



AGENDA

PLANNING COMMISSION

155 W. DURIAN, COALINGA, CA 93210

TUESDAY OCTOBER 11, 2016

The Mission of the City of Coalinga is to provide for the preservation of the community character by delivering quality, responsive City services, in an efficient and cost-effective manner, and to develop, encourage, and promote a diversified economic base in order to ensure the future financial stability of the City for its citizens.

CALL MEETING TO ORDER (6:00 PM)

Pledge of Allegiance

CHANGES TO THE AGENDA

ROLL CALL

Commissioners:

<i>Chairman Stoppenbrink</i>
<i>Vice Chairman Sailer</i>
<i>Commissioner Jacobs</i>
<i>Commissioner Gonzales</i>
<i>Commissioner Helmar</i>

Staff:

<i>Sean Brewer, Community Development Director</i>
<i>Marissa Trejo, City Manager</i>

PUBLIC COMMENTS

Under Government Code 54954.3 members of the audience may address the Commission on any item of interest to the public or on any agenda item before or during the Commission's consideration of the item. State law prohibits the Planning Commission from acting on non-agenda items.

INFORMATION/CONSENT CALENDAR

1. Approval of the August 23, 2016 Minutes

PUBLIC HEARINGS

1. Approval of a Conditional Use Permit for 702 E. Elm Ave for the Approval of a Beer and Wine License
2. Recommendation to the City Council of a Combined Development Application 16-01 (Westbridge School). Zoning Text Amendment, Certification of an Initial Study and Negative Deceleration, and a Conditional Use Permit
3. CIP 16-01 - Adoption of Planning Commission Resolution No. 016P-007 Recommending to the City Council approval of a Re-zone and General Plan Amendment of four properties in the existing Juniper Ridge Industrial Park; Rezone and General Plan Amendment of the former Claremont Custody Facility property; Adoption of the Commercial Marijuana Operations Permanent Ordinance; and Certification of the Initial Study and Mitigated Negative Declaration and Approval of a Mitigation Monitoring Program

DISCUSSION AND/OR POTENTIAL ACTION ITEMS

DEPARTMENT REPORTS

COMMUNICATIONS

1. Staff Announcements
2. Commissioner Announcements
3. Chairman Announcements

ADJOURN



Staff Report- Chairman and Planning Commission

Subject: Approval of the August 23, 2016 Minutes
Meeting Date October 11, 2016
Project Location:
Applicant:
Owner:
Prepared By: Sean Brewer, Community Development Director

I. RECOMMENDATION:

Approval of the August 23, 2016 Minutes

II. BACKGROUND:

III. PROPOSAL AND ANALYSIS:

IV. FISCAL IMPACT:

V. REASONS FOR RECOMMENDATION:

ATTACHMENTS:

Description

☐ 8-23-2016 Minutes

MINUTES
PLANNING COMMISSION
155 W. Durian, Coalinga, CA 93210
TUESDAY August 23, 2016

CALL MEETING TO ORDER (6.13 PM)

Pledge of Allegiance

CHANGES TO THE AGENDA - None

ROLL CALL

Commissioners: Chairman Stoppenbrink
 Vice Chairman Sailer
 Commissioner Jacobs (Absent)
 Commissioner Gonzales
 Commissioner Helmar

Staff: Sean Brewer, Community Development Director
 Marissa Trejo, City Manager (Did not attend)
 Michael Salvador, Police Chief

Others Present: Wanda Earls, City Clerk (Late)

Mr. Jeff Knowles, AICA, Alta Planning and Design
Mr. Bryan Jones, PE, ICP, Alta Planning and Design

PUBLIC COMMENTS - None

INFORMATION/CONSENT CALENDAR

1. Approval of the August 9, 2016 Minutes

Motion by Sailer, Second by Gonzales to Approve Consent Calendar Item (Minutes of August 9, 2016). Motion Approved by a 4/0 Majority Voice Vote. (Jacobs Absent)

PUBLIC HEARINGS - None

DISCUSSION AND/OR POTENTIAL ACTION ITEMS

1. **Discussion of the 2016 Coalinga Active Transportation Plan**

Mr. Brewer briefly summarized the ATP commenting on the following:

- ATP and what it means for Coalinga
- Improvements which can be made under the ATP
- Trail Master Plan
- Safety Measures

Mr. Brewer introduced Mr. Jeff Knowles and Mr. Bryan Jones Consultants for the ATP.

A PowerPoint Presentation was made depicting the following:

- Trail Master Plan
- Pedestrian Improvements
 - Crosswalk Improvements
 - Sidewalks Improvements
 - School Site Improvements
 - Caltrans Coordination
- Bicycle Facilities Studies and Spot Improvements
 - Shared Use Path
 - Bike Lane
 - Bike Route
 - Bike Lane Restriping
- Bicycle and Pedestrian Collisions 2005 – 2015
- Crosswalk and Sidewalk Improvements
 - Standard Sidewalks
 - High Visibility Sidewalks
 - Yellow High Visibility Crosswalks
 - Advance Yield Lane
- Pedestrian Spot Improvements and Future Studies
 - Curb Ramp Improvements
 - Missing Curb Ramp
 - Pedestrian Refuge Island
- Recommend Trail Facilities
 - WHCCD Administrative Building
 - Path Item 5 (Los Gatos Park area)
- Traffic Collection Date
- Current State Route Travel Lane Configuration and Average Annual Daily Traffic
- Proposed Traffic Configuration

There was discussion on changing from a 4-lane concept from State Route 198 at Polk Street to State Highway 33 from 5th Street to Cambridge Avenue.

The five lane concept was discussed as follows:

- Improvements at Truman Street accommodating improved left and right hand turns
- Five lanes to include the following;
 - Parking
 - Bike Lane Buffer Zone with Zebra Striping

- 11 foot north and south travel lanes
- 10 foot center turn lane

They did sit down with Caltrans.

- Caltrans to possibly move truck lane to Truman
- Pedestrian Refuge Island
- Poso Chanet Bridge only 2 lanes
- 3rd and Cherry kids darting across the street

Moving Forward – who will this benefit the most – elderly, bicyclist, pedestrians, children.

- Speed Kills-one fatality is one too many
- Angles most dangerous
- Caltrans recorded 10K ADT on Elm
- Projection of 12K ADT in 2030
- Elm Avenue is a good candidate for plan

Trails:

- Check in Points on Trail
- On and off Trail?
- Loop trail system
- Off street trails
- Paved or unpaved
- Stripping
- Slower lane for pedestrians
- Shoulder for jogging
- Each trail can be different
- Sports Complex – coordinate with Parks District
- Hard Surface
- Promote transportation side

Schools:

- Safe Routes to School
- Walk to School
- They are working with schools and parents/teachers
- Parent volunteers – crossing guards
- Whole school walks
- Exercise before class important
- Better connected community

Pedestrians:

- Pedestrians recommendations:

- Sidewalks
 - Stripping & crossing
 - Variety of crosswalks
 - Advance yield lane
- Spot Improvements:
 - Curb rises
 - Pedestrian Refuge Island
- Horses - need to explore. Grants?
- Future Studies:
 - Crosswalks
 - Intersection Improvements
 - Bike Parking – Location, location, location
 - Where to put bike racks? Downtown?
 - Inverted U?
 - Bike Racks at front door

Police Chief Salvador indicated he fully supports repurposes.

Traffic Calming:

- Narrow Streets
- Speed Bumps
- Element Spacing

Mr. Brewer said there is funding from RSTP to finish Forest to Thurman.

Administrative Draft Plan (August – September)

Public Draft Plan (October)

Walk to School Day (October)

Community Workshop (October)

Final Draft Plan (November)

Planning Commission Review (December)

City Council Adoption (January)

- Time Frame?
- Priorities in Plan and Grant Applications
- ATP - \$1M – how do we prioritize?
- Time Plan is a few years
- Budgeting and Finance Phase

Elm Avenue would be huge impact for community. They will continue talks with Caltrans. Caltrans surprised we presented it and they were receptive.

Targeted investment:

- Tier 2 Projects
- Packaging Projects

Need Community Support

The Consensus of the Planning Commission is in support of the ATP and recommends referral to the City Council for further direction/action.

DEPARTMENT REPORTS - None

COMMUNICATIONS - None

1. Staff Announcements
2. Commissioner Announcements
3. Chairman Announcements

ADJOURNMENT 6:49 PM

Ken Stoppenbrink, Chairman

Wanda Earls, City Clerk

Date



Staff Report- Chairman and Planning Commission

Subject: Approval of a Conditional Use Permit for 702 E. Elm Ave for the Approval of a Beer and Wine License
Meeting Date October 11, 2016
Project Location: 702 E. Elm Ave, Coalinga, CA 93210
Applicant: Ricardo Mendonca, 6289 S. Clara Ave, Fresno, CA 93706
Owner: Maria C. Mendonca Living Trust (Ricardo Mendonca - Trustee)
Prepared By: Sean Brewer, Community Development Director

I. RECOMMENDATION:

Staff recommends approval of Conditional Use Permit 16-01 by adopting Resolution No. 016P-006 with conditions.

II. BACKGROUND:

On August 30, 2016 the Community Development Department received a Conditional Use Permit application for the sale of alcohol (Beer and Wine Type 20 ABC License) at the Service Station location located at 702 E. Elm Ave. Staff accepted the application on August 31, 2016 and began processing the application for a conditional use permit.

The requirements of a conditional use permit are intended to prevent problems associated with commercial establishments involved in the sale of alcohol for consumption on-site (on-sale) or off-premises (off-sale), and to prevent over-concentration. It has been demonstrated that such establishments can adversely affect nearby commercial and residential uses and can create substantial demands for police services. Therefore, the purpose of the CUP is to establish regulations to govern land uses involved in the dispensing of alcoholic beverages.

III. PROPOSAL AND ANALYSIS:

General Plan/Zoning Consistency: The property located at 702 E. Elm Ave is currently a vacant service station. It is anticipated that once the conditional use permit for the sale of alcohol has been issued the applicant will be submitting their business license application to re-open the Service Station that once existed. The sale of alcohol in the Mixed-Use zoning is permitted subject to a conditional use permit. The issuance of conditional use permit for this use is permitted and consistent with that of the General Plan Land Use Goals and Policies and Zoning Regulations.

Location: 702 E. Elm Ave (Map Attached)

Operations: The sale of alcohol will be within the enclosed services station mini-mart and beer and wine will be the only permitted beverages to be sold on these premises according to the ABC license application. No spirits will be sold at this location. All sales will be monitored by the department of alcoholic beverage control and strictly enforced. This location previously had a beer and wine license and from the City's knowledge did not cause an adverse effect to the surrounding area or cause increased police presents.

Since this permit will be for a service station and not a bar or other establishment that may host special events, it is not anticipated that there will be a need for additional security and noise attenuation. Hours of operation will be limited to those of the service station and conditions will ensure that there is lighting satisfactory to the police department to enhance security.

Surrounding Uses: The project site is located E. Elm Ave, a major aerial street that bisects the City east and west. Elm Ave has a mix of Residential, Public/Semi-Public and Commercial and Mixed Uses along the corridor which is not anticipated to be impacted by the proposed use.

Direction	Use
North	Residential Use – Apartments
South	Commercial – Auto Repair Facility
East	Residential – Apartments
West	Commercial/West Hills College

Staff has determined that there are no land use compatibility and/or transitional concerns related to the placement and approval of this use.

Public Notification

Public hearing notices were sent to all property owners within 300 feet of the site as required by Local and State law.

Environmental Clearance

Staff has determined that this approval is not a project under CEQA as there are no anticipated impacts from the service station selling alcoholic beverages.

IV. FISCAL IMPACT:

None determined at this time.

V. REASONS FOR RECOMMENDATION:

A Conditional Use Permit shall only be granted if the Planning Commission determines that the project as submitted or as modified conforms to all of the following criteria. If the Planning Commission determines that it is not possible to make all of the required findings, the application shall be denied. The specific basis for denial shall be established for the record. Staff feels that these findings have been met and recommend approval of conditional permit 16-01.

General Plan consistency: Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted;

Neighborhood compatibility: The location, size, design, bulk, coverage, density, traffic generation and operating characteristics of the proposed project are consistent with the purposes of the district where it is located, and will not have an adverse effect on the neighborhood and surrounding properties;

Asset for the neighborhood: The nature, use and architectural/design features of the proposed development make it attractive, functional and convenient. The proposed development enhances the successful operation of the surrounding area in its basic community functions, or provides an essential service to the community or region.

ATTACHMENTS:

Description

- ☐ Application Package CUP 16-01
- ☐ Resolution No. 016P-006
- ☐ Project Location Map

CITY OF COALINGA
CONDITIONAL USE PERMIT APPLICATION

CVP 16-01
Application Number

8/30/16
Date

APPLICANT INFORMATION:

Property Owner

Applicants: Ricardo Mendonca & Ram Chandler

Applicant/Property Owner: Maria C. Mendonca Living Trust (Ricardo Mendonca - Trustee)

Mailing Address: 6289 S. Clara Avenue, Fresno, CA 93706

Telephone Number: (559) 779-9229 Assessor Parcel Number: 071-162-065

Property Location: 702 E. Elm Avenue, Coalinga, CA 93210

Legal Description (lot, block, Tracts, etc.)

Please See Attach Form

PROPERTY USE INFORMATION:

Current Zoning: COMMERCIAL PROPERTY

Existing Number of Lots: _____ Proposed Number of Lots: _____ Area of Parcel: _____

Proposed Use: • Convenience Store / Gas Station

• Type 20 Beer and Wine License

(If additional space is required attach separate sheet of paper)

Describe any new structures or improvements associated with use (indicate total square footage of structures).

New Floor, New Paint, New Cooler Doors.

(If additional space is required attach separate sheet of paper)

Describe operational characteristics of use (hours of operation, number of employees, vehicle traffic to and from use, parking requirements, etc.)

Hours of Operation: 6am - 12am

Number of Employees: 2 Ricardo Mendonca (Partner)
Ram Chandler (Partner)

The undersigned applicant has the ability and intention to proceed with the actual construction work in accordance with these plans (as approved) within one year from the date of approval and the applicant understands the this conditional use permit, if granted, becomes null and void and of no effect if the applicant does not commence with the actual construction work in accordance with these plans with one year from the date of approval of this application and diligently proceed to completion. An extension to commence the work at a later date may be granted by the planning commission, upon the written petition of applicant for such extension before the expiration of the one-year period. The applicant understands that the Commission may also establish a deadline date for the completion of said project.

Signature of BOTH the APPLICANT and RECORDED PROPERTY OWNER(S) are required below as applicable.

The forgoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Ricardo Mendonca
Signature of APPLICANT/AGENT

Ricardo Mendonca
Signature of OWNER

Ricardo Mendonca
Name of APPLICANT/AGENT (Please Print)

Ricardo Mendonca - Trustee
Name of OWNER (Please Print)

6289 S. Clara Ave, Fresno, 93706
Mailing Address

6289 S. Clara Ave, Fresno, CA 93706
Mailing Address

779-9279
Telephone Number

779-9279
Telephone Number

exhibit "A"

CITY OF COALINGA

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 20 SOUTH, RANGE 15 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF SECTION 33, DISTANT THEREON SOUTH 0° 15' EAST 1360 FEET FROM THE NORTHWEST CORNER THEREOF; THENCE NORTH 89° 45' EAST 205 FEET; THENCE NORTH 0° 15' WEST 80 FEET; THENCE SOUTH 89° 45' WEST 205 FEET TO A POINT ON SAID WEST LINE; THENCE SOUTH 0° 15' EAST 80 FEET TO THE POINT OF BEGINNING; EXCEPTING THEREFROM ALL OIL, GAS, ASPHALTUM AND OTHER MINERALS AND ALL INTEREST IN THAT PORTION OF SAID LAND WHICH LIES BELOW A DEPTH OF 500 FEET MEASURED VERTICALLY DOWNWARD FROM THE SURFACE OF SAID LAND AS RESERVED BY STANDARD OIL COMPANY IN DEED RECORDED IN BOOK 1764 PAGE 430, OF OFFICIAL RECORDS, AND AS PROVIDED IN RECIPROCAL DEED RECORDED OCTOBER 13, 1966 AS DOCUMENT NO. 73360.

APN: 071-162-06

DESIGNATED AS: COMMERCIAL PROPERTY

LOCATED AT: 702 EAST ELM AVENUE, COALINGA, CALIFORNIA

4
B



2222 Damon Street
Los Angeles, CA 90021
Tel: (213) 417-2341
Fax: (213) 417-2339

RICARDO CORREIA MENDONCA and RAM CHANDER
Sent via email

Date: **AUGUST 29, 2016**
Escrow No.: **16023-AS**

RE: License No. **20-509087**

ALI NAYEF HUSEIN to RICARDO CORREIA MENDONCA and RAM CHANDER

For use in your escrow in this office, we would appreciate you sending the items listed below. Please sign and return as indicated on the documents, **please make a copy for your records.**

SIGN AND RETURN the enclosed items:

One (1) copy of Escrow Instructions dated **6/30/2016** Please initial each page of Escrow Instructions pages 1 – 3, and sign your name on page 4.

Three (3) copies of Notice of Intended Transfer of Liquor License.

One (1) copy of the Finder's Fee and Agreement or Agreement and Authorization To Pay.

Two (2) copies of the 64B request.

One (1) copy of Demand Note.

Two (2) copies of Statement Re: Consideration Deposited in Escrow.

ALONG WITH THE ABOVE DOCUMENTS PLEASE REMIT A CHECK IN THE AMOUNT OF **\$5,300.00** MADE PAYABLE TO **ABC ESCROW** (Escrow Deposit **\$800.00**, Finder's Fees **\$3,500.00**, and Escrow Fee **\$1,000.00**).

All documents should be signed **EXACTLY** as your name(s) appear. Should your name(s) be misspelled, **sign them correctly and advise us in writing when you return these papers.**

Should you have any questions, or require assistance, please do not hesitate to call. Thank you.

Very Truly Yours,

ABC Escrow

Araseli Sanchez

AS



2222 Damon Street
Los Angeles, CA 90021
Tel: (213) 417-2341 • F: (213) 417-2339
www.abcescrow.com

State of California- Department of Business Oversight

**ESCROW INSTRUCTIONS
SALE OF ALCOHOLIC BEVERAGE CONTROL LICENSE**

Date: June 30, 2016
Officer: Araseli Sanchez
Escrow No: 16023-AS

This instruction is given this Thirtieth day of June, 2016, by and between
ALI NAYEF HUSEIN
PREMISE ADDRESS: 5285 S PORTOLA AVE, Del Rey, CA 93616
LIQUOR LICENSE NO: 20-509087
hereinafter known and designated as the SELLER(S), and

RICARDO CORREIA MENDONCA and RAM CHANDER
PREMISE ADDRESS: 702 E. ELM AVE, COALINGA, CA 93210
hereinafter known and designated as the BUYER(S),

The above mentioned liquor license is the subject of this escrow, which Seller owns and agrees to sell and Buyer agrees to purchase from Seller, described as Alcoholic Beverage License: **OFF-SALE BEER AND WINE** License Number **20-509087** to be transferred to Buyer's said premises on the following terms and conditions:

	Terms of Transaction	
1. PURCHASE PRICE	\$	8,000.00
DEPOSIT	\$	800.00
BALANCE DUE	\$	7,200.00

Within thirty (30) days after application has been filed with the Department of Alcoholic Beverage Control, the Buyer agrees to deposit the balance of the purchase price as set out above plus any additional balance of funds due to Escrow Holder. Escrow Holder is instructed to then execute and forward the ABC form 226 to the Department of Alcoholic Beverage Control, indicating that the consideration has been deposited into the escrow.

