

1.0 EXECUTIVE SUMMARY

1.0.1 INTRODUCTION

This EIR was prepared in accordance with the California Environmental Quality Act (CEQA) and provides an overview of the proposed project and alternatives, identifies the anticipated environmental impacts from the project and the alternatives, and identifies mitigation measures to reduce significant impacts to less than significant.

1.0.2 PROJECT LOCATION AND SETTING

The Riverwalk Marketplace II Project Area is located within the southeastern portion of the San Joaquin Valley (SJV) in Tulare County.

The SJV is part of the Great Valley Geomorphic Province of California and is defined by the Sierra Nevada Mountains in the east (8,000 to 14,000 feet), the Coast Ranges in the west (averaging 3,000 feet), and the Tehachapi Mountains in the south (6,000 to 8,000 feet). The floor of the SJV is filled with alluvial sediments and the geologic structure is characterized by folding and faulting. The climate of the SJV is Mediterranean with moist, cool winters and dry, warm summers.

The eight counties of the San Joaquin Valley contain about 17.5 million acres of land, or about 27,300 square miles. As of 2000, about 5.7 million acres, or approximately 30 percent, were in agricultural production, including about 3.2 million acres classified by the state as “prime farmland.” Approximately 600,000 acres, or about 3 percent, had been urbanized. The remaining 11 million acres were either barren, under water, or covered with something other than agricultural crops or urban use. A large portion of this land consisted of forest and similar land cover in the foothill areas of some of the counties, with a part of that in federal or other public lands.¹

The City of Porterville is situated at the base of the Sierra Nevada Mountains in the south central portion of Tulare County, approximately 70 miles south of Fresno and 50 miles north of Bakersfield. Regional access to the City is provided by State Route 65 and 190, while State Route 99 is located 17 miles to the west of the City.

The City Planning Area contains 36,341 acres of land, of which the incorporated City boundary encompasses 9,161 acres. Of the land in the City’s Planning Area, approximately 21,270 acres (59 percent) are used for agriculture, are considered rural, or used for conservation. Within the City proper, single

¹ Public Policy Institute of California, San Francisco, California, Urban Development Futures of San Joaquin Valley. 2005.

family residential and public/quasi-public uses account for approximately 24 percent and 22 percent of land uses, respectively, with agriculture and rural/conservation uses accounting for 9 percent of land uses. In comparison, commercial (5 percent) and retail shopping (1 percent) uses represent a relatively small percentage of the overall Citywide land use mix. Approximately 17 percent (1,500 acres) of land within the incorporated City boundary is vacant, with no identified use.²

The 21-acre project site is located on the southeast corner of Indiana Street and Springville Drive, immediately northeast of the State Route 190/State Route 65 interchange.

The project site is characterized by vacant and disturbed land containing non-native grasses and weeds. The site is also relatively flat, with a gentle gradient to the west. Rough grading of the project site occurred during the construction of the adjacent Riverwalk Marketplace Phase I project.

1.0.3 PROJECT DESCRIPTION

The project involves the construction and operation of a retail commercial center containing 222,715 square feet of floor space distributed among five building pads. **Table 1.0-1, Summary of Proposed Development**, shows the distribution of the project's square footage amongst the Walmart, the four outlots and Right-of-Way (ROW) dedication.

**Table 1.0-1
Summary of Proposed Development**

Land Use	Gross Land Area (Acres)	Building Size (Square Feet)	Parking Spaces
Walmart	16.92	181,463	911
Pad 12	1.04	9,386	46
Pad 13	1.14	10,995	44
Pad 14	1.84	14,090	96
Outlot A	1.01	6,781	69
ROW Dedication	0.03	-	-
TOTAL	21.98	222,715	1,166 stalls

Source: CEI Engineering Associates, March 2008

² City of Porterville, 2030 General Plan, March 2008.

