governs the land use and physical development within the City. The General Plan sets the long-range policy for the City and provides a unified and coherent framework and vision for the future of the community. The General Plan is the primary means for guiding future land use changes in Visalia.

Since the adoption of General Plan, the District's regulations for Indirect Source Review, as embodied in Rule 9510, have been amended to apply to both ministerial and discretionary development, and review thresholds have been set for large-scale development. This rule implements the District's PM10 and Ozone Attainment Plans and achieves emissions reductions from the construction and use of development projects through design features and on-site measures and a mechanism that allows for a fee payment for off-site measures that will achieve required emissions reductions. It was amended in December 2017 and, as of March 2018, applies to all large-scale development.

In the Rule, large-scale development is defined to include any project with at least 250 residential units, 10,000 square feet of commercial space, 125,000 square feet of light industrial space, 250,000 square feet of heavy industrial space, 100,000 square feet of medical office space, 195,000 square feet of general office space, 45,000 square feet of educational space, 50,000 square feet of government space, 100,000 square feet of recreational space, or 45,000 square feet of space not otherwise identified.

Draft revisions to the Rule were proposed in 2017, and following a public comment period, the revisions were adopted in December 2017, with an effective date of March 2018 as noted above.

OBJECTIVES OF GENERAL PLAN AND MUNICIPAL CODE AMENDMENTS

The proposed General Plan and Municipal Code amendments have been prepared to meet the following objectives:

- Ensure that the General Plan’s policies for air resources are consistent with and support the air quality plans of the District;
- Support the District’s indirect source review procedures by formally adopting them as the Indirect Source Review regulations for the City; and
- Use the Site Plan Review Process to inform applicants of the requirements of Indirect Source Review and its applicability to large-scale development.

2.3 Key Provisions of the Amendments

PROPOSED AMENDMENTS TO GENERAL PLAN POLICIES

Two policies are proposed to be added to the Air Resources Section of the Air Resources and Greenhouse Gases chapter of the General Plan. The specific text for these new policies is as follows:

AQ-P-11.1. In compliance with the California Health and Safety Code Sections 40910 et seq., adopt Rule 9510 of the San Joaquin Valley Unified Air Pollution Control District, as administered by, and as amended from time to time by said district, as the indirect source review regulation within the city.

AQ-P-11.2. As part of Site Plan Review, inform all applicants for large-scale development that Indirect Source Review, as required by the San Joaquin Valley Air Pollution Control District, will apply to all new large-scale development meeting or exceeding the district’s thresholds and assist in reviewing the applicability of the new source review regulation within the city to ensure that adequate on-site emission reduction measures for nitrogen oxides and particulates are put in place, monitoring and reporting procedures are followed, and, when required, off-site fees for construction and operation emissions reductions projects are paid.

PROPOSED MUNICIPAL CODE AMENDMENTS

The proposed Municipal Code amendments are as follows:

Amendment #1: Add Article 4 to Chapter 17.32, Special Provisions, in Title 17 Zoning as follows:

“Article 4, Indirect Source Review

17.32.300 Adoption of indirect source review regulations.

In compliance with the California Health and Safety Code Sections 40910 et seq., the City adopts Rule 9510 of the San Joaquin Valley Unified Air Pollution Control District, as administered by, and as amended from time to time by said district, as the indirect source review regulation within the city.”

Amendment #1: Amend Section 17.28.040 of Chapter 17.28, Site Plan Review, in Title 17 Zoning as follows (additions are underlined; ellipsis (...) denote deleted text, which is not affected by the amendment):