2. Subject to any precedent requirements, Seller and Buyer shall cause an application to be made for the transfer of the subject license at the proper office or offices of the Department of Alcoholic Beverage Control. Transfer fee to be paid by Buyer.

3. Pursuant to Section 24073 of the Business and Professions Code of the State of California, Seller/Transferor and Buyer/Transferee will cause the Notice of Intended Transfer to be filed for record in the office of the county recorder in the county where the license is located, and provide a copy of said notice, certified by the county recorder, to be deposited with the Department of Alcoholic Beverage Control. The parties hereto authorize and instruct ABC Escrow to execute the Seller's signature on "Notice of Intended Transfer Liquor License" as accommodation to the parties in this escrow.

4. Escrow shall close upon issuance of said license to Buyer by the Department of Alcoholic Beverage Control.

5. The Escrow Holder discloses Craig Block has an affiliated interest in both ABC Escrow, and LiquorLicense.com.

If notified by the Department of Alcoholic Beverage Control that any tax agency under the provisions of Section 24049 of said Act has withheld the transfer and that nothing at the time of such notification is preventing the transfer except the release of such withhold, then the Escrow Holder is authorized and instructed to pay from funds in escrow the amount of taxes claimed due by any such agency and charge the Seller's account without further authorization required for doing so.

Upon notification to Escrow Holder by the Dept. of Alcoholic Beverage Control of approval of the transfer of the license, Escrow Holder shall furnish the Seller with a list of the claims filed in escrow prior to receipt of said notification. Unless Seller notifies Escrow Holder in writing to the contrary within ten (10) days after Escrow Holder have furnished said list, all claims appearing on said list, shall be construed by Escrow Holder as being bonafide and Escrow Holder is authorized and instructed to pay the same in accordance with Section 24074 of the Business & Professions Code of California.

ADDITIONAL INSTRUCTION ATTACHED HERETO AND MADE A PART HEREOF
My initials below represent my agreement and acknowledgment of the foregoing.

Buyers _____

Page 1

Seller _____

Buyer agrees to pay 100% of the escrow fees and costs in this transaction. Further, 100% of the costs of processing claims and the payment of claims by taxing authorities and other creditors will be paid by the Seller as follows:

\$ 25.00 -- for each claim received/entered into escrow.

\$ 75.00 -- for each claim paid through escrow.

\$250.00 -- for notification to claimants of disputed claims.

Seller Initials _____

Escrow Holder is authorized and instructed to disburse from Buyer's funds on deposit any amounts necessary for the payment of expenses which must be paid prior to the close of escrow, including but not limited to: recording fees, and overnight mail services. The parties acknowledge that though such disbursements are made from Buyer's funds on deposit, these payments may be made for the benefit of either the Seller or the Buyer to facilitate the closing of this escrow. These payments are not refundable whether this escrow closes or cancels and all parties acknowledge ABC Escrow shall have no responsibility or liability in connection with the recovery of Buyer's funds should a dispute arise between Buyer and Seller. At the close of escrow, Escrow Holder is authorized to charge the party for whom the expense was incurred and is released from any and all liability in connection with compliance with this instruction.

In addition to the purchase price payable to the Seller for the license, the Buyer is paying a finder's fee through this escrow per the terms of a separate agreement and instruction deposited herewith, a matter which the Seller has no responsibility.

Buyer herein understands that it is Buyer's responsibility to pay the license renewal fee in the amount of \$572.00 or the prevailing rate to the Department of Alcoholic Beverage Control on or before May 31, 2017.

Buyer Initials: _____

BUYER RESERVES THE RIGHT TO NOMINATE A PARTY OTHER THAN HIMSELF AS THE PURCHASER IN THIS ESCROW ON THE SAME TERMS AND CONDITIONS THAT ARE HEREIN PRESCRIBED, AND MAY UNILATERALLY INSTRUCT THE ESCROW HOLDER AS TO SUCH DESIGNATED NOMINEE, IN WHICH EVENT THE ESCROW HOLDER IS HEREBY AUTHORIZED AND INSTRUCTED TO ACCEPT AND ACT UPON SUCH UNILATERAL INSTRUCTIONS AND TO ENTER THE NAME AND THE PREMISE ADDRESS OF SUCH NOMINEE IN THESE INSTRUCTIONS AND ALL DOCUMENTS ATTENDANT HERETO AS REQUIRED TO EFFECT AN APPLICATION FOR PROCESS FOR THE LICENSE TRANSFER AND THE PROCESSING OF THIS ESCROW WITHOUT FURTHER AUTHORIZATION AND INSTRUCTIONS FROM THE SELLER. THE UNDERSIGNED BUYER HEREBY UNDERSTANDS AND ACCEPTS ALL TERMS AND CONDITIONS OF THE ESCROW INSTRUCTIONS.

Escrow Holder is authorized and instructed to take a cancellation fee from funds on deposit as specified in this instruction and the additional cancellation instructions. Escrow Holder will disburse any remaining deposits to the parties specified in the instructions.

Buyer Initials: _____

Seller Initials: _____

THIRD PARTY DEPOSITS: Each party hereto hereby authorizes Escrow to accept deposits from third parties on behalf of either Buyer or Seller. In the event any funds on deposit with Escrow are to be paid to or on behalf of either Buyer or Seller upon termination of an escrow, and any portion of said funds on deposit have been deposited by a third party, the party on whose behalf the funds are to be paid (i.e., Buyer or Seller) shall, as a condition of Escrow's payment of such funds, provide Escrow with a written direction as to the person/entity to which said funds are to be paid, which direction shall be signed by both the party on whose behalf said funds are to be paid and the third party depositor.

Buyer Initials: _____

Seller Initials: _____

ESCROW INSTRUCTIONS: ABC Escrow, may accept Escrow Instructions executed in counterpart as separate originals, regardless of the date of their signing and delivery. Such counterparts together shall be construed as one and the same document. Escrow Agent, Seller, and Purchaser, and each of them, agree that this Agreement, all amendments hereto, notices and communications given in accordance herewith, may be executed in counterpart and transmitted by facsimile, adobe/pdf format or other similar media, each of which shall be deemed an original signed by the transmitting party, the authenticity of which signature(s) shall be deemed to be authenticity represented by the transmission.

GENERAL PROVISIONS: The Parties acknowledge that they have read, understood, and agreed to the General Provision of these Escrow Instructions, and that the Provisions as stated are fully incorporated into these Escrow Instructions. The undersigned state that they have read these instructions and understand and agree to them. Escrow Holders are not authorized to give legal advice. If you desire legal advice, consult your attorney before signing.

ADDITIONAL INSTRUCTION ATTACHED HERETO AND MADE A PART HEREOF
My Initials below represent my agreement and acknowledgment of the foregoing.

Buyers _____

Seller _____

ADDITIONAL ESCROW CONDITIONS AND INSTRUCTIONS - GENERAL PROVISIONS

1. The parties hereby enter into this escrow at ABC Escrow, 2222 Damon Street, Los Angeles, CA 90021, hereafter referred to as Escrow Holder, for the purpose of completing this transaction in accordance with Sections 6101-6107 of the Uniform Commercial Code of California, Section 3440 of the California Civil Code, or such other law as may be applicable to the subject matter of this escrow.
2. No demand, alteration or amendment shall be binding on Escrow Holder unless given in writing, signed by all parties hereto and deposited with Escrow Holder.
3. Should any dispute arise between or among the parties hereto or third parties or should Escrow Holder receive conflicting demands with reference to the escrow, Escrow Holder may, at its option, but without limiting its other rights hereafter set forth, do either of the following.
 - A. Stop all proceedings in the performance of this escrow and withhold delivery of documents or monies in its possession until such dispute or conflicting demands have been resolved and written proof thereof has been deposited in escrow.
 - B. File an interpleader suit in any court of competent jurisdiction. Upon the filing of such suit, Escrow Holder shall be fully released and discharged of and from all obligations and liability in connection with the escrow, and the parties jointly and severally agree to pay Escrow Holder all costs, expenses, charges and actual attorneys' fees expended or incurred by Escrow Holder.
4. In the event Escrow Holder receives from any third party any claim or demand against any party hereto, and such claim or demand is denied or disallowed in whole or in part, Escrow Holder may notify the said claimant of such denial or disallowance and hold the money or documents of the party against whom the claim is made for a period of twenty-five (25) days. Should the claimant fail to cause a levy on the documents, funds, or assets of said party within the time so provided, Escrow Holder may, in its discretion, distribute funds or documents to the party against whom the claim or demand was made, without liability to any person for so doing.
5. The parties authorize Escrow Holder to pay from funds deposited in escrow all charges for publications, recordings, filings, and chattel and security interest searches when incurred. The parties authorize Escrow Holder to pay from funds deposited in escrow at the close thereof, or following notice of cancellation or rescission or following a failure of the parties to comply with the terms of this escrow, all escrow fees, attorneys' fees, or other charges incurred in connection with this escrow. The parties authorize Escrow Holder to pay from funds deposited in escrow costs and expenses incurred in connection with this escrow including, but not limited to, the actual cost of wire transfers, long distance telephone calls, messenger and other delivery fees, postage, and overnight mail, and charges by Escrow Holder in connection with facsimile transmissions, photocopying and other reproductions costs, document preparation, and document change fees in accordance with Escrow Holder's current scheduled rates, which rates are available to the parties upon request.
6. In the event that escrow receives cancellation instructions signed solely by the Buyer or the Seller, the parties agree that should the Escrow Holder not receive additional instructions within 120 days of receiving the initial cancellation instructions, the Escrow Holder shall deem the escrow cancelled and as such shall be authorized and entitled to the collect the escrow fees due for its services and to disburse any remaining deposits in accordance with specified in the instructions.
7. The parties acknowledge that Escrow Holder is a mere stakeholder as contemplated in Section 386.5 of the California Code of Civil Procedure, and Escrow Holder shall not be required to perform any services or duties except the safekeeping of money, instruments, or other documents received by it and the disposition of same in accordance with the written instructions accepted in this escrow. However, without further authorization, Escrow Holder may accept performance from the parties hereto after the time specifically provided for performance has passed.
8. Escrow Holder shall not be liable for any of the following:
 - A. The sufficiency or correctness of form, content, execution or validity, or any instrument deposited in escrow;
 - B. The identity, authority, or right of any person to execute the documents referred to in herein;
 - C. The failure of the parties to comply with these instructions or any agreement or documents filed or referred to herein;
 - D. Any exercise of discretion by Escrow Holder provided such exercise is authorized by these instructions;
 - E. Inadvertent failure of Escrow Holder to comply with these instructions or any agreement or document filed or referred to herein;
 - F. Fraud perpetrated by any person in connection with this escrow;
 - G. Forgeries or false impersonations occurring in connection with this escrow.
9. Each party to this Escrow further warrants that any negotiable instrument ("Instrument") delivered to Escrow by or on behalf of such party ("Delivering Party") shall be honored upon presentation by Escrow. In the event such Instrument is not honored upon presentation, such Delivering Party shall be charged by Escrow a dishonored check fee of \$25.00. Upon any Instrument not being honored upon any second attempt to negotiate such Instrument, Escrow requires such Delivering Party to deliver to Escrow a replacement cashier's check in the amount of the original Instrument, plus the dishonored Instrument fee. In the event a cashier's check is required by Escrow, at its sole discretion, to replace the opening deposit funds, then only a cashier's check will be accepted for payment of all further deposits into Escrow on behalf of such party.
10. The parties jointly and severally promise to indemnify and hold Escrow Holder harmless of and from all costs, charges, damages, claims, judgments, attorneys' fees, expenditures, obligations, expenses and liabilities of every kind and nature which Escrow Holder may incur or sustain in connection with this escrow. Escrow Holder is hereby given a lien upon all of the right, title and interest of all parties hereto in all escrow papers, documents and writings and other property and monies deposited in escrow to secure performance of the promises contained in this paragraph.
11. Except for claims which have been expressly disapproved by the party against whom made, or are subject to specific distribution rules (i.e., Business & Professions Code §24074, and/or paragraph 23 hereof), if the consideration to be received by such party is insufficient to pay in full the claims duly filed in escrow against such party, Escrow Holder may distribute the consideration pro rata to the claimants without further notice to, or authorization from, the parties hereto. Escrow Holder may deduct and pay from any and all monies deposited with it in this escrow the full amount of its costs, charges, expenses and fees prior to the pro rata distribution described hereinabove.
12. Should any paragraph, clause, or provision of this Agreement be construed or interpreted by a court of competent jurisdiction to be void, invalid, or unenforceable, such decision shall affect only the paragraph, clause or provision so construed or interpreted and shall in no event affect the remaining paragraphs, clauses or provisions of these instructions which shall remain valid, subsisting and enforceable.

ADDITIONAL INSTRUCTION ATTACHED HERETO AND MADE A PART HEREOF
My initials below represent my agreement and acknowledgment of the foregoing.

Buyer _____

Page 3

Seller _____

13. Should it become necessary for Escrow Holder to employ an attorney in connection with this escrow for consultation, drafting documents, sending notices or instituting, prosecuting, defending or responding to litigation (whether instituted by the parties, creditors or any third party concerning this escrow), the parties hereto do jointly and severally (a) agree to pay Escrow Holder on demand all attorney's fees and costs so incurred and reasonably determined by Escrow to be incurred (b) authorize Escrow Holder to deduct from any funds deposited with it and pay all attorney's fees and costs so incurred and reasonably determined by Escrow Holder to be incurred, and (c) if such deposited funds are unavailable due to, including but limited to, levy or execution, grant Escrow Holder a superior lien and security interest in and to all deposited funds held by Escrow Holder upon which such levy or execution applies, and which deposited funds Escrow Holder is required to deposit with any levying agency in the amount of all attorney's fees and costs so incurred and reasonably determined by Escrow Holder to be incurred.
14. You are hereby instructed by the parties to pay from the funds deposited in escrow, without notice to Seller, either at the close of escrow or prior to the close of escrow if payment is a condition precedent to the transfer of the Alcoholic Beverage License which is the subject of your escrow, the following claims against or indebtedness of the Seller, to-wit, taxes assessed whether or not designated as a hold against the transfer of the license, including but not limited to, taxes due under the Alcoholic Beverage Tax Law, the Sales and Use Tax Law, the Personal Income Tax Law, or the Bank and Corporation Tax Law, or taxes on unsecured property as defined in Section 134 of the Revenue and Taxation Code, provided such tax liability arose in full or in part out of the conduct of a business licensed by the Department of the Alcoholic Beverage Control. Payments pursuant to the above instructions made from funds deposited in escrow by the Buyer shall be credited upon the purchase price. No notice or further instructions from the parties shall be required by the Escrow Holder to make payments pursuant to the paragraph.
15. With respect to creditors' claims against the Seller, you are instructed as follows:
- A. You may accept creditors' claims until such time as the escrow has been notified by the Department of Alcoholic Beverage Control of its approval of the transfer of the subject license.
 - B. You may accept creditors' claims filed by mail, fax, delivery, overnight mail, or via the internet at www.abcescrow.com or claims@abcescrow.com. You are instructed to pay timely filed creditors' claims pursuant to the provisions of the California Business and Professions Code Sections 24074 and 24074.1, as follows:
 - C. After the requirements for the transfer of the license as provided in Section 24049 of the Business and Professions Code are satisfied, you shall pay out of the purchase price or consideration, the claims of the bonafide creditors of the licensee who file their claims with you before you are notified by the department of its approval of the transfer of the license, or if the purchase price or consideration is not sufficient to pay the claims in full, you shall distribute the consideration as follows:
 - (i) First, to the United States for claims based on income or withholding taxes; and thereafter for claims based on any tax other than specified under Section 24049;
 - (ii) Second, to the payment of claims for wages, salaries, or fringe benefits of employees of the Seller or Transferor earned or accruing prior to the sale, transfer or opening of an escrow for the sale thereof;
 - (iii) Third, to the payment of secured creditors to the extent of the proceeds which arise from the sale of the security;
 - (iv) Fourth, to the payment of claims on mechanics' liens;
 - (v) Fifth, to the payment of escrow fees and the payment of claims for the prevailing brokerage fees for services rendered and claims for reasonable attorneys' fees for services rendered;
 - (vi) Sixth, to the payment of claims for goods sold and delivered to the transferor for resale at this licensed premises and the payment of claims for services rendered, performed or supplied in connection with the operation of the licensed business; and to the payment of claims of a landlord, to the extent of proceeds on past-due rent;
 - (vii) Seventh, to the payment of other claims which have been reduced to court-ordered judgments, including claims for support of a minor child;
 - (viii) Eighth, to the payment of all other claims. The payment of these claims, if sufficient assets are not available for the claim in full, shall be pro rata.
 - D. If the transferor licensee disputes any claim, you shall notify the claimant, and the amount of pro rate amount thereof shall be retained by the Escrow Holder for a period of twenty-five (25) days, and if not attached shall be paid to the transferor licensee. You shall make payment or distribution within a reasonable time after the completion of the transfer of license.

This Escrow Agreement is deemed to have been made in Los Angeles, CA and the place of performance is deemed to occur in Los Angeles, CA. Should any action be brought in connection with this Escrow Agreement, or among or between the parties to this Escrow Agreement pertaining to any matter in connection with this Escrow Agreement, venue is agreed to be proper only in Los Angeles, CA. This Escrow Agreement incorporates and contains the full and final expression of all of the terms of this Agreement, and supersedes all prior and contemporaneous oral understandings or agreements of the parties. This Agreement, and all documents requiring signature in connection with this Escrow Agreement, will be considered signed by a party when the signature of such party is delivered by mail, delivery, facsimile or electronic (i.e., e-mail) transmission. Any such signature transmission shall be treated in all respects as an original signature.

IN WITNESS WHEREOF, the parties have executed this document on _____, 20_____.

BUYER

SELLER

RICARDO CORREIA MENDONCA

ALI NAYEF HUSEIN

RAM CHANDER

RECORDING REQUESTED BY
ABC ESCROW COMPANY

www.abcescrow.com
claims@abcescrow.com

WHEN RECORDED MAIL TO:

NAME
ABC Escrow

MAILING ADDRESS (Street number and name)
2222 Damon Street

CITY STATE ZIP CODE
Los Angeles CA 90021

Escrow No. 16023-AS

DO NOT WRITE IN THE SPACE ABOVE. Government Code
Section 27361.6 reserves space above for exclusive use of County Recorder.