Proposed Walmart Store

As shown in **Table 1.0-2, Walmart Building Square Footage Breakdown**, the principal building pad will contain a Walmart store totaling 181,463 square feet (188,075 square feet including outdoor garden center). This retail anchor would be constructed on the northern 16.92 acres of the site, which includes 921 parking stalls positioned immediately to the south of the building pad. The Walmart store would include 102,741 square feet of general merchandise sales area, 31,101 square feet of grocery sales area, 12,273 square feet of grocery support area, 5,805 square feet of retail tenant area (which consists of leasable area for a bank and fast food outlet area), 15,705 square feet of stockroom/receiving area, and 13,838 square feet of ancillary area (consisting of support areas such as employee break rooms, management offices, etc.). The project would also include a 6,612 square foot outdoor garden center that, when included with the other uses, would total 188,075 square feet.

**Table 1.0-2
Walmart Building Square Footage Breakdown**

Land Use	Square Footage
General Merchandise Sales Area	102,741
Grocery Sales Area	31,101
Grocery Support Area	12,273
Retail Tenant Area	5,805
Stockroom/Receiving Area	15,705
Ancillary Area	13,838
Total	181,463
Outdoor Garden Center	6,612
Total with Outdoor Garden Center	188,075

Source: CEI Engineering Associates, March 2008

Operational Characteristics

The proposed Walmart store would offer a full-service supermarket, garden center, drive-through pharmacy/medical clinic, optical center, 1-hour photo processing lab, portrait studio, and hair and nail salons. The store will also have two spaces available for lease to a bank and fast food outlet inside the store. The range of products available will include groceries and general retail merchandise including alcohol for off-site consumption, pool chemicals, petroleum products such as motor oils, pesticides, and paint products.

The proposed Walmart store would operate 24 hours a day and require a staff of approximately 300 employees. There will be more than three shifts since some part time associates and full time associates will have flexible working hours through out the week.

Truck deliveries would be received on the north side of the Walmart building. Delivery hours are not limited; however, the anticipated delivery schedule would be as follows:

- Four-axle with transport refrigeration units, two units a day or 13 units a week;
- Four-axle without transport refrigeration units, six units a day or 38 units a week; and
- Two-axle/vendor deliveries, nine units per day or 44 units a week (no deliveries on Wednesday or Sunday).

Remaining Building Pads

The remaining retail pads are located along the perimeter of the project site fronting Vandalia Avenue and Indiana Street. Outlot A is 1.04 acres in size, located along Indiana Street, and programmed for a 6,781-square-foot structure supported by 69 parking stalls. Pad 13 is 1.14 acres in size, located at the corner of Indiana Street and Vandalia Avenue, and programmed for a 10,995-square-foot structure supported by 44 parking stalls. Pad 14 is approximately 1.84 acres, located on the southern boundary of the project site along Vandalia Avenue, and would contain a 14,090-square-foot structure supported by 96 parking stalls. Pad 12 is approximately 1.04 acres in size and programmed for 9,386 square feet of floor space supported by 46 parking stalls. Pad 12 is separated from the other uses on the project site by Vandalia Avenue (refer to **Table 1.0-1** for a summary of proposed development). While no specific tenants have been identified for the outlying pads, future tenants are likely to include convenience restaurants, freestanding fueling stations (would require a Conditional Use Permit (CUP)), bank, sporting goods, or other similar retail or office use consistent with the uses permitted in the Central Commercial zone.

1.0.4 PROPOSED PROJECT IMPACTS

This EIR is focused on those environmental impact categories identified by the City of Porterville as having potentially significant impacts during the notice of preparation, scoping process, and public review period for the Initial Study. Other environmental concerns that were found to have no impact are briefly discussed in **Section 5.0, Environmental Analysis**. Environmental factors are listed by the level of significance of their impacts, both project-specific and cumulative in **Table 1.0-3, Significance of Environmental Issues for the Proposed Project**, as determined in the Initial Study and analyzed in this EIR.