17.28.040 Committee findings.

1. The site plan review committee shall declare their intention to allow the project to proceed to apply for the necessary city permits, or require resubmittal of the site plan at the site plan review committee meeting.
2. Within thirty (30) working days after submission, the site plan review committee shall provide ... The site plan review committee shall consider each project's consistency with current city ordinances and whether it will affect the public health, safety and general welfare. In issuing direction to proceed, the committee shall consider the following:
 1. That all applicable provisions of the Municipal Code are complied with;
 2. That the following are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected with no adverse effect on surrounding property and to provide for a site plan which supports current adopted planning commission and city council policies ...
 3. That proposed lighting is so arranged as to deflect the light away from adjoining properties and will not cause a traffic hazard;
 4. That proposed equipment which is used in conjunction with a use is so designed to avoid excessive noise at the property line of the use; and
 5. That the project's design features, construction management, and operational plans will reduce emissions of nitrogen oxides and particulates associated with construction and use of the development as required by the Indirect Source Review (ISR) regulations adopted by the City (see Section 17.32.040) or, alternatively, that payment is made for off-site emissions reduction fees as established by the San Joaquin Valley Air Pollution Control District (SJVAPCD).
3. In making the required findings, the site plan review committee shall assure that the approval will be consistent with established policies and regulations relating to public improvements, street improvements, as approved and adopted by the city council, including necessary dedications and traffic safety. ...

2.4 Buildout Under the General Plan

Based on past development trends, regional growth forecasts, and the Plan's assumptions for future growth,¹ the Visalia Planning Area will accommodate approximately 209,600 residents at buildout, an increase of about 68 percent over the current population of 124,400 according to the 2010 US Census. Over a 20-year period, this represents an annual growth rate of 2.6 percent.

Visalia will accommodate approximately 104,550 jobs at buildout, an increase of approximately 59 percent from the current number of jobs. The net new jobs supported by the General Plan is about 36,430. Over a 20-year period, this represents an average annual growth rate of about 2.3 percent.

At buildout, four out of five new jobs in Visalia are expected to be created in five land use categories: Industrial (24 percent), Commercial Mixed Use (18 percent), Regional Commercial (13 percent), Service Commercial (13 percent), and Public/Institutional (10 percent).

The buildout calculations for the Visalia General Plan, as presented in the General Plan Update EIR, are unaffected by adoption of the Indirect Source Review policies and the Municipal Code amendments. This is because the two new polices and associated Code amendments would not have any impact on future land use, as depicted on the Land Use Diagram, or on the timing of the density/intensity of future development. They may have an insignificant effect on project-specific design features, but the scope of these effects are unknown and likely to be small-scale and localized in nature, with no resulting consequences for the buildout calculations.

¹ For details about assumptions made and methodology, please refer to the General Plan.

3 Environmental Analysis

3.1 Introduction

This Addendum focuses on potential impacts associated with the General Plan and Municipal Code amendments for Indirect Source Review compared to impacts identified in the General Plan DEIR and FEIR. This analysis only considers effects on air resources; none of the other environmental issue areas presented in Chapter 3 of the General Plan DEIR are likely to be affected as there is no change being made in the Land Use Diagram, the timing of development, or the density/intensity standards, and the buildout calculations remain the same.

Under California law, zoning and subdivision regulations must be consistent with a General Plan; adopting the Municipal Code amendments for zoning will then ensure that General Plan consistency is part of the project.

This section of the Addendum provides analysis and cites substantial evidence that supports the City's determination that the proposed General Plan amendment and associated zoning amendments (the proposed project) is an activity within the scope of the General Plan Program EIR and no further CEQA environmental review is required. The analysis in this chapter focuses on the criteria under Section 15162. The analysis for each issue area first summarizes the impacts identified in the General Plan EIR for that issue and then addresses impacts of the proposed General Plan Amendment for Indirect Source Review and compares them to impacts in the General Plan EIR.

3.2 Air Quality

PREVIOUSLY IDENTIFIED AIR QUALITY IMPACTS IN THE VISALIA GENERAL PLAN FINAL EIR

Impact 3.3-1	Implementation of the proposed Visalia General Plan could conflict with or obstruct implementation of the applicable air quality plan (<i>Less than Significant</i>).
Impact 3.3-2	Implementation of the proposed Visalia General Plan could violate any air quality standard or contribute substantially to an existing or projected air quality violation (<i>Significant and Unavoidable</i>).

Impact 3.3-3	Implementation of the proposed Visalia General Plan could 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 that exceed quantitative thresholds for ozone precursors) (<i>Significant and Unavoidable</i>).
Impact 3.3-4	Implementation of the proposed Visalia General Plan could expose sensitive receptors to substantial pollutant concentrations (<i>Less than Significant</i>).
Impact 3.3-5	Implementation of the proposed Visalia General Plan could create objectionable odors affecting a substantial number of people (<i>Less than Significant</i>).