**NOTICE OF INTENDED TRANSFER OF RETAIL ALCOHOLIC BEVERAGE LICENSE UNDER
SECTIONS 24073 AND 24074 CALIFORNIA BUSINESS AND PROFESSIONS CODE**

Read instructions before completing.

1. LICENSEE(S) NAME(S) (Seller)

ALI NAYEF HUSEIN

2. PREMISES ADDRESS TO WHICH LICENSE(S) HAS/HAVE BEEN ISSUED

5285 S PORTOLA AVE, Del Rey, CA 93616

3. LICENSEE'S MAILING ADDRESS (if different)

4. APPLICANT(S) NAME (Transferee or Buyer)

RICARDO CORREIA MENDONCA RAM CHANDER

5. PROPOSED BUSINESS ADDRESS (if different than Item 2)

702 E. ELM AVE, COALINGA, CA 93210

6. MAILING ADDRESS OF APPLICANT

702 E. ELM AVE, COALINGA, CA 93210

7. KIND OF LICENSE INTENDED TO BE TRANSFERRED

OFF-SALE BEER AND WINE License No. 20-509087

8. ESCROW HOLDER/GUARANTOR NAME

ABC Escrow

9. ESCROW HOLDER/GUARANTOR ADDRESS

2222 Damon Street, Los Angeles, CA, 90021

10. TOTAL CONSIDERATION TO BE PAID FOR THE BUSINESS AND LICENSE INCLUDING INVENTORY, WHETHER ACTUAL COST, ESTIMATED COST, OR A NOT-TO-EXCEED AMOUNT

CASH	\$	800.00
DEMAND NOTE		7,200.00
PROMISSORY NOTES		
TANGIBLE AND/OR INTANGIBLE PROPERTY		
TOTAL AMOUNT	\$	8,000.00

The parties agree that the consideration for the transfer of the business and the license(s) is to be paid only after the Department Of Alcoholic Beverage Control has approved the proposed transfer. The parties also agree and herein direct the above-named Escrow Holder to make payment or distribution within a reasonable time after the completion of the transfer of the license as Provided in Section 24074 of the California Business and Professions Code.

LICENSEE'S SIGNATURE (Transferor or Seller) **ALI NAYEF HUSEIN**

DATE SIGNED

APPLICANT'S SIGNATURE (Transferee or Buyer) **RICARDO CORREIA MENDONCA, RAM CHANDER**

DATE SIGNED

One copy of this notice, **CERTIFIED** by the County Recorder, together with an additional copy must accompany the application for the transfer of the license.

ABC-227 Reproduced by SMS (11/99)

State of California, Department of Alcoholic Beverage Control

RECORDING REQUESTED BY

ABC ESCROW COMPANY

www.abcescrow.com

claims@abcescrow.com

WHEN RECORDED MAIL TO:

NAME

ABC Escrow

MAILING ADDRESS (Street number and name)

2222 Damon Street

CITY

Los Angeles

STATE

CA

ZIP CODE

90021

Escrow No. 16023-AS

DO NOT WRITE IN THE SPACE ABOVE.

Government Code

Section 27361.6 reserves space above for exclusive use of County Recorder.

NOTICE OF INTENDED TRANSFER OF RETAIL ALCOHOLIC BEVERAGE LICENSE UNDER SECTIONS 24073 AND 24074 CALIFORNIA BUSINESS AND PROFESSIONS CODE

Read instructions before completing.

1. LICENSEE(S) NAME(S) (Seller)

ALI NAYEF HUSEIN

2. PREMISES ADDRESS TO WHICH LICENSE(S) HAS/HAVE BEEN ISSUED

5285 S PORTOLA AVE, Del Rey, CA 93616

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4. APPLICANT(S) NAME (Transferee or Buyer)

RICARDO CORREIA MENDONCA RAM CHANDER

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702 E. ELM AVE, COALINGA, CA 93210

6. MAILING ADDRESS OF APPLICANT

702 E. ELM AVE, COALINGA, CA 93210

7. KIND OF LICENSE INTENDED TO BE TRANSFERRED

OFF-SALE BEER AND WINE License No. 20-509087

8. ESCROW HOLDER/GUARANTOR NAME

ABC Escrow

9. ESCROW HOLDER/GUARANTOR ADDRESS

2222 Damon Street, Los Angeles, CA, 90021

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CASH

\$

800.00

DEMAND NOTE

7,200.00

PROMISSORY NOTES

TANGIBLE AND/OR INTANGIBLE PROPERTY

TOTAL AMOUNT

\$

8,000.00

The parties agree that the consideration for the transfer of the business and the license(s) is to be paid only after the Department Of Alcoholic Beverage Control has approved the proposed transfer. The parties also agree and herein direct the above-named Escrow Holder to make payment or distribution within a reasonable time after the completion of the transfer of the license as Provided in Section 24074 of the California Business and Professions Code.

LICENSEE'S SIGNATURE (Transferor or Seller) ALI NAYEF HUSEIN

DATE SIGNED

APPLICANT'S SIGNATURE (Transferee or Buyer) RICARDO CORREIA MENDONCA, RAM CHANDER

DATE SIGNED

One copy of this notice, **CERTIFIED** by the County Recorder, together with an additional copy must accompany the application for the transfer of the license.

ABC-227 Reproduced by SMS (11/99)

State of California, Department of Alcoholic Beverage Control

RECORDING REQUESTED BY
ABC ESCROW COMPANY

www.abcescrow.com
claims@abcescrow.com

WHEN RECORDED MAIL TO:

NAME
ABC Escrow

MAILING ADDRESS (Street number and name)
2222 Damon Street

CITY STATE ZIP CODE
Los Angeles CA 90021

Escrow No. 16023-AS

DO NOT WRITE IN THE SPACE ABOVE. Government Code
Section 27361.6 reserves space above for exclusive use of County Recorder.

**NOTICE OF INTENDED TRANSFER OF RETAIL ALCOHOLIC BEVERAGE LICENSE UNDER
SECTIONS 24073 AND 24074 CALIFORNIA BUSINESS AND PROFESSIONS CODE**

Read instructions before completing.

1. LICENSEE(S) NAME(S) (Seller)
ALI NAYEF HUSEIN

2. PREMISES ADDRESS TO WHICH LICENSE(S) HAS/HAVE BEEN ISSUED
5285 S PORTOLA AVE, Del Rey, CA 93616

3. LICENSEE'S MAILING ADDRESS (if different)

4. APPLICANT(S) NAME (Transferee or Buyer)
RICARDO CORREIA MENDONCA RAM CHANDER

5. PROPOSED BUSINESS ADDRESS (if different than Item 2)
702 E. ELM AVE, COALINGA, CA 93210

6. MAILING ADDRESS OF APPLICANT
702 E. ELM AVE, COALINGA, CA 93210

7. KIND OF LICENSE INTENDED TO BE TRANSFERRED
OFF-SALE BEER AND WINE License No. 20-509087

8. ESCROW HOLDER/GUARANTOR NAME
ABC Escrow

9. ESCROW HOLDER/GUARANTOR ADDRESS
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10. TOTAL CONSIDERATION TO BE PAID FOR THE BUSINESS AND LICENSE INCLUDING INVENTORY, WHETHER ACTUAL COST, ESTIMATED COST, OR A NOT-TO-EXCEED AMOUNT	
CASH	\$ 800.00
DEMAND NOTE	7,200.00
PROMISSORY NOTES	
TANGIBLE AND/OR INTANGIBLE PROPERTY	
TOTAL AMOUNT	\$ 8,000.00

The parties agree that the consideration for the transfer of the business and the license(s) is to be paid only after the Department Of Alcoholic Beverage Control has approved the proposed transfer. The parties also agree and herein direct the above-named Escrow Holder to make payment or distribution within a reasonable time after the completion of the transfer of the license as Provided in Section 24074 of the California Business and Professions Code.

LICENSEE'S SIGNATURE (Transferor or Seller) **ALI NAYEF HUSEIN**

DATE SIGNED

APPLICANT'S SIGNATURE (Transferee or Buyer) **RICARDO CORREIA MENDONCA, RAM CHANDER**

DATE SIGNED

One copy of this notice, **CERTIFIED** by the County Recorder, together with an additional copy must accompany the application for the transfer of the license.

ABC-227 Reproduced by SMS (11/99)

State of California, Department of Alcoholic Beverage Control

DO NOT DESTROY THIS NOTE: When paid, it must be surrendered.

DEMAND NOTE

THIS NOTE IS GIVEN AND DEPOSITED IN ESCROW WITH ABC ESCROW TO MEET AND COMPLY WITH THE PROVISIONS OF SECTION 24074 BUSINESS & PROFESSIONS CODE and/or SECTION 6106.4 UNIFORM COMMERCIAL CODE, STATE OF CALIFORNIA, TO THE EXTENT THAT EITHER OR BOTH MAY APPLY IN THE ESCROW FOR WHICH THIS NOTE IS GIVEN.

If the amount hereof, in whole or in part, pursuant to such provisions and/o Rules or Regulations imposed hereunder, is intended to include inventory of stock in trade the precise sum of which is not known at the date hereof, then the amount payable hereunder shall be deemed adjusted up or down by the amount by which said inventory, when known, exceeds or is less than that estimated in determining the face amount hereof.

\$7,200.00

Los Angeles, California

August 29, 2016

ON DEMAND, FOR VALUE RECEIVED, I PROMISE TO PAY TO:

ALI NAYEF HUSEIN

OR ORDER, AT ABC Escrow, 2222 Damon Street , Los Angeles, CA, 90021, through and in accordance with the terms set forth in their Escrow No. 16023-AS, the sum of:

SEVEN THOUSAND TWO HUNDRED AND 00/100 DOLLARS

THIS NOTE SHALL BEAR NO INTEREST IF PAID AS PRESCRIBED, OTHERWISE SHALL BEAR INTEREST ON THE UNPAID AMOUNT AT THE RATE OF SEVEN PERCENT PER ANNUM FROM DATE OF DEFAULT. PRINCIPAL AND INTEREST SHALL BE PAYABLE IN LAWFUL MONEY OF THE UNITED STATES. IF ACTION SHOULD BE INSTITUTED TO ENFORCE PAYMENT OF THIS NOTE, I PROMISE TO PAY SUCH SUM AS THE COURT MAY FIX AS ATTORNEY'S FEES.

RICARDO CORREIA MENDONCA

RAM CHANDER

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

August 29, 2016

Re: Applicant: RICARDO CORREIA MENDONCA and RAM CHANDER
Applicant Premises: 702 E. ELM AVE, COALINGA, CA 93210,
Transferor: ALI NAYEF HUSEIN
Transferor's License No. 20-509087
ABC Escrow Escrow No. 16023-AS

Gentlemen:

This is directed to the Department at the request of the undersigned applicant(s) and transferor(s) that the subject license applied for under the provisions of Section 24044 of the Alcoholic Beverage Control Act be issued pursuant to Rule 64(b) of the Department's Rules, and that notice or advisement thereof be directed to:

ABC Escrow
2222 Damon Street
Los Angeles, CA, 90021

The applicant acknowledge that following the transfer of the license it is his responsibility, as licensee to:

- a. Place the license in use at his approved premises on or before the approved expected completion date of his construction, or such extended date, if any, as the Department, in its discretion, may grant.
- b. Pay to the Department any annual renewal fee when due whether or not he has placed the license in use at said premises.
- c. That in the event he fails, without good cause, to place the license in use as intended a subsequent transfer of the license will be allowed only at the discretion of the department.

In making this petition to have the license issued, the applicant further states that he is fully prepared to effect the completion of this premises and the use of the license not later than the approved expected completion date, or such approved extended date, and agrees that is anything beyond his control prevents him from doing so, he will not enter into any agreement to sell the license for an amount greater than he paid for it.

RICARDO CORREIA MENDONCA

ALI NAYEF HUSEIN

RAM CHANDER

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

August 29, 2016

Re: Applicant: **RICARDO CORREIA MENDONCA and RAM CHANDER**
Applicant Premises: **702 E. ELM AVE, COALINGA, CA 93210,**
Transferor: **ALI NAYEF HUSEIN**
Transferor's License No. **20-509087**
ABC Escrow Escrow No. **16023-AS**

Gentlemen:

This is directed to the Department at the request of the undersigned applicant(s) and transferor(s) that the subject license applied for under the provisions of Section 24044 of the Alcoholic Beverage Control Act be issued pursuant to Rule 64(b) of the Department's Rules, and that notice or advisement thereof be directed to:

ABC Escrow
2222 Damon Street
Los Angeles, CA, 90021

The applicant acknowledge that following the transfer of the license it is his responsibility, as licensee to:

- a. Place the license in use at his approved premises on or before the approved expected completion date of his construction, or such extended date, if any, as the Department, in its discretion, may grant.
- b. Pay to the Department any annual renewal fee when due whether or not he has placed the license in use at said premises.
- c. That in the event he fails, without good cause, to place the license in use as intended a subsequent transfer of the license will be allowed only at the discretion of the department.

In making this petition to have the license issued, the applicant further states that he is fully prepared to effect the completion of this premises and the use of the license not later than the approved expected completion date, or such approved extended date, and agrees that if anything beyond his control prevents him from doing so, he will not enter into any agreement to sell the license for an amount greater than he paid for it.

RICARDO CORREIA MENDONCA

ALI NAYEF HUSEIN

RAM CHANDER

AGREEMENT AND AUTHORIZATION TO PAY

\$3,500.00

Los Angeles, California

August 29, 2016

ON DEMAND AND IN ACCORDANCE WITH THE TERMS HEREINAFTER, FOR VALUE RECEIVED,

I/WE PROMISE TO PAY TO:

LIQUORLICENSE.COM

or order, at Los Angeles, California the sum of:

THREE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS

Principal, together with interest, if any, payable to lawful money of the United States. If action be instituted on this note, promise to pay such sum as the Court may fix as attorney's fees.

This note represents a finders fee payable in connection with the purchase of **OFF-SALE BEER AND WINE** liquor license for use by the undersigned for premises located at **702 E. ELM AVE, COALINGA, CA 93210**, and the funds in payment of this note are payable into **ABC Escrow** Escrow No. **16023-AS** concurrently with the deposit of funds required for the purchase of the said license pursuant to the escrow instructions, and which the Escrow Holder is authorized to disburse to the above payee at such time as Escrow Holder receives signed escrow documents from the Buyer and the Seller.

This note shall bear no interest if paid as prescribed, otherwise shall bear interest from date of default at the rate of ten percent (10%) per annum.

The Escrow Holder is instructed to pay the amount of fee as set forth above to the payee from the funds deposited in escrow without further instruction and without further liability in so doing.

This Agreement is deemed to have been made in Los Angeles, CA and the place of performance is deemed to occur in Los Angeles, CA. Should any action be brought in connection with this Finders Fee and Agreement, venue is agreed to be proper only in Los Angeles, CA. This Finders Fee and Agreement incorporates and contains the full and final expression of all of the terms of this Agreement, and supercedes all prior and contemporaneous understandings or agreements of the parties. This Agreement will be considered signed by a party when the signature of such party is delivered by facsimile or electronic (i.e., e-mail) transmission. Such signature transmission shall be treated in all respects as an original signature.

RICARDO CORREIA MENDONCA

RAM CHANDER

Department of Alcoholic Beverage Control
**STATEMENT RE CONSIDERATION
DEPOSITED IN ESCROW**

State of California

TRANSFEROR

ALI NAYEF HUSEIN

TRANSFEROR'S LICENSE NUMBER

20-509087

SECTION I: APPLICANT'S STATEMENT THAT CONSIDERATION HAS BEEN DEPOSITED IN ESCROW

ESCROW NUMBER NAME AND ADDRESS (Street, number and name, city, state, zip)

ABC Escrow

2222 Damon Street

Los Angeles, CA 90021

APPLICANT NAME AND PREMISES ADDRESS (Street number and name, city, zip)

RICARDO CORREIA MENDONCA and RAM CHANDER

702 E. ELM AVE, COALINGA, CA 93210

The above designated applicant states that he is the intended transferee of a retail license, and submits the following statement pursuant to the provisions of Section 24074.3 of the Alcoholic Beverage Control Act:

I hereby state that the purchase price or consideration, as set forth in the escrow agreement required by Section 24074 of the Alcoholic Beverage Act is deposited with the Escrow Holder named above.

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

Executed at _____, California, this _____ day of _____

APPLICANT(S) SIGNATURE

☒ Applicant(s) hereby instruct(s) the Escrow Holder to transmit this statement to the Department of Alcoholic Beverage Control when the Escrow Holder executes Section II of this document. At that time a copy must also be sent to the transferor.

SECTION II: ESCROW HOLDER'S NOTIFICATION TO THE DEPARTMENT THAT LICENSE MAY TRANSFER

To the Department of Alcoholic Beverage Control:

In connection with the transfer of the Alcoholic Beverage License described above, please be advised that the total consideration set forth in the recorded notice has been deposited in escrow and that all cash required by the escrow instructions to be deposited prior to the close of escrow has in fact been deposited, and/or the Escrow Holder has the unconditional written assurance of a responsible lender that funds will be deposited in escrow forthwith upon issuance of license.

Escrow Holder certifies that disbursement of the consideration provided for in escrow instructions will not establish a preference for any creditor of the transferor except as provided for by Section 24074 of the Alcoholic Beverage Control Act.

ESCROW HOLDER: Mail original and two copies to:
Department of Alcoholic Beverage Control

ESCROW HOLDER SIGNATURE

ESCROW NUMBER

DATE SIGNED

☒

16023-AS

SECTION III: DEPARTMENT'S NOTICE TO ESCROW HOLDER THAT LICENSE HAS TRANSFERRED
(For Department use only)

LICENSE NUMBER

DATE SIGNED

This notice, submitted in fulfillment of the provisions of Section 24074 of the Alcoholic Beverage Control Act will serve to confirm that the transferor's license was transferred as shown above.

LICENSING SUPERVISOR SIGNATURE (Department of Alcoholic Beverage Control)

☒

Department of Alcoholic Beverage Control
**STATEMENT RE CONSIDERATION
DEPOSITED IN ESCROW**

State of California

TRANSFEROR

ALI NAYEF HUSEIN

TRANSFEROR'S LICENSE NUMBER

20-509087

SECTION I: APPLICANT'S STATEMENT THAT CONSIDERATION HAS BEEN DEPOSITED IN ESCROW

ESCROW NUMBER NAME AND ADDRESS (Street, number and name, city, state, zip)

ABC Escrow

2222 Damon Street

Los Angeles, CA 90021

APPLICANT NAME AND PREMISES ADDRESS (Street number and name, city, zip)

RICARDO CORREIA MENDONCA and RAM CHANDER

702 E. ELM AVE, COALINGA, CA 93210

The above designated applicant states that he is the intended transferee of a retail license, and submits the following statement pursuant to the provisions of Section 24074.3 of the Alcoholic Beverage Control Act:

I hereby state that the purchase price or consideration, as set forth in the escrow agreement required by Section 24074 of the Alcoholic Beverage Act is deposited with the Escrow Holder named above.