**Table 1.0-3
Significance of Environmental Issues for the Proposed Project**

No Impact	Less than Significant Impact	Less than Significant Impact With Mitigation	Significant Impact
	Energy	Biological Resources	Air Quality
	Fire Protection	Cultural Resources	Noise
	Geology and Soils	Solid Waste Disposal	
	Hydrology and Water Quality	Traffic and Transportation	
	Land Use (Urban Decay)		
	Police Protection		
	Sanitary Sewer		
	Water Supply		

1.0.5 UNAVOIDABLE ADVERSE IMPACTS

The proposed project may result in unavoidable significant impacts to Air Quality and Noise.

Air Quality

Operational emissions would be generated by both stationary and mobile sources as a result of normal day-to-day activity on the project site. Stationary emissions would be generated by the consumption of natural gas for space and water heating devices, the operation of fossil-fueled landscape maintenance equipment, and from the use of consumer products and architectural coatings (for touch-up or repainting). Mobile emissions would be generated by motor vehicles traveling to and from the project site. Daily operational emissions were calculated using the data and methodologies identified in the GAMAQI and the URBEMIS2007 program. Operational emissions of reactive organic gasses (ROG) would exceed the San Joaquin Valley Air Pollution Control District's (SJVAPCD) thresholds of significance and result in a significant air quality impact for this criteria pollutant.

Noise

Due to project traffic, residential land uses would be exposed to noise levels that exceed adopted standards at four locations: along Poplar Avenue between Westwood Street and SR-65, along Poplar Avenue between SR-65 and Jaye Street, along Poplar Avenue between Jaye Street and Plano Street, and along SR-65 between Gibbons Avenue and Olive Street. Residential uses along these four roadway

segments would be exposed to noise levels in excess of that considered acceptable by the Noise Element.³ All though noise level increases at these segments would result in a noise level increase of less that 3 dB(A), which is inaudible to the human ear, when added to an already high noise level it could cause a tipping point of noise problems for the general public. Therefore, noise impacts would be individually and cumulatively significant and unavoidable along these four impacted roadway segments.

1.0.6 MITIGATION MEASURES

A summary of the impacts which include mitigation measures, and residual impacts thereafter is provided in **Table 1.0-4, Summary of Mitigation Measures**.

³ City of Porterville, 2030 General Plan, Chapter 9, "Noise Element,"

**Table 1.0-4
Summary of Mitigation Measures**

Impact	Significance	Mitigation Measure(s)	Level of Significance After Mitigation
Air Quality			
<p>The proposed project would result in short-term construction emissions but would not exceed the thresholds of significance for ROG, NO_x and PM₁₀.</p>	<p>Less than Significant</p>	<p>5.1-1 The proposed project shall include in all construction contracts the measures specified in SJVAPCD Regulation VIII (as it may be amended for application to all construction projects generally) to reduce fugitive dust impacts. These measures include, but are not limited to the following:</p> <ul style="list-style-type: none"> • All disturbed areas, including storage piles, which are not being actively utilized for construction purpose, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover. • All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or a chemical stabilizer/suppressant. • All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing the application of water or by presoaking. • When materials are transported off site, all materials shall be covered, effectively wetted to limit visible dust emissions, or at least 6 inches of freeboard space from the top of the container shall be maintained. • All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.) • Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, storage piles shall be effectively stabilized of fugitive dust emissions by utilizing sufficient water or chemical stabilizer/suppressant 	

