

2.0 INTRODUCTION

2.1 BACKGROUND AND EFFORTS COMPLETED TO DATE

The City of Porterville is the lead agency for the preparation of this environmental impact report (EIR) for the Riverwalk Marketplace Phase II, a proposed commercial project that involves construction and operation of a retail commercial center. The center will contain a Walmart store as the retail anchor. In addition, building pads for other retail uses will be located along the perimeter of the project site fronting Vandalia Avenue and Indiana Street.

The project site was initially included in a draft EIR, the Riverwalk Marketplace Commercial Center, September 2004. This project proposed the construction of a 640,000-square-foot regional shopping center consisting of approximately 24 retail and restaurant facilities on approximately 64 acres. The project description was then changed as a revised development consisting of a 360,000-square-foot regional commercial center anchored by a Lowe's home improvement store on approximately 40 acres, and the Notice of Preparation (NOP) was recirculated as the Riverwalk Marketplace Commercial Center Phase I Project. This resulted in the Riverwalk Marketplace Commercial Center Phase I Project Environmental Impact Report (SCH No. 2004091116, May 2006). The Phase I EIR was certified and the project site developed, and is located adjacent to the Phase II project site. The Riverwalk Marketplace Commercial Center draft EIR included a water supply assessment (WSA). The WSA area of analysis included the proposed project as the development of a 203,000-square-foot Walmart and four additional outlots. Therefore, no additional WSA need be prepared for the project.

The City of Porterville directed and supervised preparation of this revised draft EIR. During the EIR's preparation, many informal meetings and discussions were held with City Planning staff, Department of Public Works staff, and other City agency staff (e.g., the Police, Fire, and Parks Departments).

On September 29, 2008, the City of Porterville circulated the Initial Study/Notice of Preparation (IS/NOP) to responsible agencies, trustee agencies, and regional agencies, along with organizations and interested persons for the required 30-day review period. The project at that time included a 225,580-square-foot commercial center. Subsequent to the release of the NOP, minor modifications to the description of the project were made, which increased the project from 225,580 square feet to 256,471 square feet, and were reviewed by City staff. In order to ensure sufficient opportunity to provide meaningful input on the scope and content of the EIR, the NOP was updated and reissued for a second 30-day review period on November 25, 2008 with a closing date of December 24th, resulting in an extended, 60-day review period in excess of the 30 days required under 15082(b) of the *California Environmental Quality Act (CEQA) Guidelines*. The IS/NOP requested that the agencies, organizations, and others provide the City of

Porterville with specific details about the scope and content of the environmental information to be contained in this draft EIR, as it related to each entity's area of statutory responsibility. The IS/NOP is found in **Appendix 1.0** to this EIR.

Since the November 2008 NOP was circulated the proposed project was reduced in size from 256,471 to 222,715 square feet. As the changes in the project description were incremental, and the overall size reduced, an additional NOP was not required for circulation because the changes would not lead to greater or additional impacts.

The draft EIR was prepared and circulated for a 45-day public review period as required by state law between April 1, 2010, and May 17, 2010. However, the proposed project was reduced from 222,715 to 202,854. As a result, this revised draft EIR has been prepared.

2.2 AREAS OF KNOWN CONTROVERSY

The *State CEQA Guidelines*¹ require that a draft EIR summary identify areas of controversy known to the lead agency, including issues raised by other agencies and the public. In addition, to facilitate local participation, the lead agency held a series of scoping meetings to present the project and to solicit suggestions from the public and other agencies on the scope and content of this draft EIR. The meetings took place at the City of Porterville Library on October 15, 2008, and in City Council Chambers on December 8, 2008. A summary of the comments provided at the scoping meetings is provided below:

**Table 2.0-1
Summary of NOP Comments**

Issue	Comment	Location Addressed
Air Quality	<ul style="list-style-type: none"> Study construction and operational emissions including toxic air contaminants, odors, cumulative impacts to the San Joaquin Valley Air Basin, pre- and post-project emissions, and compliance with all applicable regulations 	Section 5.1, Air Quality
Noise	<ul style="list-style-type: none"> 24-hour operation near residential uses Truck delivery and loading 	Section 5.7, Noise
Traffic and Circulation	<ul style="list-style-type: none"> Address vehicular safety at rail crossings Analyze traffic impacts via a traffic impact study 	Section 5.10, Traffic and Circulation
Economic Impacts	<ul style="list-style-type: none"> Existing businesses close leaving vacant storefronts Don't need another Walmart 	Section 5.6, Land Use (Urban Decay)

¹ California Public Resources Code, Title 14, Division 6, Chapter 3, *State CEQA Guidelines*, Section 15123.