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

Executed at _____, California, this _____ day of _____
APPLICANT(S) SIGNATURE

X

Applicant(s) hereby instruct(s) the Escrow Holder to transmit this statement to the Department of Alcoholic Beverage Control when the Escrow Holder executes Section II of this document. At that time a copy must also be sent to the transferor.

SECTION II: ESCROW HOLDER'S NOTIFICATION TO THE DEPARTMENT THAT LICENSE MAY TRANSFER

To the Department of Alcoholic Beverage Control:

In connection with the transfer of the Alcoholic Beverage License described above, please be advised that the total consideration set forth in the recorded notice has been deposited in escrow and that all cash required by the escrow instructions to be deposited prior to the close of escrow has in fact been deposited, and/or the Escrow Holder has the unconditional written assurance of a responsible lender that funds will be deposited in escrow forthwith upon issuance of license.

Escrow Holder certifies that disbursement of the consideration provided for in escrow instructions will not establish a preference for any creditor of the transferor except as provided for by Section 24074 of the Alcoholic Beverage Control Act.

ESCROW HOLDER: Mail original and two copies to:
Department of Alcoholic Beverage Control

ESCROW HOLDER SIGNATURE

X

ESCROW NUMBER

16023-AS

DATE SIGNED

SECTION III: DEPARTMENT'S NOTICE TO ESCROW HOLDER THAT LICENSE HAS TRANSFERRED
(For Department use only)

LICENSE NUMBER

DATE SIGNED

This notice, submitted in fulfillment of the provisions of Section 24074 of the Alcoholic Beverage Control Act will serve to confirm that the transferor's license was transferred as shown above.

LICENSING SUPERVISOR SIGNATURE (Department of Alcoholic Beverage Control)

X

RESOLUTION 016P-006

A RESOLUTION OF THE CITY OF COALINGA PLANNING COMMISSION APPROVING WITH CONDITIONS CONDITIONAL USE PERMIT APPLICATION NUMBER 16-01 FOR THE SALE OF ALCOHOL AT THE SERVICE STATION LOCATED AT 702 E. ELM AVE

WHEREAS, the City of Coalinga Community Development Department has received an application for a Conditional Use Permit for the sale of alcoholic beverages located at the service station located at 702 E. Elm Ave; and

WHEREAS, the Planning Commission held the scheduled and noticed public hearing on October 11, 2016 to take testimony with regard to the proposed application, and;

WHEREAS, Public hearing notices were sent to all property owners within 300 feet of the site as required by Local and State law.

WHEREAS, the Planning Commission has determined that this project is not a project under CEQA and requires no further environmental review, and;

WHEREAS, the Planning Commission completed its review of the proposed development and information contained in the staff report and has considered the testimony received during the public meeting process and comments provided via mail, and;

WHEREAS, the Planning Commission has made the following findings based on the development proposal:

General Plan Consistency. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted;

Neighborhood Compatibility. The location, size, design, bulk, coverage, density, traffic generation and operating characteristics of the proposed project are consistent with the purposes of the district where it is located, and will not have an adverse effect on the neighborhood and surrounding properties; and