Impact	Significance	Mitigation Measure(s)	Level of Significance After Mitigation
Air Quality (continued)			
		<p>5.1-2 Equipment used during grading activities shall include one of the following:</p> <ul style="list-style-type: none"> • Diesel oxidation catalysts or other amendment to achieve a 15 percent reduction in NO_x emissions • An engine tier or three of higher • An engine of year 2006 or newer <p>5.1-3 During all phases of project construction, construction equipment shall be properly maintained in accordance with the manufacturer’s specifications; maintenance shall include proper tuning and timing of engines. Equipment maintenance records and equipment design specification data sheets shall be kept on site during construction and subject to inspection by the SJVAPCD.</p> <p>5.1-4 During all phases of project construction, the developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use.</p> <p>5.1-5 During all phases of project construction, on-site electrical hookups shall be provided for electric construction tools, including saws, drills, and compressors, to eliminate the need for diesel-powered electric generators.</p>	
<p>The proposed project at full buildout would result in operational emissions that would exceed the threshold of significance for ROG and NO_x and result in both a individual and cumulative significant air quality impact.</p>	<p>Significant</p>	<p>5.1-6: The project applicant shall implement the following trip reduction strategies:</p> <ul style="list-style-type: none"> • Provide an on-site transit information center for employees and consumers that contains route and scheduling information about public transit options accessible to the project site; • Provide rideshare and alternative transportation bulletin boards for employees; • Provide a rideshare newsletter and/or flyer for employees; • Adopt an employer policy statement supporting employee ridesharing and alternative transportation; • Provide a ridesharing and alternative transportation orientation program for new employees and/or incorporate ridesharing and alternative transportation as a topic into existing orientation programs for new employees; • Provide or arrange for food service on-site or within one-quarter mile from the project site; 	<p>Significant</p>

Impact	Significance	Mitigation Measure(s)	Level of Significance After Mitigation
Air Quality (continued)			
		<ul style="list-style-type: none"> • Provide an on-site breakroom or kitchenette for employees, including any necessary furnishings and appliances (e.g., tables, chairs, sinks, microwaves, and refrigerators); • Provide an option for eligible employees to request a compressed work week schedule; develop and implement corporate policies that determine eligibility criteria if none exist; and • Provide preferential parking for carpool and vanpool vehicles. 	
Biology			
<p>Implementation of the project during construction-related activities could result in the loss of active nests of native bird species located on or adjacent to the project site, thus conflicting with federal and state laws that protect active nests of native bird species.</p>	<p>Potentially Significant</p>	<p>5.2-1 Within 30 days prior to ground disturbance activities associated with construction or grading that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically March through August in the project region, or as determined by a qualified biologist), the applicant shall have weekly surveys conducted by a qualified biologist to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the disturbance zone or within 300 feet (500 feet for raptors and special status species) of the disturbance zone. The surveys shall continue on a weekly basis with the last survey being conducted no more than seven days prior to initiation of disturbance work. If ground disturbance activities are delayed, then additional pre-disturbance surveys shall be conducted such that no more than seven days will have elapsed between the survey and ground disturbance activities.</p> <p>If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors and special-status species) shall be postponed or halted, at the discretion of the biologist, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests occur. Results of the surveys shall be provided to CDFG in the Annual Mitigation Status Report.</p>	<p>Less than Significant</p>

Impact	Significance	Mitigation Measure(s)	Level of Significance After Mitigation
Cultural Resources			
Potential to uncover archaeological sites that have not been previously identified or disturbed.	Potentially Significant	5.3-1 In the event that cultural resources are unearthed during project subsurface activities, all earth disturbing work within a 200-meter radius must be temporarily suspended or redirected until an archaeologist or paleontologist has evaluated the nature and significance of the find. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the archaeologist or paleontologist. Construction on other parts of the project will be subject to Public Resources Code Section 21083.2(i). After the find has been appropriately mitigated, pursuant to this measure, work in the area may resume.	Less than Significant
Potential to uncover unknown and previously undisturbed historical resources including: archaeological resources, paleontological resources, or Native American remains.	Potentially Significant	In addition to Mitigation Measure 5.3-1 , the following mitigation measure shall be implemented: 5.3-2 If human remains are unearthed, California Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC) The NAHC will then contact the most likely descendant of the deceased Native American, who will then serve as consultant on how to proceed with the remains (e.g., avoid, re-bury).	Less than Significant
Potential exists to uncover unknown and previously undisturbed paleontological resources or a unique geological feature.	Potentially Significant	Mitigation Measure 5.3-1 shall be implemented.	Less than Significant.