In response to the NOP and scoping meetings, comment letters and other input were received from interested agencies, organizations, and other parties, copies of which are presented in **Appendix 1.0** to this EIR.

2.3 PURPOSE OF AN ENVIRONMENTAL IMPACT REPORT

The EIR is an informational document, which will inform public agency decision makers and the public of the potential for significant environmental effects of a proposed project, identify possible ways to minimize or mitigate the significant effects, and describe reasonable alternatives to the project.² While the information in an EIR does not control the public agency's ultimate discretion on the proposed project, the public agency must respond to each significant effect identified in the EIR by making findings as required under the *State CEQA Guidelines*³ and, if necessary, by making a statement of overriding considerations.

The City of Porterville is the lead agency under CEQA, and is responsible for preparing the EIR for the proposed project. This EIR has been prepared in accordance with the "purpose" and "content" requirements of CEQA, and the *State CEQA Guidelines*.

The standards for adequacy of an EIR, as defined in the *State CEQA Guidelines*, are as follows:⁴

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

This EIR has been prepared in accordance with the above legal standards for adequacy of an EIR under CEQA and the *State CEQA Guidelines*.

2.4 TYPE OF EIR AND LEVEL OF ENVIRONMENTAL REVIEW

CEQA provides a lead agency with the flexibility to prepare multiple types of EIRs, and to employ different procedural means to focus environmental analysis on the issues appropriate for decision at each level of environmental review.⁵ CEQA provides that the "degree of specificity required in an EIR will

² California Public Resources Code, Title 14, Division 6, Chapter 3, *State CEQA Guidelines*, Section 15121(a).

³ California Public Resources Code, Title 14, Division 6, Chapter 3, *State CEQA Guidelines*, Section 15091.

⁴ California Public Resources Code, Title 14, Division 6, Chapter 3, *State CEQA Guidelines*, Section 15151.

⁵ California Public Resources Code, California Environmental Quality Act, Section 21093(a).

correspond to the degree of specificity involved in the underlying activity which is described in the EIR.”⁶

The Riverwalk Marketplace Phase II Project is sufficiently defined in terms of site and infrastructure planning, use mix, and density for the environmental analysis to be conducted at the project level of detail. A project EIR is typically prepared for a specific construction-level project such as a tentative subdivision map, parcel map, conditional use permit, or similar construction-level approvals. A project EIR “should focus primarily on the changes in the environment that would result from the development project ... [and] examine all phases of the project including planning, construction, and operation.”⁷ No further environmental review of individual components would be required unless a subsequent or supplement to an EIR would be required by the *State CEQA Guidelines*.⁸

2.5 EIR FORMAT AND CONTENT

The City of Porterville, in the capacity of lead agency, reviewed the application for the project and prepared an IS to determine the potential for the project to cause a significant effect on the environment. The City included its IS with the NOP. In the IS/NOP, the City determined that the proposed project may have potentially significant effects on several environmental impact categories, including air quality, biological resources, cultural resources, hydrology and water quality, land use (urban decay), public services and utility systems, transportation, and noise.

Based on the results of the IS/NOP and scoping efforts, the following topics will be evaluated in this EIR:

- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hydrology and Water Quality
- Land Use (Urban Decay)
- Noise
- Public Services
- Transportation/Traffic
- Utilities, Service Systems, and Solid Waste Disposal

This EIR is organized into 10 sections. **Section 1.0** summarizes the analysis of potential significant effects and mitigation measures. **Section 2.0** describes the environmental review process. **Section 3.0** contains detailed descriptions of the proposed project, along with a description of the environmental setting in which the project occurs. **Section 4.0** identifies the cumulative impact analysis/methodology. **Section 5.0**

⁶ California Public Resources Code, Title 14, Division 6, Chapter 3, *State CEQA Guidelines*, Section, Section 15146.

⁷ California Public Resources Code, Title 14, Division 6, Chapter 3, *State CEQA Guidelines*, Section, Section 15161.

⁸ California Public Resources Code, Title 14, Division 6, Chapter 3, *State CEQA Guidelines*, Section, Sections 15162 or 15163.

analyzes the existing conditions, project impacts, cumulative impacts, mitigation measures, and unavoidable significant impacts of the proposed project for the environmental impact categories identified above. **Section 6.0** identifies and analyzes project alternatives. **Section 7.0** describes the significant irreversible environmental changes associated with the proposed project. **Section 8.0** identifies the project's growth-inducing impacts. **Section 9.0** provides the list of EIR preparers and a list of the organizations and persons consulted in preparing this EIR. **Section 10.0** contains the list of documents referred to, referenced, or cited in this EIR.