Asset for the Neighborhood. The nature, use and architectural/design features of the proposed development make it attractive, functional and convenient. The proposed development enhances the successful operation of the surrounding area in its basic community functions, or provides an essential service to the community or region.

~~~~~

NOW THEREFORE BE IT RESOLVED, that the Planning Commission approves the proposed sale of alcohol at the above location with conditions (Exhibit A):

PASSED AND ADOPTED, by the City of Coalinga Planning Commission at a regularly scheduled meeting held on the 11<sup>th</sup> Day of October 2016.

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Planning Commission Chairman/Vice Chairman

ATTEST:

---

City Clerk/Deputy City Clerk

## **Exhibit A**

### **General On-going Procedural and Operational Conditions of Approval – Conditional Use Permit 16-01 (702 E. Elm Ave – Sale of Alcohol)**

**REVISIONS:** Any proposed change to the approved use or activity on the site shall require submittal, review and approval of an additional land use application.

**EXPIRATION:** This approval shall become null and void if all conditions have not been completed and the occupancy or use of the land has not taken place within one (1) year of the effective date of conditional approval.

**PERMITS:** Prior to the sale of alcohol, the applicant shall have a fully functioning service station up and running with an approved business licenses and sign off by the Fire Department and Building Department. At this time the Service Station has remained vacant but it is anticipated that a business licenses application will be submitted shortly to re-open. If the applicant proposes a different use from a service station at this address this Conditional Use Permit will become null and void.

**LICENSES:** Prior to selling alcoholic beverages, the applicant shall obtain the appropriate license from the California State Department of Alcoholic Beverage Control and must follow the conditions of said license at all times.

**CONTINUOUS EFFECT:** All of the conditions of this approval are continuously in effect throughout the operative life of the project for the uses approved. Failure of the property owner, tenant, applicant, developer or any operator to comply with any or all of the conditions at any time may result in a public hearing and revocation of the use provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.

**PROPERTY MAINTENANCE:** The tenant and/or property owner shall continually maintain the property and its infrastructure so that it is visually attractive and not dangerous to the health, safety and general welfare of both its employees, patrons and surrounding properties.

**SIGNAGE:** All signage related to the sale of alcoholic beverages shall be in accordance with temporary sign regulation in the City's planning and zoning code.

**POLICE DEPARTMENT:** Should the Police Department determine that the sale of alcohol at this location has become an excessive burden on police services the Police Department may remedy the situation by recommending to the Planning Commission revoke the Conditional Use Permit.

ADDITIONAL CONDITIONS:

1. The applicant shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul the approval of the project when such claim or action is brought within the time period provided for in applicable state and /or local statutes. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.
2. This use permit shall be subject to revocation by the Planning Commission at such time as any of the following conditions are found to exist:
  - a. Conditions of approval have not been fulfilled;
  - b. The use has resulted in a substantial adverse effect on the health and/or general welfare of users of adjacent or proximate property;  
or
  - c. The use has resulted in a substantial adverse impact on public facilities or services.

## Property Location – 702 E. Elm Ave





## **Staff Report- Chairman and Planning Commission**

**Subject:** Recommendation to the City Council of a Combined Development Application 16-01 (Westbridge School). Zoning Text Amendment, Certification of an Initial Study and Negative Declaration, and a Conditional Use Permit

**Meeting Date** October 11, 2016

**Project Location:** 201 Washington Street, Coalinga, CA 93210

**Applicant:** Rito Gutierrez, 195 W. Elm Ave, Coalinga, CA 93210

**Owner:** Rito Gutierrez, 195 W. Elm Ave, Coalinga, CA 93210

**Prepared By:** Sean Brewer, Community Development Director

---

### **I. RECOMMENDATION:**

Adopt Resolution 016P-008 recommending to the City Council approval of a zoning text amendment, conditional use permit, and certification of an initial study and negative declaration for the proposed conversion of a vacant office structure into a special needs private school located at 201 Washington Street.

### **II. BACKGROUND:**

On June 28, 2016 the City of Coalinga received a combined development application from Rito Gutierrez for the proposed conversion of a vacant office structure into a special needs private school. The following discretionary actions are required by the Planning Commission as part of this application:

- Council recommendation to certify the Initial Study/Negative Declaration;
- Council recommendation to approve a Zoning Ordinance Text Amendment (to allow public and private schools in all Mixed-Use and Commercial zones with a Conditional Use Permit); and
- Council recommendation to approve a Conditional Use Permit.

### **III. PROPOSAL AND ANALYSIS:**

The proposed project site is located at 201 Washington Street in the City of Coalinga (APN 072-053-195) at the intersection of Washington Street and California Street. The project site consists of approximately 0.5-acre and contains a single 6,427-sf office structure that is no longer in use. The site is bordered by Washington Street to the north, California Street to the east, and First Southern Baptist Church to the west. Land uses surrounding the project site include a mix of commercial/mixed-use, institutional/public facilities, and low- to high-density residential uses. State Route (SR) 33/198 exists south and southwest of the project

site within the City of Coalinga.

The proposed project would include the conversion of a vacant law office into a special needs K-12 private school. The project would utilize the existing building and add a perimeter fence around the building. The school's hours of operation would be Monday through Friday, 8:00 AM to 5:00 PM, and student enrollment would be limited to a total of 40 students enrolled in Pre-Kindergarten through 12<sup>th</sup> grades. The proposed project would utilize the on-site building, breaking the existing approximately 9,086 sf of space into 700 sf of office space, 800 sf of storage space, 500 sf for an assembly area, and 4,000 sf for classrooms. The project would be expected to employ a maximum of eight teachers and seven additional support staff members.

The project would continue to use the 22 existing parking lot spaces and 10 existing on-street parking spaces, and the project would use two existing access points off of Washington Street along the site's northern boundary for entry and exit of cars and vans associated with student drop-off and pickup. One access point would serve as entry to one of the two parking areas, while the second access point would provide access to vans for student drop-off, as well as for cars to enter the second parking lot. The proposed Westbridge School would provide door-to-door service to the students, from their homes to the school and back. Students would be dropped off and picked up at the access in the rear of the project site. Vans or other vehicles would not be stored at the site. Based on the proposed parking availability and available on street parking, there will be adequate parking available to accommodate the proposed use.

The existing on-site structure currently receives water, sewer, and storm drainage services from the City of Coalinga and the proposed project would continue to utilize the existing utilities.

#### Zoning Text Amendment and General Plan Consistency

The General Plan currently designates the site as Mixed-Use and the City's zoning designation for the site is Mixed-Use (MX). The zoning text amendment will permit public and private schools in mixed-use and commercial zones subject to a conditional use permit.

The project site's Mixed-Use zoning designation currently allows "Instructional Services," which are defined in the Zoning Ordinance as establishments that offer specialized programs in personal growth and development such as music, vocal, fitness and dancing instruction. The proposed Westbridge School could be classified as an instructional service; however, such an interpretation could lead the City to set a precedent for the zone that may have future unintended implications. Therefore, should the proposed project be approved, concurrent with approval of the project, the City's Zoning Ordinance would be amended to allow public and private schools in all Commercial zoning districts (including Mixed-Use districts) with a Conditional Use Permit.

The Zoning Ordinance Amendment is a simple amendment that will add School, Public and Private, to the Commercial Districts, Table 2.5 Land Use Regulations. Each commercial zoning designation in Table 2.5 will be labeled with "CUP" to denote that a Planning Commission Conditional Use Permit is required.

Based on the Zoning Ordinance Amendment, the proposed project would be required to obtain approval of a Conditional Use Permit for the project, prior to the project being considered for approval by the City. After receiving the Conditional Use Permit, the proposed project would be consistent with the City's Zoning Ordinance. Should the proposed project be approved by the City, including the Conditional Use Permit for the project, the project would then be consistent with both the General Plan and the Zoning Ordinance.

#### **Public Notification**

In accordance with State law and the City's zoning regulations notices were mailed to each property owner

within 300 feet of the boundary of the subject property. The notice was also posted at the project site location, on the City's website, and at 3 public places (Library, City Hall and Chamber of Commerce) since the City does not have paper of general circulation.

## **Environmental Clearance**

The Community Development Director has determined that the proposed zoning text amendment and conditional use permit is a project under the California Environmental Quality Act (CEQA) and requires additional environmental review. Staff prepared an initial study and determined that there would not be a significant impact to the environment by proposing the zoning text amendment as well as the proposed project under a conditional use permit. Therefore, a negative declaration was drafted and circulated. Staff prepared a notice of intent (NOI) to adopt a negative declaration and circulated the NOI along with a notice of public hearing so that the public could comment on the draft environmental document. The 30-day public comment period on this Initial Study/Mitigated Negative Declaration began on **September 1, 2016** and ended on **October 3, 2016**. Since the drafting of this staff report, staff has not received any comments.

## **IV. FISCAL IMPACT:**

None determined at this time.

## **V. REASONS FOR RECOMMENDATION:**

The following standard findings must be made for each Zone Change. Specific findings may also be required by the decision-making body on a case-by-case basis.

### **1. The potential effects of the proposed Zoning Text Amendment and Conditional Use Permit have been evaluated and have been determined not to be detrimental to the public health, safety, or welfare of the City.**

Approval of the proposed zoning text amendment will not create conditions materially detrimental to public health, safety and general welfare in that the proposed change will not result in a substantial change to existing physical environment, will not result in the loss of existing wildlife habitat, nor will it have an effect on the conditions of the existing surrounding neighborhood. The site was developed and operated as an office for several years which has similar characteristics as a private school setting.

### **2. The proposed Zoning Amendment and Conditional Use Permit internally consistent and compatible with the goals, policies, and actions of the General Plan.**

The zoning text amendment will allow the use of the property as a private school. Residential and commercial properties exist adjacent to the site, and these uses are compatible. Further, the commercial land use and underlying zoning will allow for public and private schools through a Conditional Use Permit process which require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. The process for review of Conditional Use Permit applications is designed to evaluate possible adverse impacts and to minimize them where possible through the imposition of specific conditions.

### **3. If applicable, the site is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses/developments.**

The new land use designation is suitable and appropriate for the subject property, as the Mixed-Use (MX) land use designation allows for various commercial land uses which, through zoning regulation, are suitable land uses with the surrounding area. Future school siting will be analyzed on a case-by-case basis through the conditional use process to ensure that any future public/private school does not impact the surround area.

**4. The proposed zoning text amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.**

The proposed zoning text amendment and conditional use permit were anylized under CEQA and an initial study and negative declaration (IS/ND) was prepared to look at all possible impacts. No significant impacts were anticipated and once the Council certifies the IS/ND staff will file a notice of determination.

**ATTACHMENTS:**

| Description              |                                |
|--------------------------|--------------------------------|
| <input type="checkbox"/> | IS-ND Westbridge School (CEQA) |
| <input type="checkbox"/> | Westbridge NOC                 |
| <input type="checkbox"/> | Westbridge NOI                 |
| <input type="checkbox"/> | Elevations                     |
| <input type="checkbox"/> | Application Package CDA 16-02  |
| <input type="checkbox"/> | Project Location Map           |
| <input type="checkbox"/> | Resolution 016P-008            |

# Initial Study/Negative Declaration

## Westbridge School

Prepared for  
the City of Coalinga



September 2016

Prepared by



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## INITIAL STUDY / NEGATIVE DECLARATION

### A. BACKGROUND

1. Project Title: Westbridge School
2. Lead Agency Name and Address: City of Coalinga  
155 West Durian Avenue  
Coalinga, CA 93210
3. Contact Person and Phone Number: Sean Brewer  
Community Development Director  
(559) 935-1533
4. Project Location: 201 Washington Street  
Coalinga, CA 93210  
Assessor's Parcel Number (APN) 072-053-195
5. Project Sponsor: Rito Gutierrez  
Gutierrez Properties, LLC  
195 West Elm Avenue  
Coalinga, CA 93210
6. Existing General Plan Designation: Mixed-Use
7. Existing Zoning Designation: Mixed-Use (MX)
8. Project Description Summary:

The proposed project site is located at 201 Washington Street in the City of Coalinga. The project site is approximately 0.5-acre and contains a single, 6,427-square-foot (sf) office structure that is no longer in use. The proposed project would include the conversion of the vacant office structure into a special needs private school (Westbridge School). The project would utilize the existing on-site building and a perimeter fence would be constructed around the building. The school's hours of operation would be Monday through Friday, 8:00 AM to 5:00 PM and student enrollment would be limited to a total of 40 students enrolled in Pre-Kindergarten through 12<sup>th</sup> grades. The project would utilize the building as follows: 700 sf of office space, 800 sf of storage space, 500 sf for an assembly area, and 4,000 sf for classrooms. The project would utilize the 22 existing parking lot spaces and 10 existing on-street parking spaces. The project would be expected to employ a maximum of eight teachers and seven additional support staff members.

The current Coalinga General Plan land use designation for the site is Mixed-Use and the site is also zoned by the City of Coalinga as Mixed-Use (MX). The proposed project requires approval of a Zoning Ordinance Text Amendment to allow public and private schools in Mixed-Use and Commercial zones with a Conditional Use Permit, as well as a Conditional Use Permit for the proposed school facility.

## B. SOURCES

All technical reports and modeling results prepared for the project analysis are available upon request at Coalinga City Hall, located at 155 West Durian Avenue in the City of Coalinga. The following documents are referenced information sources utilized by this analysis:

1. California Environmental Protection Agency, California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective*. Published April 2005.
2. City of Coalinga. *City of Coalinga General Plan 2005-2025*. June 2009.
3. City of Coalinga. *City of Coalinga Housing Element 2015-2023 Initial Study/Mitigated Negative Declaration*. December 2015.
4. City of Coalinga. *Coalinga Municipal Airport Master Plan*. May 2007.
5. City of Coalinga. *Coalinga Municipal Code*. Accessible at [https://www.municode.com/library/ca/coalinga/codes/code\\_of\\_ordinances](https://www.municode.com/library/ca/coalinga/codes/code_of_ordinances). July 29, 2016 (most recent revision).
6. City of Coalinga. *Final Master Environmental Impact Report for the City of Coalinga 2025 General Plan Update*. May 2009.
7. Federal Emergency Management Agency, National Flood Insurance Program. *Flood Insurance Rate Map Number 06019C3213H*. Effective February 18, 2009.
8. Institute of Transportation Engineers. *Trip Generation Handbook – 9<sup>th</sup> Edition*. September 2012.
9. San Joaquin Valley Air Pollution Control District. *Small Project Analysis Level*. June 2012.
10. State of California, Natural Resources Agency, Department of Conservation. *Fresno County Important Farmland*. 2014.

### **C. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is “Less Than Significant With Mitigation Incorporated” as indicated by the checklist on the following pages.

- |                                                        |                                                                    |                                                                    |
|--------------------------------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------------|
| <input type="checkbox"/> <b>Aesthetics</b>             | <input type="checkbox"/> <b>Agriculture and Forestry Resources</b> | <input type="checkbox"/> <b>Air Quality</b>                        |
| <input type="checkbox"/> <b>Biological Resources</b>   | <input type="checkbox"/> <b>Cultural Resources</b>                 | <input type="checkbox"/> <b>Greenhouse Gas Emissions</b>           |
| <input type="checkbox"/> <b>Geology and Soils</b>      | <input type="checkbox"/> <b>Hazards and Hazardous Materials</b>    | <input type="checkbox"/> <b>Hydrology and Water Quality</b>        |
| <input type="checkbox"/> <b>Land Use and Planning</b>  | <input type="checkbox"/> <b>Mineral Resources</b>                  | <input type="checkbox"/> <b>Noise</b>                              |
| <input type="checkbox"/> <b>Population and Housing</b> | <input type="checkbox"/> <b>Public Services</b>                    | <input type="checkbox"/> <b>Recreation</b>                         |
| <input type="checkbox"/> <b>Transportation/Traffic</b> | <input type="checkbox"/> <b>Utilities and Service Systems</b>      | <input type="checkbox"/> <b>Mandatory Findings of Significance</b> |
| <input checked="" type="checkbox"/> <b>None</b>        |                                                                    |                                                                    |

**D. DETERMINATION**

On the basis of this Initial Study:

- ☒ I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the applicant. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
Signature

Sean Brewer, Community Development Director  
Printed Name

\_\_\_\_\_  
Date

City of Coalinga  
For

## **E. BACKGROUND AND INTRODUCTION**

This Initial Study/Negative Declaration (IS/ND) provides an environmental analysis pursuant to the California Environmental Quality Act (CEQA) for the proposed project. The applicant has submitted this application to the City of Coalinga, which is the Lead Agency for the purposes of CEQA review. The IS/ND contains an analysis of the environmental effects of construction and operation of the proposed project.

In June 2009, the City of Coalinga adopted the City of Coalinga 2025 General Plan Update (General Plan) and the Final Master Environmental Impact Report for the City of Coalinga 2025 General Plan Update (General Plan Master EIR). The General Plan Master EIR was a program-level EIR, prepared pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000 *et seq.*). The General Plan Master EIR analyzed full implementation of the General Plan and identified measures to mitigate the significant adverse project and cumulative impacts associated with the General Plan. Pursuant to CEQA Guidelines Section 15150(a), the General Plan and General Plan Master EIR are incorporated by reference. Both documents are available at the City of Coalinga Community Development Department, 155 West Durian Avenue, Coalinga, CA 93210.

The impact discussions for each section of this IS/ND have been largely based on information contained in the General Plan and the General Plan Master EIR.

## **F. PROJECT DESCRIPTION**

The following section includes a description of the project's location and surrounding land uses, as well as a discussion of the project components and discretionary actions requested of the City of Coalinga by the project.

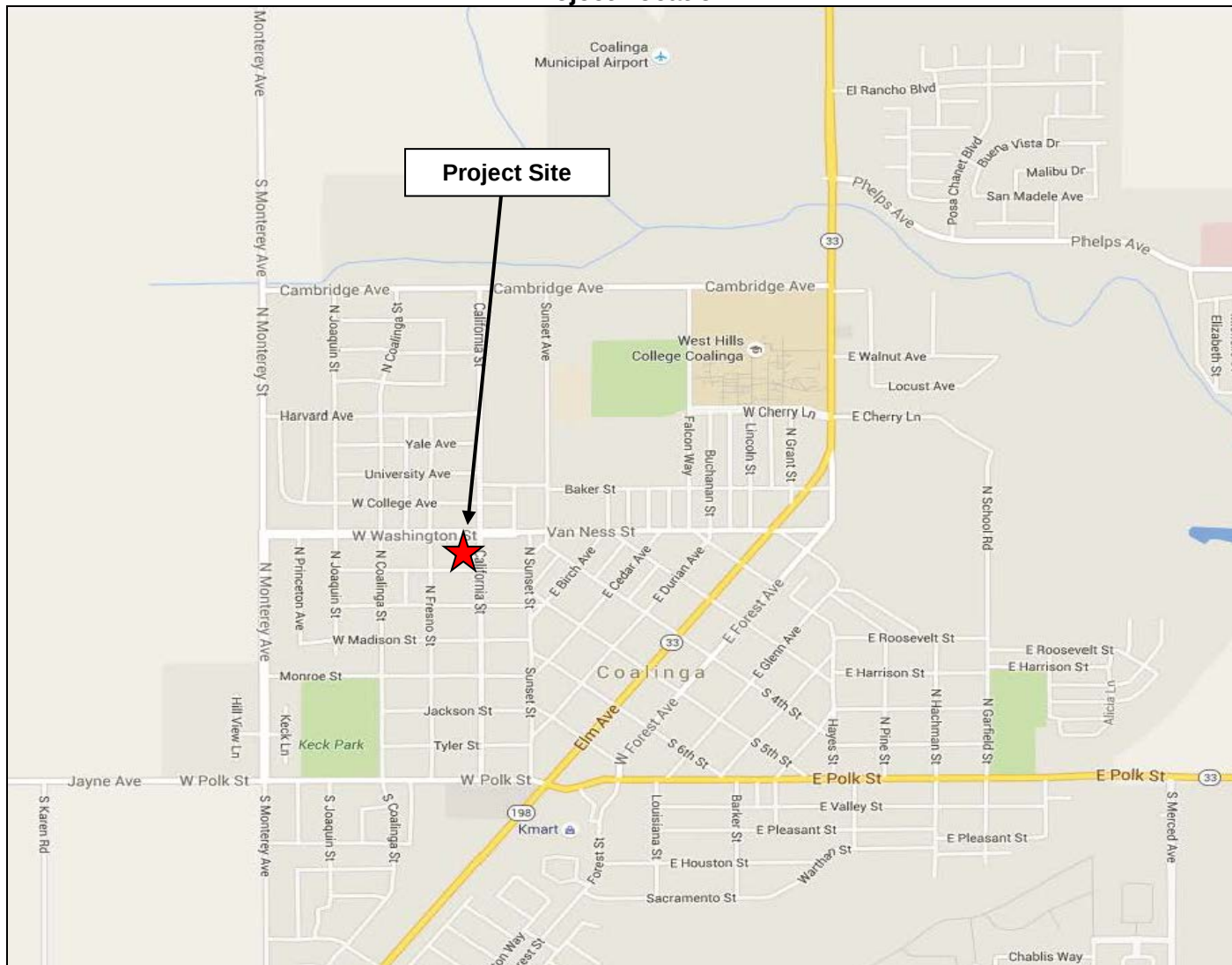
### **Project Location and Surrounding Land Uses**

The proposed project site is located at 201 Washington Street in the City of Coalinga (APN 072-053-195) at the intersection of Washington Street and California Street (see Figure 1). The project site consists of approximately 0.5-acre and contains a single 6,427-sf office structure that is no longer in use. The site is bordered by Washington Street to the north, California Street to the east, and First Southern Baptist Church to the west (see Figure 2). Land uses surrounding the project site include a mix of commercial/mixed-use, institutional/public facilities, and low- to high-density residential uses. State Route (SR) 33/198 exists south and southwest of the project site within the City of Coalinga.

### **Project Components**

The proposed project would include the conversion of a vacant law office into a special needs K-12 private school. The project would utilize the existing building and add a perimeter fence around the building. The school's hours of operation would be Monday through Friday, 8:00 AM to 5:00 PM, and student enrollment would be limited to a total of 40 students enrolled in Pre-Kindergarten through 12<sup>th</sup> grades. The proposed project would utilize the on-site building, breaking the existing approximately 9,086 sf of space into 700 sf of office space, 800 sf of storage space, 500 sf for an assembly area, and 4,000 sf for classrooms. The project would be expected to employ a maximum of eight teachers and seven additional support staff members.

### Figure 1 Project Location



**Figure 2**  
**Project Site Boundaries**



The project would continue to use the 22 existing parking lot spaces and 10 existing on-street parking spaces, and the project would use two existing access points off of Washington Street along the site's northern boundary for entry and exit of cars and vans associated with student drop-off and pickup. One access point would serve as entry to one of the two parking areas, while the second access point would provide access to vans for student drop-off, as well as for cars to enter the second parking lot. The proposed Westbridge School would provide door-to-door service to the students, from their homes to the school and back. Students would be dropped off and picked up at the access in the rear of the project site. Vans or other vehicles would not be stored at the site.

The existing on-site structure currently receives water, sewer, and storm drainage services from the City of Coalinga and the proposed project would continue to utilize the existing utilities.

The General Plan currently designates the site as Mixed-Use and the City's zoning designation for the site is Mixed-Use (MX). The proposed project requires approval of a Zoning Ordinance Text Amendment to allow public and private schools in Mixed-Use and Commercial zones with a Conditional Use Permit, as well as a Conditional Use Permit for the proposed school facility.

### **Discretionary Actions**

Implementation of the proposed project would require the following discretionary actions by the City of Coalinga:

- Adoption of the Initial Study/Negative Declaration;
- Approval of a Zoning Ordinance Text Amendment (to allow public and private schools in all Mixed-Use and Commercial zones with a Conditional Use Permit); and
- Approval of a Conditional Use Permit.

## G. ENVIRONMENTAL CHECKLIST

The following checklist contains the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the proposed project. A discussion follows each environmental issue area identified in the checklist. Included in each discussion are project-specific mitigation measures required, where necessary, as part of the proposed project.

For this checklist, the following designations are used:

**Potentially Significant Impact:** An impact that could be significant, and for which mitigation has not been identified. If any potentially significant impacts are identified, an EIR must be prepared.

**Less Than Significant With Mitigation Incorporated:** An impact that requires mitigation to reduce the impact to a less-than-significant level.

**Less-Than-Significant Impact:** Any impact that would not be considered significant under CEQA relative to existing standards.

**No Impact:** The project would not have any impact.

| Issues                                                                                                                                                   | Potentially<br>Significant<br>Impact | Less-Than-<br>Significant<br>With<br>Mitigation<br>Incorporated | Less-Than-<br>Significant<br>Impact | No<br>Impact             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------------------------------------------------------------|-------------------------------------|--------------------------|
| <b>I. AESTHETICS.</b>                                                                                                                                    |                                      |                                                                 |                                     |                          |
| <i>Would the project:</i>                                                                                                                                |                                      |                                                                 |                                     |                          |
| a. Have a substantial adverse effect on a scenic vista?                                                                                                  | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway? | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| c. Substantially degrade the existing visual character or quality of the site and its surroundings?                                                      | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| d. Create a new source of substantial light or glare which would adversely affect day or night-time views in the area?                                   | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |

### **Discussion**

- a-c. A substantial adverse impact to a scenic vista would occur if implementation of the proposed project would significantly degrade the scenic landscape as viewed from public roads or, in particular, City-designated scenic roadways, or from other public areas. The California Scenic Highway Mapping System indicates that officially-designated State scenic highways are not located within or in the vicinity of the City of Coalinga.

The previously-developed project site is located within an entirely developed, urbanized area of the City. The proposed project, which would result in conversion of an existing office structure to a private school use, would not include any new development on the project site; therefore the project would not result in any impacts related to degradation of the existing visual character or quality of the site and the site's surroundings. The proposed project would include a perimeter fence around the project site. The perimeter fence would be consistent with the existing visual character in the vicinity of the project site, as the high school and some residences within view of the project site currently have fencing surrounding them.

The General Plan does not designate the proposed project site as a scenic vista, nor does the project site contain trees, rock outcroppings, or historic buildings visible from a State-designated scenic highway. Because the proposed project site is not designated as a scenic vista and the site does not include any views of scenic vistas, the site is not located in the vicinity of a designated scenic roadway, and the project would not result in degradation of the existing visual character or quality of the site and the site's surroundings, the proposed project would result in a **less-than-significant** impact to scenic resources within a State scenic highway or scenic vistas.

- d. According to Implementation Measure LU1-1.11 of the General Plan, the City of Coalinga has been required to develop guidelines for the preparation of lighting plans, and in order to minimize light trespass and greater overall light levels in the City, new development and projects making significant parking lot improvements or proposing new lighting are required to prepare a lighting plan for review by City planning staff.

The proposed project would consist of conversion of an existing, on-site vacant office structure into a special needs private school. The project would utilize the existing on-site building for 700 sf of office space, 800 sf of storage space, 500 sf of assembly area, and 4,000 sf of classrooms. The project would not include construction of any new development, including any new sources of light or glare from the site. The proposed school would operate during daytime hours only and additional light would not be projected from the site toward any of the surrounding residential sensitive receptors during nighttime hours. Therefore, overall, the project would result in a ***less-than-significant*** impact related to the creation of new sources of light and glare.

| Issues                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Potentially<br>Significant<br>Impact | Less-Than-<br>Significant<br>With<br>Mitigation<br>Incorporated | Less-<br>Than-<br>Significant<br>Impact | No<br>Impact |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------------------------------------------------------------|-----------------------------------------|--------------|
| <b>II. AGRICULTURE RESOURCES.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                      |                                                                 |                                         |              |
| <i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</i> |                                      |                                                                 |                                         |              |
| a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping Program of the California Resources Agency, to non-agricultural use?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>                | ✗            |
| b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>                | ✗            |
| c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>                | ✗            |
| d. Result in the loss of forest land or conversion of forest land to non-forest use?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>                | ✗            |
| e. Involve other changes in the existing environment which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>                | ✗            |

## **Discussion**

- a,e. The proposed project site is designated as “Urban and Built-Up Land” by the Coalinga General Plan (Figure 3-1, Important Farmland). In addition, the project site is designated “Urban and Built-Up Land” on the Fresno County Important Farmland Map (2014) published by the Department of Conservation. Furthermore, the project site is currently developed with an existing office structure and associated parking lot. The project site does not contain any land designated as Prime or Unique Farmland, or Farmland of Statewide Importance. Because the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses or involve changes which could cumulatively result in loss of Farmland, ***no impact*** would occur.
- b. The proposed project site is currently zoned Mixed-Use (MX), which allows for areas for either horizontal or vertical mixed-use development consisting of commercial, service, office, and residential uses. The project site is currently developed with an existing office structure and associated parking lot. Consequently, the project would not conflict with any agricultural use zoning for the project site. Additionally, the site is not under a Williamson Act contract. The site is not surrounded by any agricultural land or lands zoned for agricultural uses. Completion of the proposed project would not conflict with existing zoning for agricultural uses and would not conflict with a Williamson Act contract. Therefore, ***no impact*** would occur.
- c,d. The project site is not considered forest land (as defined in Public Resources Code section 12220[g]) or timberland (as defined by Public Resources Code section 4526), and the site is not zoned Timberland Production (as defined by Government Code section 51104[g]). Therefore, the proposed project would have ***no impact*** with regard to conversion of forest land or potential conflict with forest land, timberland, or Timberland Production zoning.

| Issues                                                                                                                                                                                                                                                                                      | Potentially Significant Impact | Less-Than-Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|--------------------------|