Impact	Significance	Mitigation Measure(s)	Level of Significance After Mitigation
Noise			
Construction activity would temporarily expose persons to and/or would generate noise levels in excess of standards established in the 2030 General Plan.	Less than Significant	<p>5.7.1 Prior to issuance of grading permits, the construction contractor(s) shall prepare a construction management plan for review by the City Department of Public Works which identifies the means to be utilized to attenuate construction noise. These measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Place stationary construction equipment as far from noise-sensitive uses as feasible. • All construction equipment shall be equipped with appropriate mufflers in good working condition. <p>5.7-2 Construction activity shall be limited to between the hours of 7:00 AM and 7:00 PM Monday through Saturday. Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted on a sign no smaller than 4 feet by 8 feet at all construction entrances to allow for surrounding property owners to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.</p>	Less than Significant
Traffic and Transportation			
The proposed project would not cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.	Significant	<p>5.10-1 Prior to the issuance of building permits, the project applicant shall provide the City with all transportation-related development fees in accordance with the latest adopted fee schedule.</p> <p>5.10-2 Prior to the issuance of building permits, the project applicant shall provide the City with all transportation-related fair share contribution to the City's Transportation Development Fund for all improvements not covered by the current fee program.</p> <p>5.10-3 The City shall update its Transportation Impact Fee Program and adopt a new fee by March 2012, to include, at a minimum, the following improvements that may be needed to mitigate cumulative traffic impacts if these improvements are not included in the proposed Tulare County Transportation Impact Fee Program, Measure program, or funded by other sources.</p> <p>5.10-4 Main Street & SR-190 Off-Ramp (South) - Installation of a traffic signal.</p>	Less than Significant

Impact	Significance	Mitigation Measure(s)	Level of Significance After Mitigation
Traffic and Transportation (continued)			
		<p>5.10-5 Jaye Street & Poplar Avenue (SR-190) - Addition of one eastbound through lane, one westbound left-turn lane, and one northbound left-turn lane.</p> <p>.10-6 Plano Street & Poplar Avenue (SR-190) - Intersection widening including the addition of one eastbound left-turn lane, one eastbound through lane, and one westbound left-turn lane; one westbound through lane, one northbound left-turn lane; and one northbound through lane, one southbound left-turn lane, and one southbound through lane.</p> <p>5.10-7 SR-65 & Scranton - Intersection widening including addition of one east-bound left-turn lane, one westbound left-turn lane, one northbound through lane and one southbound through lane.</p> <p>5.10-8 Poplar Avenue between SR-65 & Jaye Street - Addition of two lanes.</p> <p>5.10-9 Jaye Street between Montgomery Avenue & Gibbons Avenue - Addition of left-turn lanes.</p>	
Solid Waste Disposal			
Construction and occupancy of the proposed project would generate solid waste that requires collection and disposal, but would not cause a violation of an existing regulation related to solid waste.	Potentially Significant	<p>5.13-1 During construction, the contractor shall separate all project construction debris and construction-related debris into recyclable and non-recyclable items. Recyclable items shall include those materials that have value and can be diverted from landfill disposal. All recyclable debris shall be transported to appropriate recycling facilities to reduce waste disposed of at County landfills.</p> <p>5.13-2 Prior to issuance of grading permits, the project applicant shall submit for review a Construction and Demolition Recycling Plan to the City of Porterville. The plan shall include means to separate recyclable/reusable construction debris. The plan shall include the method the contractor will use to haul recyclable materials and shall include the method and location of material disposal.</p>	Less than Significant

Source: Impact Sciences, Inc., 2009.