These impacts were addressed in detail in DEIR pages 3.3-20 through 3.3-34 with minor modifications made in the FEIR.

PROPOSED GENERAL PLAN AND MUNICIPAL CODE AMENDMENTS FOR INDIRECT SOURCE REVIEW

The proposed amendments add two policies to the General Plan for Indirect Source Review and then make Municipal Code amendments for consistency. With the increased scope of Indirect Source Review that would result, it is expected that the proposed project would result in somewhat lower severity of air quality impacts beyond those analyzed in the General Plan Update FEIR. This is because incremental changes in individual development projects' design features, construction management, and operational plans would reduce emissions of nitrogen oxides and particulates associated with construction and use of the development as a result of complying with Indirect Source Review, or, if no changes in a project are made, then payment of fees to the District for off-site emissions reductions would be required. Such off-site projects would have beneficial effects for air quality.

However, as noted earlier the proposed amendments would not result in any change in future population or future jobs under the General Plan which means that future vehicle miles travelled (VMT) and the nitrogen oxides associated with mobile sources will likely be the same as those identified in the General Plan DEIR. The General Plan Land Use Diagram would not change. Also, the proposed amendments would not have any impact on the Climate Action Plan greenhouse gas reduction. Therefore, no new significant environmental effect or a substantial increase in the severity of previously identified significant air quality impacts would occur beyond what was addressed in the General Plan Update Final EIR.

4 Conclusion

The City of Visalia, acting as the lead agency, determined that an addendum is the appropriate environmental document under CEQA, because the proposed General Plan and Municipal Code Amendments for Indirect Source Review would not require revisions to the adopted General Plan EIR due to the involvement of new significant environmental effects or substantial increases in the severity of significant effects previously identified in the General Plan Update EIR.

There are no changed circumstances or new information that meets the standards for requiring further environmental review under CEQA Guidelines Section 15162. Thus, these circumstances and information would not result in new or more severe impacts beyond those addressed in the General Plan Update FEIR and would not meet any other standards under CEQA Guidelines Section 15162(a)(3). No additional analysis is required based on the following findings.

First, as addressed in the analysis, the proposed project implements and is consistent with the land uses in the General Plan and adding policies and regulations for Indirect Source Review will not change any of the impacts that were analyzed in the General Plan Update FEIR. Indirect Source Review may cause minor design-related changes and could fund off-site emissions reductions projects that would provide environmental benefits. In sum, the proposed General Plan and Municipal Code amendments would not result in any new or more severe impacts beyond what was addressed in the General Plan Update FEIR.

Second, the City is not aware of any substantial changes in the circumstances that would cause a new significant impact or substantially increase the severity of a previously identified significant impact requiring major revisions to the General Plan Update EIR (State CEQA Guidelines Section 15162[a][2]). There have been no changes in the environmental conditions in the City of Visalia not contemplated and analyzed in the General Plan Update FEIR that would result in new or substantially more severe environmental impacts.

Third, as documented in Section 3, there is no new information of substantial importance (which was not known or could not have been known at the time of the General Plan adoption in October 2014) related to air resources that identifies: a new significant impact (condition “A” under State CEQA Guidelines Section 15162[a][3]); a substantial increase in the severity of a previously identified significant impact (condition “B” State CEQA Guidelines Section 15162[a][3]); mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects of the General Plan; or mitigation measures or alternatives that are considerably different from those analyzed in the General Plan Update FEIR which would substantially reduce one or more significant effects on the environment (conditions “C” and “D” State CEQA Guidelines Section 15162[a][3]). In conclusion, none of the “new information” conditions listed in the State CEQA Guidelines Section 15162[a][3] are present here to trigger the need for a subsequent or supplemental EIR.

State CEQA Guidelines Section 15164 states that “The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” An addendum to the General Plan Update FEIR is therefore appropriate because, as explained above, none of the conditions calling for preparation of a subsequent EIR have occurred.

References

City of Visalia. 2014. City of Visalia Climate Action Plan.

City of Visalia. 2014. City of Visalia General Plan Update.

City of Visalia. 2014. City of Visalia General Plan Update Draft Environmental Impact Report.

City of Visalia. 2014. City of Visalia General Plan Update Final Environmental Impact Report.