| <b>III. AIR QUALITY.</b>                                                                                                                                                                                                                                                                    |                                |                                                    |                              |                          |
| <i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</i>                                                                        |                                |                                                    |                              |                          |
| a. Conflict with or obstruct implementation of the applicable air quality plan?                                                                                                                                                                                                             | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?                                                                                                                                                                          | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| d. Expose sensitive receptors to substantial pollutant concentrations?                                                                                                                                                                                                                      | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| e. Create objectionable odors affecting a substantial number of people?                                                                                                                                                                                                                     | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |

### **Discussion**

a-c. The City of Coalinga is located in the San Joaquin Valley Air Basin (SJVAB). The SJVAB is under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD), which regulates air quality in the southern portion of the Central Valley. The SJVAB area is currently designated as a non-attainment area for the State and federal ozone, State and federal particulate matter 2.5 microns in diameter (PM<sub>2.5</sub>), and State particulate matter 10 microns in diameter (PM<sub>10</sub>) standards. The SJVAB is designated attainment or unclassified for all other ambient air quality standards (AAQS). It should be noted that although the U.S. Environmental Protection Agency (EPA) revoked their 1-hour ozone standard in 2005, the SJVAB has still been considered in non-attainment and subject to related penalties. However, on February 11, 2016, the California Air Resources Board (CARB) submitted a request to the EPA to make findings necessary to determine the SJVAB is in attainment of the federal 1-hour ozone standard. The SJVAPCD anticipates a final ruling to be reached by the end of 2016.

In compliance with regulations, due to the non-attainment designations of the area, the SJVAPCD periodically prepares and updates air quality plans that provide emission reduction strategies to achieve attainment of the AAQS, including control strategies to reduce air pollutant emissions through regulations, incentive programs, public education, and partnerships with other agencies. The most recent ozone plan is the 2016 Ozone Plan for the 2008 8-Hour Ozone Standard, which was adopted by the SJVAPCD on

June 16, 2016. The CARB subsequently conducted a public meeting to consider approval of the 2016 Ozone Plan for the 2008 8-Hour Ozone Standard. If approved, the CARB will submit the plan to the EPA as a revision to the State's Implementation Plan. Additionally, the most recent federal attainment plan for PM is the 2015 Plan for the 1997 PM<sub>2.5</sub> Standard, which was approved by the District Governing Board on April 16, 2015.

The aforementioned air quality plans contain mobile source controls, stationary source controls, and transportation control measures (TCMs) to be implemented in the region to attain the State and federal standards within the SJVAB. Adopted SJVAPCD rules and regulations, as well as the thresholds of significance, have been developed with the intent to ensure continued attainment of AAQS, or to work towards attainment of AAQS for which the area is currently designated non-attainment, consistent with applicable air quality plans. The SJVAPCD has established broad significance thresholds associated with the construction and operation emissions for various criteria pollutants including ozone precursors such as reactive organic gases (ROG) and oxides of nitrogen (NO<sub>x</sub>), as well as for PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>x</sub>, and CO expressed in tons per year (tpy). Thus, by exceeding the SJVAPCD's mass emission thresholds for operational emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>x</sub>, or CO a project would be considered to conflict with or obstruct implementation of the SJVAPCD's air quality planning efforts. However, the SJVAPCD concluded that given the small size or limited nature of some projects, certain small projects would likely involve emissions well below the above thresholds, and quantitative analysis would be overly burdensome and would not significantly affect the district's attainment status of any criteria pollutant.

In recognition of the fact that some projects would be too small to reasonably be expected to result in emissions exceeding the quantitative thresholds related to AAQS, the SJVAPCD has pre-quantified potential emissions for small projects of varying sizes. In drafting the screening levels, the SJVAPCD determined that projects below certain size threshold for project size would not exceed applicable thresholds of significance for criteria pollutants. In the case of school land uses, as in the proposed project, the project size screening thresholds are based off of the number of students attending. The SJVAPCD screening thresholds for small projects that are unlikely to result in significant emissions of criteria pollutants are presented in Table 1 below.

| <b>Table 1</b>                                                                                             |                                |
|------------------------------------------------------------------------------------------------------------|--------------------------------|
| <b>SJVAPCD Small Project Screening Level</b>                                                               |                                |
| <b>Land Use</b>                                                                                            | <b>Project Size (Students)</b> |
| Elementary School                                                                                          | 1,875                          |
| Junior High School                                                                                         | 1,680                          |
| High School                                                                                                | 1,325                          |
| <i>Source: San Joaquin Valley Air Pollution Control District. Small Project Analysis Level. June 2012.</i> |                                |

The proposed project would involve the operation of a combined K-12 school, and would not exceed 40 students. Therefore, the proposed project would be well below the project screening sizes presented in Table 1 above, and would not be expected to exceed the SJVAPCD's thresholds of significance for criteria air pollutants. Additionally, the project screening levels assume that proposed school projects would involve construction of new school facilities. Construction activities commonly release air pollutants from the demolition of existing structures, disturbance of soil, the operation of off-road diesel vehicles and equipment, and the placement of paving and architectural coatings.

Because the proposed project involves the reuse of an existing building, major construction activity would not be included as part of the project. The project would only involve operational emissions, and would likely involve even less emissions than anticipated for small projects within the SJVAB. Additionally, it should be noted that, as discussed in Section VII., Greenhouse Gas Emissions, of this IS/ND, the project would likely result in only four van trips and a maximum of 30 vehicle trips per day.

According to SJVAPCD, if a project would not result in emissions of criteria air pollutants above the aforementioned thresholds of significance, the project may be considered consistent with the applicable air quality plans. As such, the proposed project would not conflict with or obstruct implementation of the applicable air quality plans, violate any air quality standards or contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in any criteria air pollutant. Therefore, the proposed project's impact would be ***less than significant***.

- d. Some land uses are considered more sensitive to air pollution than others, due to the types of population groups or activities involved. Heightened sensitivity may be caused by health problems, proximity to the emissions source, and/or duration of exposure to air pollutants. Children, pregnant women, the elderly, and those with existing health problems are especially vulnerable to the effects of air pollution. Accordingly, land uses that are typically considered to be sensitive receptors include residences, schools, churches, childcare centers, playgrounds, retirement homes, and hospitals. The proposed project would involve siting of a new school, which would be considered a sensitive receptor. Additionally, the residences, nearby schools, and churches in the surrounding area would also be considered sensitive receptors.

In the Air Quality and Land Use Handbook, the CARB identifies land uses which are commonly associated with the emission of air pollutants. Such land uses include freeways, distribution centers, rail yards, ports, refineries, chrome platers, dry cleaners, and gasoline dispensing facilities. The project site is surrounded by residential, and commercial land uses as well as institutional land uses such as churches and existing schools. None of the aforementioned land uses are considered to be significant sources of air pollution by the CARB, and, because the project is a school, the project itself would not be considered a significant source of air pollution. Because the proposed project would not involve activities that would emit a substantial amount of air pollution, the proposed project would not expose nearby sensitive receptors to substantial pollutant concentrations. Similarly, because the surrounding residential, commercial, school and church land uses are not sources of air pollution, the project itself would not be exposed to substantial pollutant concentrations. Therefore, the proposed project would not cause sensitive receptors on or off site to be exposed to substantial pollutant concentrations and a ***less-than-significant*** impact would result.

- e. Due to the subjective nature of odor impacts, the number of variables that can influence the potential for an odor impact, and the variety of odor sources, quantitative methodologies to determine the presence of a significant odor impact do not exist. Typical odor-generating land uses include, but are not limited to, wastewater treatment plants, landfills, and composting facilities. The proposed project would not introduce any such land uses and is not located in the vicinity of any such existing or planned land uses. Therefore, the proposed project would not create objectionable odors, nor would the project site be affected by any existing sources of substantial objectionable odors; and a ***less-than-significant*** impact would result.

| Issues                                                                                                                                                                                                                                                                                                           | Potentially<br>Significant<br>Impact | Less-Than-<br>Significant<br>With<br>Mitigation<br>Incorporated | Less-Than-<br>Significant<br>Impact | No<br>Impact |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------------------------------------------------------------|-------------------------------------|--------------|
| <b>IV. BIOLOGICAL RESOURCES.</b>                                                                                                                                                                                                                                                                                 |                                      |                                                                 |                                     |              |
| <i>Would the project:</i>                                                                                                                                                                                                                                                                                        |                                      |                                                                 |                                     |              |
| a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>            | ✗            |
| b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?                                                             | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>            | ✗            |
| c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?                                             | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>            | ✗            |
| d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?                                                                                                    | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>            | ✗            |
| e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?                                                                                                                                                                              | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>            | ✗            |
| f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?                                                                                                                             | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>            | ✗            |

## **Discussion**

- a. According to the General Plan Master EIR, 12 sensitive plant species and 30 sensitive wildlife species were identified as occurring within the region.

The proposed project would utilize the existing on-site building for 700 sf of office space, 800 sf of storage space, 500 sf of assembly area, and 4,000 sf of classrooms. The project would not include any construction of new development on the site. Rather, the project would only result in the relocation of 40 students from their current school sites within the City to the proposed Westbridge School at the project site. Therefore, because the project site is currently developed and the project would not result in any demolition or construction on the site, the project's impact related to a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service (USFWS) would be ***less than significant***.

- b,c. The City of Coalinga is situated at the confluence of Los Gatos and Warthan Creeks. These resources are sensitive due to the important habitat they provide for a variety of species and their role in the natural treatment and conveyance of water. Future development adjacent to these habitats could result in direct effects to these resources through habitat removal or the disruption of the resource's natural function or indirectly by generating noise, lighting, urban runoff, and other activities that could result in effects on how the resource is used by species.

Riparian habitats are described as the land and vegetation that is situated along the bank of a stream or river. Wetlands are areas where water covers the soil, or is present either at or near the surface of the soil all year or for varying periods of time during the year. Vernal pools are seasonal depressional wetlands that are covered by shallow water for variable periods from winter to spring, but may be completely dry for most of the summer and fall. Vernal pools range in size from small puddles to shallow lakes and are usually found in a gently sloping plain of grassland.

The proposed project site is currently entirely developed and drainage features, hydrophytic vegetation, or other wetland features do not occur on the project site. Additionally, the USFWS National Wetlands Inventory Wetlands Mapper does not identify any wetlands on the project site. Therefore, the project would result in ***no impact*** to wetlands or riparian habitat.

- d. Wildlife corridors and the movement of animals are important in maintaining the genetic diversity, accommodating mating patterns, and ensuring seasonal behavior is not interrupted. According to the General Plan Master EIR, impacts to wildlife corridors were determined to be less than significant with adherence to Policy OSC1-4 of the General Plan, which requires that the City preserve and enhance habitat linkages that are recognized by regulatory agencies and/or that have been identified during the development review process.

The proposed project site is surrounded by urban and developed land. The project site is currently developed and the project would not include the construction of new development. As a result, the project site does not support a wildlife corridor and does not contain any watercourses that would support migratory fish. Therefore, the project

would result in **no impact** related to interfering substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impeding the use of wildlife nursery sites.

- e. The General Plan Master EIR identifies policies related to the protection of biological resources and indicates that any future development within the General Plan area would be required to comply with Policies OSC1-1 through OSC1-4 of the General Plan. The City of Coalinga does not currently have any other local policies or ordinances related to biological resources in place (i.e., a tree preservation ordinance).

As discussed above, the proposed project site is currently developed and the project would not include any construction or new development on the site. Therefore, the proposed project would not conflict with any local policies or ordinances protecting biological resources and **no impact** would occur.

- f. The City of Coalinga is not located within a Natural Community Conservation Plan (NCCP). According to the General Plan Master EIR, the City is located within the boundaries of the Pacific Gas and Electric Company (PG&E) San Joaquin Valley Operation and Maintenance Habitat Conservation Plan (HCP). The San Joaquin Valley Operation and Maintenance HCP addresses small-scale temporary effects due to operation and maintenance of the service area that are dispersed over a large geographic area. The activities covered in the HCP include two categories of activities for which PG&E requests take authorization conducted in accordance with CPUC requirements – operation and maintenance activities and minor construction activities. Although the City is located within the HCP boundary, the HCP covers only PG&E-related operation and maintenance and construction activities and does not cover any other facilities or activities. Therefore, implementation of the proposed project would not conflict with the intent of any HCP or NCCP and **no impact** would result.

| Issues                                                                                                                             | Potentially<br>Significant<br>Impact | Less-Than-<br>Significant<br>With<br>Mitigation<br>Incorporated | Less-Than-<br>Significant<br>Impact | No<br>Impact             |
|------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------------------------------------------------------------|-------------------------------------|--------------------------|
| <b>V. CULTURAL RESOURCES.</b>                                                                                                      |                                      |                                                                 |                                     |                          |
| <i>Would the project:</i>                                                                                                          |                                      |                                                                 |                                     |                          |
| a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?                  | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?         | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>            | ✗                        |
| c. Directly or indirectly destroy a unique paleontological resource on site or unique geologic features?                           | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>            | ✗                        |
| d. Disturb any human remains, including those interred outside of formal cemeteries.                                               | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>            | ✗                        |
| e. Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074. | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>            | ✗                        |

### **Discussion**

- a. The California Register of Historical Resources identifies an historical resource as the following:
- Associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
  - Associated with the lives of persons important to local, California, or national history;
  - Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of a master or possesses high artistic values; or
  - Yielded, or may be likely to yield, information important to the prehistory or history of the local area, California, or the nation.

According to the General Plan Master EIR, the majority of Coalinga does not contain any significant historical resources. A 1983 earthquake damaged and destroyed most of the historically-significant buildings in the City. Of 139 buildings in the eight-block downtown commercial district, 59 collapsed or were heavily damaged with buildings of pre-1930 construction incurring the most damage. However, the General Plan Master EIR does identify the Coalinga Polk School as listed on the National Register of Historic Places (NRHP) and the Wooden Walking Beam as eligible for listing in NRHP. Neither the Coalinga Polk School nor the Wooden Walking Beam would be impacted by the proposed project.

The proposed project site is located in an urbanized area that has been previously distributed by past activities, and known historically and/or culturally significant resources including, but not limited to, structures, buildings, features and/or objects have not been located or previously recorded at the site. The existing on-site office structure was constructed in 1968 and is not identified as an historical resource. Consequently, historical resources would not be affected by the project and a ***less-than-significant*** impact would occur.

- b-d. According to the General Plan Master EIR, previous archaeological investigations and surveys in the immediate Coalinga area have identified archaeological sites along both Los Gatos and Warthan Creeks, as well as an additional site located near the junction of Los Gatos and Jacalitos Creeks, approximately three miles outside of the existing city limits. The vast majority of the City has not yet been examined for archaeological resources because most land is either undeveloped or supporting agriculture. In the spring of 2005, the new wastewater treatment plant site was surveyed by a qualified archaeologist and a 2,248-acre area north of Phelps Avenue was also surveyed in 2005. Cultural resources were not identified during either investigation.

According to the General Plan Master EIR, urbanized areas that previously have been developed are not likely to contain subsurface prehistoric resources. However, land that has been used for certain types of agricultural production, grazing, or other activities that do not require extensive excavation and/or grading, or that is vacant, could contain such resources, particularly near drainages and in woodlands. Construction activities that result in the effect of disturbing or destroying human remains could result in impacts to our knowledge of the burial practices of the people who were buried, the people who buried the remains, and the prehistoric or historic context and circumstances under which the buried became deceased.

The proposed project would consist of conversion of an existing, on-site vacant office structure into a special needs private school. The project would utilize the existing on-site building for 700 sf of office space, 800 sf of storage space, 500 sf of assembly area, and 4,000 sf of classrooms. The proposed project is consistent with the General Plan land use for the site and the project would not include construction of any new development. Rather, the project would only result in the relocation of 40 students from their current school sites within the City to the proposed Westbridge School at the project site. Because the proposed project would not include any ground-disturbing activities on the site (e.g., demolition or construction), the project would not be expected to cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5 or directly or indirectly destroy unique paleontological resources or geologic features, and the proposed project would result in ***no impact***.

- e. Tribal cultural resources are generally defined by Public Resources Code 21074 as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe. The Native American Heritage Commission (NAHC) was contacted on July 26, 2016 to request a search of their Sacred Lands File for traditional cultural resources within or near the project area. The reply from the NAHC states that the search failed to indicate the presence of Native American sacred lands or traditional cultural properties in the immediate vicinity.

It should be noted that under Assembly Bill (AB) 52, formal consultation with California Native American Tribes must be conducted by lead agencies for proposed projects. In particular, lead agencies are required to consult with Native American tribes early in the CEQA process if a Native American tribe has first requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in their geographic area. The City of Coalinga has not received any letters from Native American tribes requesting notice pursuant to AB 52/Public Resources Code Section 21080.3.1; therefore, the City is not currently required to notify any tribes regarding the proposed project.

Given that the NAHC Sacred Lands File search failed to indicate the presence of Native American sacred lands or traditional cultural properties in the immediate vicinity and the existing developed environment of the project site, the proposed project would result in **no impact** to tribal cultural resources.

| Issues                                                                                                                                                                                                                             | Potentially<br>Significant<br>Impact | Less-Than-<br>Significant<br>With<br>Mitigation<br>Incorporated | Less-Than-<br>Significant<br>Impact | No<br>Impact             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------------------------------------------------------------|-------------------------------------|--------------------------|
| <b>VI. GEOLOGY AND SOILS.</b>                                                                                                                                                                                                      |                                      |                                                                 |                                     |                          |
| <i>Would the project:</i>                                                                                                                                                                                                          |                                      |                                                                 |                                     |                          |
| a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:                                                                                                   |                                      |                                                                 |                                     |                          |
| i. Rupture of a known earthquake fault, as delineated on the most recent Alquist - Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault?             | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| ii. Strong seismic ground shaking?                                                                                                                                                                                                 | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| iii. Seismic-related ground failure, including liquefaction?                                                                                                                                                                       | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| iv. Landslides?                                                                                                                                                                                                                    | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| b. Result in substantial soil erosion or the loss of topsoil?                                                                                                                                                                      | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| d. Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code?                                                                                                                                           | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?                                               | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>            | ✗                        |

### **Discussion**

- a,c. The planning area is located within a seismically active region of California. Numerous mapped faults including the San Andreas, Pond-Poso Creek, and White Wolf faults, located west and south of the City of Coalinga, could produce significant ground shaking. Active faults surrounding the San Andreas Fault have produced large earthquakes in the last century and are expected to produce similar large earthquakes in the future. The hills near Coalinga contain evidence of deep faulting in the Anticline Ridge area. The 1983 Coalinga earthquake is thought to be associated with a geologic feature often referred to as the "Coast Ranges-Sierran block boundary zone." Generally, this feature consists of a family of faults that appear to border the east side of the Coast

Ranges. Many of these faults are likely to be active “blind-thrust” faults similar to the structure that produced the 1983 earthquake. Blind-thrust faults do not have surface expression and have been located using subsurface geologic and geophysical methods. Two similar type earthquakes are thought to have occurred in 1892 near the Winters-Vacaville area adjacent to the Sacramento Valley. In addition, the 1985 Avenal earthquake indicates similar-type faulting in the Kettleman Hills region southeast of Coalinga.

The two principal seismic hazards to property in the Coalinga area are damage to structures and foundations due to strong ground shaking and surface rupture of earth materials along fault traces. To protect structures from the hazards of surface ground rupture, the California Department of Conservation, Division of Mines and Geology under the State-mandated Alquist-Priolo Special Studies Zone Act of 1972 delineated special study zones along active or potentially active faults. An active fault, as defined by State law, is a fault that has been proven by direct geologic evidence to indicate movement within the last 11,000 years. The potentially active designation includes those faults which were active within the last two million years (Quaternary Period), but have not been studied in sufficient detail to be classified as either active or inactive. The Alquist-Priolo Special Studies Zone Act zoned the area located along the Nunez Fault for special studies. The Nunez Fault is located approximately six miles northwest of the City of Coalinga.

#### Ground Shaking and Liquefaction

Several secondary phenomena are associated with strong seismic shaking, especially in areas characterized by a relatively shallow ground water table, and underlain by loose, cohesion-less soil deposits. These secondary seismic hazards include liquefaction, seismically induced settlement, and ground lurching.

Liquefaction is the phenomenon in which saturated granular sediments temporarily lose their shear strength during periods of strong, earthquake-induced ground shaking. The susceptibility of a site to liquefaction is a function of the depth, density, and water content of granular sediments, and the magnitude and frequency of earthquakes in the surrounding region. Saturated, unconsolidated silt, sand, and silty sand within fifty feet of the ground surface are more susceptible to liquefaction. The thickness of alluvial deposits in the San Joaquin Valley generally increases to the west. The depth of bedrock-type formation in this portion of the valley is estimated to be several thousand feet. The water table is at a depth of between 300 and 400 feet, effectively reducing the potential for liquefaction in this area.

Strong ground shaking can cause settlement by allowing sediment particles to become more tightly packed, thereby reducing pore space. Unconsolidated, poorly packed alluvial deposits and inadequately compacted artificial fills are especially susceptible to this phenomenon.

#### Seismically-Induced Settlement

Strong ground shaking can cause settlement by allowing sediment particles to become more tightly packed, thereby reducing pore space. Unconsolidated, poorly packed alluvial deposits are especially susceptible to this phenomenon. Inadequately compacted artificial fills may also experience seismically-induced settlement. Following the 1983