1.0.7 ALTERNATIVES TO THE PROPOSED PROJECT

An EIR must briefly describe the rationale for selection and rejection of alternatives. The lead agency may make an initial determination as to which alternatives are feasible, and therefore merit in-depth consideration, and which are infeasible. Alternatives considered include a range of potential projects to meet most of the applicant's objectives while eliminating or reducing significant environmental impacts identified.

Alternatives considered include the following:

No Project Alternative

The *State CEQA Guidelines*⁴ requires the analysis of a "no project" alternative. The guidelines stipulate that in certain instances, the no project alternative means "no build" wherein the existing environmental setting is maintained. However, where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical results of the project's non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment.

The project site is designated as Retail Center on the land use map of the City General Plan, is zoned PD(C)-2 Planned Development, Central Commercial Zone, and is considered the second phase of the Riverwalk Marketplace Phase I development which is located on the adjacent property. That development has installed and made existing road rights of way and other improvements. As discussed in **Section 5.6, Land Use (Urban Decay)**, there is an existing demand for retail goods and services not currently being met in the City, and this site, which offers good visibility from the SR-190, is readily accessible. Given these characteristics, it is assumed that the project site will likely be developed at some time in the near future with a retail commercial center if the project is not approved. Therefore, the "no project" alternative analyzes a "No Project/No Development" alternative as well as a "No Project/Future Development" alternative in which a proposal for some other form of commercial development will almost certainly be submitted in the foreseeable future.

Reduced Density Alternative

A reduced density alternative was considered in which the 21-acre project site would be developed with a total of 179,172 square feet of retail space split among four building pads. The overall site plan would be similar to that of the proposed project and building pads 12 through 14 would remain unchanged in size

⁴ California Code of Regulations, Title 14, Division 6, Chapter 3, *State CEQA Guidelines*, Section 15126.6.

and location. Outlot A would not be developed and would serve as a landscape buffer. This alternative would include the removal of the grocery component of the Walmart anchor, resulting in reduced building space for the Walmart store totaling 144,701 square feet (151,313 square feet with outdoor garden center). The proposed features of this alternative would be the same as the proposed project other than the removal of the grocery component and the corresponding reduction in development density.

Mixed-Use Alternative

The Mixed-Use Alternative would develop the project site with a mixed-use development containing residential and commercial uses. This alternative would develop 270 residential units and approximately 91,500 square feet of commercial uses. The commercial uses would include a Walmart totaling 61,500 square feet and several outlots totaling 30,000 square feet that could be used for small retail tenants or restaurants.

The General Plan land use designation and the Zoning Ordinance limits the site to commercial uses. As such, the Commercial Mixed-Use designation would be inconsistent with local plans, policies and regulations. Nevertheless, the Mixed-Use Alternative was included to illustrate how the 21-acre site could be developed with a combination of residential and commercial uses. The Commercial Mixed-Use land use designation allows a maximum floor area ratio (FAR) of 2.0 and a maximum of 18 residential units per gross acre.⁵ It should be noted that the proposed FAR for this alternative is 0.35, considerably lower than the maximum FAR of 2.0 allowed within the Commercial Mixed-Use land use designation. The lower FAR is required to accommodate both structures and parking for the alternative, without the cost prohibitive use of parking structures.

Alternative Project Location Alternative

The *State CEQA Guidelines*⁶ requires an EIR to describe a range of reasonable alternatives to the project or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen and of the significant effects of the project and to evaluate the comparative merits of the alternatives. This alternative analyzes the development of a 21-acre project site located approximately 1 mile southwest of the project site, at the northwest corner of SR-65 and Scranton Avenue. This alternative would be the same size and design as the proposed project.

⁵ City of Porterville, *2030 General Plan*, "Land Use Element," 29.

⁶ California Code of Regulations, Title 14, Division 6, Chapter 3, *State CEQA Guidelines*, Section 15126.6.