2.6 PUBLIC AND AGENCY REVIEW OF THE DRAFT EIR

The draft EIR is available for review at the following locations:

- City of Porterville
Community Development Department
291 North Main Street
Porterville, California 93257
- Porterville Public Library
41 West Thurman Avenue
Porterville, California 93257
- City of Porterville Web site (<http://www.ci.porterville.ca.us>)

This draft EIR is subject to a 45-day public review period starting from the date of the Notice of Availability. Copies of this draft EIR have been sent to the State Clearinghouse, responsible agencies, agencies that have commented on the NOP, and all other interested parties that have requested notice and copies of the draft EIR.

Interested individuals, organizations, responsible agencies, and other agencies can provide written comments to:

City of Porterville Community Development Department
291 North Main Street
Porterville, California 93257
Attention: City Planner

Your written comments on the draft EIR may also be sent by fax to (559) 781-6437 or by e-mail to planning@ci.porterville.ca.us. Please put "Riverwalk Marketplace Phase II" in the subject line. Agency responses should include the name of a contact person within the commenting agency.

Following the public comment period on the draft EIR, written responses to all comments will be compiled into a final EIR. Public hearing(s) will be held before the City Council, at which time public comments will also be heard. As required by CEQA, responses to comment letters submitted by

responsible public agencies will be distributed for review 10 days prior to consideration of the Final EIR. The City Council will consider the final EIR and vote on whether to certify the EIR. In the event that the City approves the project, the City Council will adopt findings regarding the proposed project's environmental effects after implementation of mitigation measures and the consideration of alternatives.

2.7 INCORPORATION BY REFERENCE

Pertinent documents relating to this EIR have been cited in accordance with Section 15148 of the *State CEQA Guidelines*, which encourages incorporation by reference to reduce redundancy and the length of environmental reports. The following documents, which are available for public review at the City, are hereby incorporated by reference into this EIR. Information contained within these documents has been utilized for this EIR. A synopsis of the scope and content of each of these documents is provided below.

- *Porterville Municipal Code*. The City of Porterville Municipal Code establishes the basic regulations under which land is developed. This includes allowable uses, building setback requirements, and development standards. Pursuant to state law, the City's zoning ordinance must be consistent with its general plan. The basic intent of the City of Porterville Municipal Code is to promote and protect the public health, safety, convenience, and welfare of present and future citizens of the City. The code was utilized in various sections of this EIR, including to identify additional constraints and requirements that govern development.

The site is currently zoned Planned Development (PD). The PD designation is intended for specialized purposes where tracts of land suitable in location, area, and character for the uses and structures proposed are planned and developed on a unified basis. Consideration is given to the orientation of proposed buildings, layout of parking and service areas; site access, landscaping, yards, courts, walls, signs, lighting; and control of noise and other potentially adverse influences to promote protection of residential development, whether proximate or within.

- *Porterville 2030 General Plan adopted March 2008*. The Porterville 2030 General Plan (general plan) is a policy document designed to give long-range guidance for decision making that affects the future character of the Porterville planning area. It represents the official statement of the community's physical development as well as its economic, social, and environmental goals. The general plan was utilized throughout this EIR as the fundamental planning document governing development on the project site. Background information and policy information from the plan are cited in several sections of the EIR.

The general plan designates the project site as Retail Center, which is established for regional shopping centers located at major roadway intersections. Large-format or "big box" retail and auto sales as well as travel-related services, such as hotels and gas stations, are allowed. This designation permits a maximum floor-to-area ratio (FAR) of 0.35.

- *Final Environmental Impact Report, SCH #2006011033, Porterville 2030 General Plan*. The general plan EIR provides basic analysis of the potentially significant effects on the human and natural environment that may occur with buildout of the general plan. The general plan's implementation program incorporates mitigation measures. However, project-specific impacts are assessed at the

application stage. The general plan's program EIR provides a fundamental base for environmental review.

- City of Porterville, Urban Water Management Plan 2007 Update (March 2008). The intent of the Urban Water Management Plan (UWMP) is to assist water supply agencies in water resource planning given their existing and anticipated future demands. The UWMP includes a water supply and demand assessment comparing total water supply available with the total projected water use over a 20-year period. The management plans must be updated every five years.
- City of Porterville, Sewer System Master Plan (February 2001). The Sewer System Master Plan provides the City with a tool for planning its sewer requirements through the year 2015.
- City of Porterville, Water System Master Plan (February 2001). The Water System Master Plan provides the City with a tool for planning its water supply through the year 2015.

To review these documents, please visit the City of Porterville Community Development Department at 291 North Main Street, Porterville, California 93257.