Coalinga earthquake, several damage assessment studies were initiated. Based on the settlement values reported after the 1983 event, the potential for seismic settlement and/or differential compaction within the planning area is considered minimal.

### Landslides

The project area is relatively flat; therefore, landslides do not represent a likely hazard.

### Proposed Project

The project site is not within an Alquist-Priolo Special Studies Zone; however, the City of Coalinga General Plan and General Plan Master EIR indicate that the Coalinga area is located in a seismically-active zone. Implementation of the proposed project in this seismically-active zone could expose people or structures to substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking, ground lurching, liquefaction, or the location of the project on an unstable geologic unit or soil. However, the proposed project would not result in the construction of new structures on the project site.

In addition, the proposed project is a non-public, non-sectarian school (NPS) that would be required to be certified and licensed by the California Department of Education (CDE). Prior to certification and licensing, the CDE would require inspection of the existing on-site building that would be utilized to house the proposed school, and inspection would verify that the building complies with the California Building Standards Code or renovations to ensure compliance would be required before the building can be occupied. The project applicant or contractor would coordinate with the City of Coalinga Building Department to complete an inspection of the existing on-site structure. The project applicant would also be required to provide an emergency/disaster plan for the project. The plan would be required to include fire and earthquake emergency procedures and any other emergency procedures that could affect the regular operation of the school. Therefore, with compliance with licensing requirements and the California Building Standards Code, the project would result in a **less-than-significant** impact related to seismic hazards.

- b,d. Soils within the City of Coalinga are generally characterized as having limitations for development. Limitations include expansive, collapsible and corrosive soils. The degrees of erodibility vary throughout the Coalinga area. The underlying soil on the proposed project site is composed of Cerini sandy loam, 0 to 2 percent slopes. The proposed project would consist only of converting the existing, on-site vacant office structure into a special needs private school. The project would not include any construction or new development on-site; therefore, on-site soils would not be disturbed and the project would not result in substantial soil erosion or the loss of topsoil. In addition, the project site is already developed and expansive soils would not be a concern. Overall, the impact of the project would be considered **less than significant**.
- e. The use of septic tanks or alternative wastewater disposal systems would not be required, nor are they proposed as part of the project. Therefore, **no impact** would occur regarding the capability of soil to adequately support the use of septic tanks or alternative wastewater disposal systems.

| Issues                                                                                                                            | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less-Than-<br>Significant<br>Impact | No<br>Impact             |
|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|----------------------------------------------------------------|-------------------------------------|--------------------------|
| <b>VII. GREENHOUSE GAS EMISSIONS.</b>                                                                                             |                                      |                                                                |                                     |                          |
| <i>Would the project:</i>                                                                                                         |                                      |                                                                |                                     |                          |
| a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?       | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <b>✗</b>                            | <input type="checkbox"/> |
| b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses? | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <b>✗</b>                            | <input type="checkbox"/> |

### **Discussion**

- a,b. Emissions of greenhouse gases (GHGs) contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on earth. An individual project's GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.

GHG emissions attributable to typical school development are primarily associated with increases of carbon dioxide (CO<sub>2</sub>) and, to a lesser extent, other GHG pollutants, such as methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O) associated with operational sources such as mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste. Additionally, construction activities associated with development of schools emit GHG through the commute of construction workers, the operation of machinery, and the transport of construction materials, among other sources. The proposed project, on the other hand, would reuse an existing structure for project operation and would not involve any construction related GHG emissions, as construction activity, other than minor interior modifications, would not be included as part of the project. Therefore, the proposed project would only generate operational GHG emissions. The primary source of operational GHG emissions for most activities is from mobile sources, such as single passenger vehicles. As such, the primary source of GHG emissions from the proposed project would be the commute of the staff and the daily van trips, which would transport students from their nearby homes.

However, it is important to consider that the project site was previously used as a law office, and could continue to be used as an office building without an environmental review. Such previously approved office operations would similarly involve mobile source GHG emissions. Because the project site has been and could again be used as an office building, the proposed project should be analyzed in light of the previously approved

uses of the project site. To that end, the proposed project would be considered to have a significant impact if the project would result in an increase in GHG emissions from activities that previously occurred at the project site and could conceivably occur again. Considering that the most significant source of GHG emissions occurs from mobile sources, the proposed project would result in an increase in GHG emissions if the project would induce a greater amount of vehicle trips than previously approved office uses for the site.

The Institute of Traffic Engineer's (ITE) *Trip Generation Manual, 9<sup>th</sup> Edition*, was used to estimate the number of trips that would occur if the existing on-site office structure were again used as an office building. The ITE manual estimated that a similarly-sized, 6,000-sf office building would generate approximately 66 daily vehicle trips. Thus, if the proposed project induced more than 66 daily vehicle trips, the proposed project would result in an increase in GHG emissions from site uses that are currently approved. While the ITE manual contains trip generation rates for schools, these rates assume that in addition to employees commuting to and from the school, parents would also drop off and pick-up each student. The assumption of extra parent trips would be inappropriate for the proposed project, as the students would be picked up and dropped off from their nearby homes to the proposed project site. As such, the proposed project would only result in new daily trips from the teaching and administrative staff as well as a maximum of approximately four van trips needed to pick up and drop off the students from their homes. The applicant has indicated that the proposed project would operate with a student to teacher ratio of 10:2. With 40 total students, the 10:2 ratio would result in eight teachers commuting to and from work. In addition to teachers, supporting administrative and janitorial staff is also assumed to commute the project site for a conservative maximum of 15 on-site employees. Assuming that all employees commute separately in vehicles, the proposed project would likely result in 30 vehicle trips of staff arriving and departing work, which would lead to a combined total of 34 commuter and van trips. Even if the staff made additional trips while at work, the proposed project would be unlikely to equal the 66 trips anticipated for an office in the existing structure.

Because mobile sources would be the greatest source of GHG emissions for the proposed project, and the existing structure is approved for use as general office space, the proposed project was determined to result in a significant impact related to GHG emissions if the project would increase the amount of vehicle trips as compared to what is currently approved for the project site. As discussed above, the proposed project would be expected to result in a decrease in vehicle trips, as compared to the currently approved office use of the project site, and thus would be expected to decrease the amount of GHG emissions. Therefore, the proposed project would not be considered to generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs; and impacts would be considered ***less than significant***.

| Issues                                                                                                                                                                                                                                                           | Potentially<br>Significant<br>Impact | Less-Than-<br>Significant<br>With<br>Mitigation<br>Incorporated | Less-Than-<br>Significant<br>Impact | No<br>Impact             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------------------------------------------------------------|-------------------------------------|--------------------------|
| <b>VIII. HAZARDS AND HAZARDOUS MATERIALS.</b>                                                                                                                                                                                                                    |                                      |                                                                 |                                     |                          |
| <i>Would the project:</i>                                                                                                                                                                                                                                        |                                      |                                                                 |                                     |                          |
| a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?                                                                                                                          | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?                                                           | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?                                                                                                  | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                   | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?                                                                                                      | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?                                                                                                                                        | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>            | ✗                        |
| h. Expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?                                                       | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>            | ✗                        |

## **Discussion**

- a-d. Because the proposed project involves the reuse of an existing building and the project would not include any new development, demolition or major construction activity would not be included as part of the project. The project would utilize the current layout of the on-site building, as the existing room divisions are appropriate for use as classrooms, meeting rooms, and an office. The proposed school would not create hazards to the public or the environment from transportation, use, or disposal of hazardous materials, or from reasonably foreseeable upset and accident conditions involving likely release of hazardous materials into the environment.

The proposed project is a school use and the project site is located within 0.25-mile of both Coalinga and Cambridge High Schools. However, the project would not emit hazardous emissions or involve the handling of hazardous or acutely hazardous materials, substances, or waste. In addition, the project site is not included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Therefore, implementation of the project would result in a ***less-than-significant*** impact related to exposing people or schools to hazardous materials or emissions.

- e,f. In 1996, to address concerns about proximity to schools and associated noise hazards, the City relocated and constructed the Coalinga Municipal Airport at the corner of Phelps and Calaveras Avenues approximately four miles east-northeast of the City in the southwest portion of Fresno County. The airport is located within the Airport Master Plan Area, as described in the Land Use Element of the General Plan.

The proposed project site is not located in the vicinity of a private airstrip and the site is not located within the Airport Master Plan. As discussed above, the airport was previously relocated to address concerns regarding the airport's proximity to schools. Therefore, implementation of the project would not create a safety hazard for people residing or working in the project area and the project would result in a ***less-than-significant*** impact.

- g. The proposed project would not include any modifications to the surrounding roadways or circulation networks. Therefore, the project would not construct barriers that would impede the implementation of an emergency response plan. As a result, the proposed project would not impair or physically interfere with an adopted emergency response plan and ***no impact*** would occur.
- h. Within the City of Coalinga, wildland fires pose potential hazards in the hilly areas where chaparral and other vegetation are present. The project site is not located in a hilly area with chaparral or other dense vegetation and the project site is surrounded on all sides by existing urban development. Fire protection for the area is provided by the Coalinga Fire Department, and fire service would continue with the implementation of the proposed project. Therefore, ***no impact*** would result with regard to the exposure of people or structures to risk of loss, injury or damage due to wildfire.

| Issues                                                                                                                                                                                                                                                                                                                                                                                        | Potentially<br>Significant<br>Impact | Less-Than-<br>Significant<br>With<br>Mitigation<br>Incorporated | Less-Than-<br>Significant<br>Impact | No<br>Impact             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------------------------------------------------------------|-------------------------------------|--------------------------|
| <b>IX. HYDROLOGY AND WATER QUALITY.</b>                                                                                                                                                                                                                                                                                                                                                       |                                      |                                                                 |                                     |                          |
| <i>Would the project:</i>                                                                                                                                                                                                                                                                                                                                                                     |                                      |                                                                 |                                     |                          |
| a. Violate any water quality standards or waste discharge requirements?                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (i.e., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?                                                                                                                                                            | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?                                                                                                                     | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?                                                                                                                                                                                                         | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| f. Otherwise substantially degrade water quality?                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| g. Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?                                                                                                                                                                                                                                | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| h. Place within a 100-year floodplain structures which would impede or redirect flood flows?                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.                                                                                                                                                                                                                            | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| j. Inundation by seiche, tsunami, or mudflow?                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>            | ✗                        |

## **Discussion**

- a-f. In California, the State Water Resources Control Board (SWRCB) issued a statewide General Permit to regulate runoff from construction sites involving grading and earth moving in areas over one acre. The SWRCB is acting to enforce requirements of the federal Clean Water Act, pursuant to regulations issued by the U.S. EPA for the National Pollutant Discharge Elimination System (NPDES). Although the NPDES program is established by the federal Clean Water Act, the permits are prepared and enforced by the regional water boards through program delegation to California and implementing authority in the California Water Code. This State Order (Water Quality Order 99-08-DWQ) requires construction projects covered under the General Permit to use the “best available technology economically achievable,” and the “best conventional pollution control technology.” Each construction project in the City of Coalinga that is subject to the permit is required to have a Storm Water Pollution Prevention Plan (SWPPP) prepared, which identifies likely sources of sediment and pollution and incorporates measures to minimize sediment and pollution in runoff water. These objectives are established based on the designated beneficial uses (e.g., water supply, recreation, and habitat) for a particular surface water or groundwater.

The City of Coalinga is a permittee under the NPDES General Permit for Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (Order No. 2013-0001-DWQ), also known as the Small MS4 General Permit. The Order prohibits polluted stormwater and non-stormwater discharges into the storm drain system, identifies receiving water limitations on constituent loading, and requires preparation of a Storm Water Quality Management Plan (SWQMP). The SWQMP is required for all MS4 permits to address prohibited discharges from construction, industrial and commercial, municipal operations through structural mechanisms and programs addressing illicit connections and discharges, public outreach and education, and land use planning to be measured against performance and effectiveness indicators during the mandatory annual review.

The proposed project would not result in a modification of existing uses on the site and, therefore, would not increase the potential for degradation of downstream water quality beyond what currently exists. In addition, the project would not include construction of any new development on the site; therefore, the project would not substantially degrade water quality or violate any water quality standards or waste discharge requirements. Implementation of the project would not deplete groundwater supplies, interfere with groundwater recharge, or alter the existing drainage pattern of the site or area. Furthermore, the project would not result in the introduction of any new impervious surfaces on the site, which could result in increased runoff or a reduction in groundwater recharge. Therefore, overall, a ***less-than-significant*** impact would result.

- g-i. Based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map Number ID: 06019C3213H, the proposed project site is located within Zone X, which is described by FEMA as an area determined to be outside the 0.2 percent annual chance floodplain. Thus, development of the proposed project would not place structures within a 100-year floodplain or expose people or structures to a risk of loss, injury, or death involving flooding, including flooding as a result of a failure of a levee or dam. Accordingly, restrictions on development or special requirements associated with flooding are not required for the project. Therefore, the proposed project would result in a ***less-than-significant*** impact related to flooding.

- j. Tsunamis are defined as sea waves created by undersea fault movement. A tsunami poses little danger away from shorelines; however, when the tsunami reaches the shoreline, a high swell of water breaks and washes inland with great force. Waves may reach 50 feet in height on unprotected coasts. The City of Coalinga is not subject to impacts from the effects of a tsunami because the City is located over 70 miles inland of the Pacific Ocean.

A seiche is a long-wavelength, large-scale wave action set up in a closed body of water such as a lake or reservoir, whose destructive capacity is not as great as that of tsunamis. The project is not located near a closed body of water. Therefore, it is not anticipated that the project site would be impacted by seiches in the future.

Mudflows typically occur in mountainous or hilly terrain. The project site is not considered hilly terrain and mudflows do not pose a threat. In summary, tsunamis, seiches, and mudflows would have **no impact** on the proposed project.

| Issues                                                                                                                                                                                                                                                                                                          | Potentially<br>Significant<br>Impact | Less-Than-<br>Significant<br>With<br>Mitigation<br>Incorporated | Less-<br>Than-<br>Significant<br>Impact | No<br>Impact             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------------------------------------------------------------|-----------------------------------------|--------------------------|
| <b>X. LAND USE AND PLANNING.</b>                                                                                                                                                                                                                                                                                |                                      |                                                                 |                                         |                          |
| <i>Would the project:</i>                                                                                                                                                                                                                                                                                       |                                      |                                                                 |                                         |                          |
| a. Physically divide an established community?                                                                                                                                                                                                                                                                  | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>                | ✗                        |
| b. Conflict with any applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating on environmental effect? | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                       | <input type="checkbox"/> |
| c. Conflict with any applicable habitat conservation plan or natural communities conservation plan?                                                                                                                                                                                                             | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                       | <input type="checkbox"/> |

### **Discussion**

- a. The proposed project site is located at the corner of Washington Street and California Street and is surrounded by existing development on all sides. The project would not include any improvements to either Washington or California Streets that would alter circulation or create a barrier between parts of the community. In addition, the proposed project would consist of the conversion of an existing, on-site vacant office structure into a special needs private school, and the project would not include any new development on the project site. Therefore, the proposed project would not be located between communities in such a way as to create a barrier or divide established communities and the project would result in **no impact** related to physically dividing an established community.
- b. The proposed project would consist of conversion of an existing, on-site vacant office structure into a special needs private school. The project site currently has land use and zoning designations of Mixed-Use; these designations would remain with implementation of the project.

The project site's Mixed-Use zoning designation currently allows "Instructional Services," which are defined in the Zoning Ordinance as establishments that offer specialized programs in personal growth and development such as music, vocal, fitness and dancing instruction. The proposed Westbridge School could be classified as an instructional service; however, such an interpretation could lead the City to set a precedent for the zone that may have future unintended implications. Therefore, should the proposed project be approved, concurrent with approval of the project, the City's Zoning Ordinance would be amended to allow public and private schools in all Commercial zoning districts (including Mixed-Use districts) with a Conditional Use Permit. The Zoning Ordinance Amendment is a simple amendment that will add School, Public and Private, to the Commercial Districts, Table 2.5 Land Use Regulations. Each commercial zoning designation in Table 2.5 will be labeled with "CUP" to denote that a Planning Commission Conditional Use Permit is required.

Based on the Zoning Ordinance Amendment, the proposed project would be required to obtain approval of a Conditional Use Permit for the project, prior to the project being considered for approval by the City. After receiving the Conditional Use Permit, the proposed project would be consistent with the City's Zoning Ordinance. Should the proposed project be approved by the City, including the Conditional Use Permit for the project, the project would then be consistent with both the General Plan and the Zoning Ordinance. Therefore, the project would result in a **less-than-significant** impact related to conflict with any applicable land use plans, policies, or regulations of an agency with jurisdiction over the project.

- c. The City of Coalinga is not located within a Natural Community Conservation Plan (NCCP). According to the General Plan Master EIR, the City is located within the boundaries of the Pacific Gas and Electric Company (PG&E) San Joaquin Valley Operation and Maintenance Habitat Conservation Plan (HCP). The San Joaquin Valley Operation and Maintenance HCP addresses small-scale temporary effects due to operation and maintenance of the service area that are dispersed over a large geographic area. The activities covered in the HCP include two categories of activities for which PG&E requests take authorization conducted in accordance with CPUC requirements – operation and maintenance activities and minor construction activities. Although the City is located within the HCP boundary, the HCP covers only PG&E-related operation and maintenance and construction activities and does not cover any other facilities or activities. Therefore, implementation of the proposed project would not conflict with the intent of any HCP or NCCP and **no impact** would result.

| Issues                                                                                                                                                                | Potentially<br>Significant<br>Impact | Less-Than-<br>Significant<br>With<br>Mitigation<br>Incorporated | Less-Than-<br>Significant<br>Impact | No<br>Impact |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------------------------------------------------------------|-------------------------------------|--------------|
| <b>XI. MINERAL RESOURCES.</b>                                                                                                                                         |                                      |                                                                 |                                     |              |
| <i>Would the project:</i>                                                                                                                                             |                                      |                                                                 |                                     |              |
| a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>            | <b>✗</b>     |
| b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>            | <b>✗</b>     |

### **Discussion**

- a,b. Two active surface mines exist adjacent to the City of Coalinga. The mines are bounded on the north by Gale Avenue, on the east by SR 198, on the west by Monterey Street, and on the south by the former airport property and the City limits. The operations include both extraction and processing of the materials into construction aggregates, concrete, and asphalt. According to the General Plan Master EIR, the California Division of Mines and Geology (CDMG) has not performed a comprehensive survey of all potential mineral resource locations or classified other locations within Fresno County into Mineral Resource Zones (MRZ). Regardless of the status of mineral resources at a particular site, a potentially significant impact would only occur if known mineral resources were present and could be extracted through standard mining practices without intrusion by incompatible uses.

The proposed project site is entirely developed with existing office uses and new development would not occur with implementation of the proposed project. Therefore, the proposed project would result in **no impact** related to the loss of availability of known mineral resources or a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

| Issues                                                                                                                                                                                                                                                              | Potentially<br>Significant<br>Impact | Less-Than-<br>Significant<br>With<br>Mitigation<br>Incorporated | Less-Than-<br>Significant<br>Impact | No<br>Impact             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------------------------------------------------------------|-------------------------------------|--------------------------|
| <b>XII. NOISE.</b>                                                                                                                                                                                                                                                  |                                      |                                                                 |                                     |                          |
| <i>Would the project result in:</i>                                                                                                                                                                                                                                 |                                      |                                                                 |                                     |                          |
| a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?                                                                                 | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?                                                                                                                                                             | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?                                                                                                                                      | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?                                                                                                                          | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>            | ✗                        |
| f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?                                                                                                      | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>            | ✗                        |

### **Discussion**

- a,c. According to the Coalinga 2025 GP EIR, noise from traffic is currently the most significant noise source in the City and is anticipated to continue to be the most significant noise source in the future. Traffic noise impacts would occur due to increased vehicular trips that would result from future development that would use the City roadway network. Buildout of the General Plan would directly increase the amount of commercial and industrial development in the City. For residential land uses, it is estimated that each new dwelling unit would add approximately eight vehicle trips per day, which in turn would lead to increased noise levels along existing and future City transportation corridors.

Policy N1-2 of the Coalinga General Plan states that the City shall ensure acceptable noise levels near sensitive noise receptors including schools, hospitals, convalescent homes and other noise-sensitive areas. While the proposed project would consist of

conversion of an existing, on-site vacant office structure into a special needs private school, which would be considered a sensitive receptor, the project site is located outside the 60 dB noise contour for SR 33/198, according to Figure V.J.-2 of the Coalinga 2025 General Plan Master EIR. The predicted noise levels are based off of the projected land uses and the projected traffic levels in the area.

In addition, although the project site is surrounded by residential development, the operation of the proposed private school is not typically associated with large levels of noise production, and the operational noise produced by the school would not be expected to significantly impact the nearby neighborhoods by generating noise in excess of the 60 dB Ldn standard. Outdoor noise would be limited to brief recess periods that would occur between the hours of 8 AM and 5 PM.

Furthermore, the proposed project would consist of converting the existing, on-site vacant office structure into a special needs private school. The proposed project is consistent with the General Plan land use for the site and the project would not include any new development. Rather, the project would only result in the relocation of 40 students from their current school sites within the City to the proposed Westbridge School at the project site. Because the proposed project would not include any construction on the site, the project would not result in any impacts related to generation of groundborne vibration levels in excess of standards.

Overall, because the proposed project site is located outside the 60 dB noise contour for the City and because the project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project, and the project would not create an increase in groundborne vibration levels, the project's impact would be considered ***less than significant***.

- e. According to the General Plan Master EIR, airport noise within the City was assessed through the use of established noise contours found in the Airport Master Plan. Airport noise contours (as shown in Figure 7 of the Initial Study prepared for the Airport Master Plan) indicate that the 50 dBA through 65 dBA CNEL noise contours do not extend beyond the airport boundaries into the City and airport noise was determined not to be significant within the City. Therefore, the proposed project, which is consistent with the General Plan and located within the City, would result in ***no impact*** related to exposing people residing or working in the project area to excessive noise levels for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport.
- f. The proposed project site is not located within the vicinity of a private airstrip. Thus, the proposed project would not result in a safety hazard for people residing or working in the project area, and ***no impact*** would occur.

| Issues                                                                                                                                                                                                                       | Potentially<br>Significant<br>Impact | Less-Than-<br>Significant<br>With<br>Mitigation<br>Incorporated | Less-Than-<br>Significant<br>Impact | No<br>Impact             |
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| <b><i>XIII. POPULATION AND HOUSING.</i></b>                                                                                                                                                                                  |                                      |                                                                 |                                     |                          |
| <i>Would the project:</i>                                                                                                                                                                                                    |                                      |                                                                 |                                     |                          |
| a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <b>✗</b>                            | <input type="checkbox"/> |
| b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?                                                                                                        | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>            | <b>✗</b>                 |
| c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?                                                                                                                  | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>            | <b>✗</b>                 |

### **Discussion**

- a. The proposed project would consist of conversion of an existing, on-site vacant office structure into a special needs private school. The proposed project is consistent with the General Plan land use for the site and the project would not include any new development. Rather, the project would only result in the relocation of 40 students from their current school sites within the City to the proposed Westbridge School at the project site. This relocation of students would not induce substantial population growth in the area, either directly or indirectly; therefore, the impact of the project would be ***less than significant***.
- b,c. The proposed project would consist of conversion of an existing, on-site vacant office structure into a special needs private school. The project would utilize the building as follows: 700 sf of office space, 800 sf of storage space, 500 sf for an assembly area, and 4,000 sf for classrooms. Housing does not exist on the project site; therefore, the project would not involve the displacement of existing housing or people on-site, necessitating the construction of replacement housing elsewhere. Therefore, the project would result in ***no impact***.

| Issues                                                                                                                                                                                                                                                                                                                                                                                                                          | Potentially<br>Significant<br>Impact | Less-Than-<br>Significant<br>With<br>Mitigation<br>Incorporated | Less-Than-<br>Significant<br>Impact | No<br>Impact             |
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| <b>XIV. PUBLIC SERVICES.</b>                                                                                                                                                                                                                                                                                                                                                                                                    |                                      |                                                                 |                                     |                          |
| <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i> |                                      |                                                                 |                                     |                          |
| a.Fire protection?                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <b>×</b>                            | <input type="checkbox"/> |
| b.Police protection?                                                                                                                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <b>×</b>                            | <input type="checkbox"/> |
| c.Schools?                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <b>×</b>                            | <input type="checkbox"/> |
| d.Parks?                                                                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <b>×</b>                            | <input type="checkbox"/> |

### **Discussion**

- a,b. The Coalinga Fire Department currently operates out of one station in the central part of the City at 7<sup>th</sup> Street and Elm Avenue. Due to the rapid growth of the City, there is consideration for the future addition of one additional station to better serve the community. The Department is staffed daily with three operation shifts, each shift consisting of two officers (Captain and Engineer) and four firefighters. Staffing is augmented by six reserves firefighters who respond "on call" when needed.

According to the Coalinga General Plan Master EIR, in order to maintain adequate fire protection and services for additional projected development in the proposed General Plan, the level of fire protection in the planning area must be increased. To maintain an adequate firefighter-to-resident ratio, the Fire Department would need to hire an additional 44 firefighters. With regular and timely service upgrades, new development that is consistent with the proposed General Plan is not anticipated to exceed levels of protection required to serve such development.

The City's implementation of Policies PFS1-1 and S2-5 (and their associated implementation measures) that were included in the General Plan reduces the identified potentially significant impacts to less-than-significant levels. The policies required the City to implement a Fire Department Master Plan, require new developments to pay for their fire protection needs, maintain the existing mutual and instant aid agreements with other agencies; and adopt standards of coverage specific to the geography of Coalinga.

The Coalinga Police Department has a total of 21 sworn officers and the Department is divided into two divisions – Patrol and Support Services – each with its own Police Commander. Increased population resulting from buildout of the General Plan would increase the demand for police protection services. If buildout is reached by the year 2025, as anticipated in the General Plan, 88 additional police officers would need to be hired to maintain the current officer to resident ratio of 2:1,000.

The City's implementation of Policies PFS2-1 and PFS2-2 (and their associated implementation measures) that were included in the General Plan reduces the identified potentially significant impacts to less-than-significant levels. These policies required the City to ensure that Coalinga continues to receive adequate police protection and to enhance public awareness and participation in crime prevention.

The proposed project would not result in any new development on the project site and the project is consistent with the General Plan; therefore the project would not result in any additional demand for fire or police services. The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire or police protection services. Therefore, a ***less-than-significant*** impact would result.

- c. The Coalinga-Huron Unified School District (CHUSD) serves students living in Coalinga, Huron and portions of Fresno County and Monterey County. The CHUSD covers approximately 1,100 square miles and has historically been a growth district in the San Joaquin Valley. The CHUSD includes five elementary schools, two middle schools, two continuation high schools, a community day school and one senior high school. All of the CHUSD facilities are located in Coalinga except for one elementary school, a middle school and a continuation high school, which are located in Huron.

According to the General Plan Master EIR, increased residential development anticipated in the proposed General Plan would generate sufficient demand for additional schools; at ultimate buildout, demand for 12 additional elementary schools, four additional middle schools, and four additional high schools would result.

Policy PFS5-1 of the General Plan requires the City to provide adequate land for school sites and school facilities to meet the changing needs of the population. The proposed project would include the conversion of a vacant office structure to a private, special-needs school that would accommodate 40 students in Pre-Kindergarten through 12<sup>th</sup> grade. Therefore, the project would provide an additional school facility for the City of Coalinga, and would be consistent with Policy PFS5-1. The proposed project is consistent with the General Plan, and the project would not result in any new development on, or introduction of residents to, the project site. Therefore, the project's impact with regard to adequate school facilities would be ***less than significant***.

- d. The Coalinga-Huron Recreation and Park District provides park, recreation, and senior services to the cities of Coalinga and Huron. District facilities include a community center, senior center, fitness center, and several parks. The two currently utilized parks in the City of Coalinga are Keck Park and Olsen Park. Keck Park, located on West Polk Street on the western edge of the City, is a 15-acre community park that includes the Coalinga Community Center. Olsen Park is a 10-acre park located on East Polk Street, east of the commercial core area. The Coalinga-Huron Recreation and Park District provides recreational facilities and sports for preschoolers through senior citizens. In addition, sports and athletic programs are offered at the elementary school, the high school, and the community college.

According to the General Plan Master EIR, buildout of the General Plan includes a number of residential developments that would impact the availability of recreational

facilities to the residents of Coalinga. To meet the standard included in the General Plan of 2.5 acres of park space for every 1,000 residents, the City and/or new development would need to dedicate an additional 81 acres of park space. In order to mitigate for the impacts to the existing recreational facilities, a number of policies were included in the City's General Plan. The adoption and implementation of the policies was intended to reduce the impacts of the expected growth on the recreational facilities of the area.

The proposed project would not include any new development, nor would the project introduce additional residents to the area. Therefore, the project would not be required to provide new park facilities or pay in-lieu fees for new facilities, and the project's impact would be ***less than significant***.

| Issues                                                                                                                                                                                                         | Potentially<br>Significant<br>Impact | Less-Than-<br>Significant<br>With<br>Mitigation<br>Incorporated | Less-Than-<br>Significant<br>Impact | No<br>Impact |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------------------------------------------------------------|-------------------------------------|--------------|
| <b>XV. RECREATION.</b>                                                                                                                                                                                         |                                      |                                                                 |                                     |              |
| <i>Would the project:</i>                                                                                                                                                                                      |                                      |                                                                 |                                     |              |
| a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>            | <b>✗</b>     |
| b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?                        | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>            | <b>✗</b>     |

### Discussion

- a,b. The Coalinga-Huron Recreation and Park District provides park, recreation, and senior services to the cities of Coalinga and Huron. District facilities include a community center, senior center, fitness center, and several parks. According to the General Plan Master EIR, the two currently utilized parks in the City of Coalinga are Keck Park and Olsen Park. Keck Park, located on Jayne Avenue on the western edge of the City, is a 15-acre community park that includes the Coalinga Community Center. Olsen Park is a 10-acre park located on Jayne Avenue east of the commercial core area. The Coalinga-Huron Recreation and Park District provides recreational facilities and sports for preschoolers through senior citizens. In addition, sports and athletic programs are offered at the elementary school, the high school, and the community college.

The project would not result in an increase in residents in the City, as the project consists of converting the existing on-site office structure for use as a special-needs private school. Thus, the project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. In addition, the project does not include recreational facilities and would not require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Therefore, the project would result in a **less-than-significant** impact to recreation.

| Issues                                                                                                                                                                                                                                                                                 | Potentially<br>Significant<br>Impact | Less-Than-<br>Significant<br>With<br>Mitigation<br>Incorporated | Less-Than-<br>Significant<br>Impact | No<br>Impact             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------------------------------------------------------------|-------------------------------------|--------------------------|
| <b>XVI. TRANSPORTATION/TRAFFIC.</b>                                                                                                                                                                                                                                                    |                                      |                                                                 |                                     |                          |
| <i>Would the project:</i>                                                                                                                                                                                                                                                              |                                      |                                                                 |                                     |                          |
| a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?                                                                                                                   | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?                                                                                                                        | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <input type="checkbox"/>            | ✗                        |
| d. Substantially increase hazards due to a design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?                                                                                                                                | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| e. Result in inadequate emergency access?                                                                                                                                                                                                                                              | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| f. Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?                                                                                                                                                                          | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |

### **Discussion**

- a,b. The proposed project would consist of conversion of an existing, vacant office structure on the project site into a special needs private school. The project would utilize the existing on-site building for 700 sf of office space, 800 sf of storage space, 500 sf for an assembly area, and 4,000 sf for classrooms. The existing 22 parking lot spaces and 10 on-street parking spaces would be utilized by the proposed school. The project site is located at the intersection of Washington Street and California Street. Significant nearby roadways that would provide access to Washington Street include Elm Avenue and North Monterey Avenue.

The City of Coalinga falls under the umbrella of the Fresno County Congestion Management Plan, which represents an effort to manage traffic congestion by coordinating the many transportation, land use, and air quality programs in Fresno County. The City has been required to adopt their own land use impact program and to establish policies to maintain level of service (LOS) standards that are outlined in the Circulation Element of the proposed General Plan. The City's General Plan applies all relevant measures from the Fresno County Congestion Management Plan through Goal C1 and Policies C1-1 through C1-5.

Levels of service are used to describe the quality of traffic flow on city streets and state highways. LOS is a qualitative measure of traffic operating conditions whereby a letter grade (A-F), corresponding to progressively worsening traffic operating conditions, is assigned to an intersection or roadway segment. LOS A means that there is little delay at intersections and free flowing traffic. LOS E and F occur when there are long delays at intersections, and roadways are at their maximum capacities.

The General Plan Master EIR identified the following four sets of impact thresholds that applied in their analysis of traffic impacts associated with buildout of the General Plan: City of Coalinga thresholds (LOS D), Fresno County (LOS C in rural areas), Caltrans (LOS C for State facilities) and CEQA thresholds. According to the General Plan Master EIR, at buildout of the General Plan (2025), the level of service (LOS) at the segment of Washington Street on which the project site is located (between Monterey Avenue and California Avenue) would be LOS B. LOS B is an acceptable LOS, based on the aforementioned four sets of thresholds of significance for roadways in the City of Coalinga.

### Proposed Project

The main sources of traffic that would be associated with the proposed project would be the commute of the school staff and the daily van trips that would transport students from their nearby homes.

As discussed in the Greenhouse Gas Emissions section of this IS/ND, for comparison purposes, the Institute of Traffic Engineer's (ITE) *Trip Generation Manual, 9<sup>th</sup> Edition*, was used to estimate the number of trips that would occur if the existing on-site office structure were again used as an office building. The ITE manual estimated that a similarly-sized, 6,000-sf office building would generate approximately 66 daily vehicle trips.

In terms of analysis of the proposed project's trip generation, while the ITE manual contains trip generation rates for schools, these rates assume that in addition to employees commuting to and from the school, parents would also drop off and pick-up each student. The assumption of extra parent trips would be inappropriate for the proposed project, as the students are being picked up and dropped off from their nearby homes to the proposed project site. As such, the proposed project would only result in new daily trips from the teaching and administrative staff as well as a maximum of four van trips needed to pick up and drop off the students. The applicant has indicated that the proposed project would operate with a student to teacher ratio of 10:2. With 40 total students, the 10:2 ratio would result in eight teachers commuting to and from work. In addition to teachers, supporting administrative and janitorial staff is also assumed to commute the project site for a conservative maximum of 15 on-site employees. Assuming that all employees commute separately in vehicles, the proposed project would likely result in 30 vehicle trips of staff arriving and departing work, which would lead to a combined total of 34 commuter and van trips. Even if the staff made additional trips while at work, the proposed project would be unlikely to equal the 66 trips anticipated an office in the existing structure.

Given the above discussion, because the surrounding roadways are expected to operate at an acceptable LOS and because the proposed project would not be expected to

create a substantial traffic increase in relation to the existing road network, a ***less-than-significant*** impact would result.

- c. The proposed project site is located approximately 1.25 miles from the Coalinga Municipal Airport. However, the proposed project would not result in any development on the site. Therefore, the project would not require any changes to existing regional air traffic activity and ***no impact*** would occur.
- d-f. The proposed project would not result in changes to the existing roadway network and, given that the project would not result in new development on the site, the project would not introduce design features that would be considered hazardous or incompatible uses. The proposed project would have two vehicle entry points located off of Washington Street along the northern boundary of the site, which would provide sufficient emergency access to the site. As such, the project would not substantially increase hazards due to design features or incompatible uses, and emergency access to the site would be adequate; therefore, the project would result in a ***less-than-significant*** impact.

| Issues                                                                                                                                                                                                                            | Potentially<br>Significant<br>Impact | Less-Than-<br>Significant<br>With<br>Mitigation<br>Incorporated | Less-Than-<br>Significant<br>Impact | No<br>Impact             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------------------------------------------------------------|-------------------------------------|--------------------------|
| <b>XVII. UTILITIES AND SERVICE SYSTEMS.</b>                                                                                                                                                                                       |                                      |                                                                 |                                     |                          |
| <i>Would the project:</i>                                                                                                                                                                                                         |                                      |                                                                 |                                     |                          |
| a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?                                                                                                                               | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                            | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                     | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?                                                                            | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?                                                                                                            | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |
| g. Comply with federal, state, and local statutes and regulations related to solid waste?                                                                                                                                         | <input type="checkbox"/>             | <input type="checkbox"/>                                        | ✗                                   | <input type="checkbox"/> |

### **Discussion**

- a-g. The proposed project would consist of conversion of an existing, on-site vacant office structure into a special needs private school. The proposed project is consistent with the General Plan land use for the site and the project would not include any new development. Rather, the project would result in the relocation of 40 students from their current school sites within the City to the proposed Westbridge School at the project site. Upon implementation of the project, the project site would continue to be served by the City of Coalinga for wastewater treatment, storm drainage, water supply, and solid waste services. The existing wastewater, water supply, and solid waste settings are discussed below. See Section IX., Hydrology and Water Quality, of this IS/ND for a discussion regarding potential stormwater impacts.

### Wastewater

The City of Coalinga owns and operates a wastewater treatment plant (WWTP) under California Regional Water Quality Control Board (RWQCB) Waste Discharge Requirements Order No. 94-184. The WWTP is located at the confluence of Los Gatos Creek and Warthan Creek, approximately one mile east of the City. The WWTP has undergone two major improvements in the last twenty years. In 1982, the primary clarifier and anaerobic digester were abandoned in favor of additional aerated lagoons, increasing the permitted treatment capacity to 0.93 MGD. In 1991, modifications to the plant included rehabilitation of the previously abandoned primary clarifier and conversion of the previously decommissioned anaerobic digester to an aerobic digester, increasing the plant capacity to 1.34 MGD. The current average daily flow is 0.93 million gallons per day (MGD), which represents approximately 70 percent of the current average daily permitted flow.

However, biochemical oxygen demand (BOD) of the wastewater flowing into the plant is greater than assumed for the design of the treatment facilities and the plant is operating at approximately 90 percent of the plant's BOD reduction capability. State law requires the City to begin planning for the next plant expansion once the treatment plant reaches 80 percent of its design capacity. The Sewer System Master Plan prepared for the City by Boyle Engineering in 2005 evaluated alternatives for the expansion of wastewater treatment and disposal facilities. In addition, the General Plan Master EIR includes Policies PFS8-1 and PFS8-2, which are intended to reduce impacts related to increased demand for utilities, including sewer and wastewater treatment services, to a less-than-significant level.

### Water Supply

Coalinga's surface water treatment plant originally came on line in April 1972 with a nominal capacity of eight MGD average daily flow and a hydraulic (maximum flow) capacity of 12 MGD. In 1992, primarily in anticipation of the increased demands resulting from construction of the Pleasant Valley State Prison, the treatment plant was expanded to a nominal treatment capacity of 12 MGD and a hydraulic capacity of 16 MGD. The treatment plant takes water from the California Aqueduct via the Coalinga Canal.

The supply of potable water is capped at 10,000 acre-feet for the City, and the General Plan Master EIR indicates that the likelihood is low that water will be available for the amount of development outlined in the proposed General Plan. Without the acquisition of a new source, the City could provide water supply to a maximum of 21,275 persons, based on the current per capita water use rate of 0.47af/year. While this population figure is in line with the Department of Finance growth projections for the City, the number is well under what the General Plan outlines for buildout of the General Plan.

### Solid Waste

The City of Coalinga subcontracts out solid waste collection and disposal services within the City limits. Currently, the City generates approximately 20 tons per day, excluding solid waste generated by the Pleasant Valley State Prison. The prison averages five tons per day. The Coalinga Disposal Site, operated by the County of Fresno, is located one mile south of the City of Coalinga adjacent to Highway 118. This landfill serves the cities of Coalinga and Huron, as well as the rural areas of southwestern Fresno County.

Currently, the Coalinga Disposal Site averages 50 tons per day with a maximum daily permitted capacity of 100 tons per day. The landfill is expected to serve the Coalinga region for the next 35 to 40 years. Once the landfill has reached capacity, local solid waste will be taken to the regional County landfill on American Avenue, approximately 45 miles east of the City.

According to the *Remaining Lifetime Landfill Capacity Data Sheet* prepared by the California Department of Resources Recycling and Recovery (CalRecycle) for Fresno County, landfill capacity in the year 2025 is projected at 11,822,751 tons to accommodate an estimated 583,039 tons of solid waste; therefore, sufficient landfill capacity exists to serve the County for the foreseeable future.

#### Proposed Project

As mentioned above, the proposed project would not include any new development on the project site; therefore, the project would not result in any impacts related to the need for, or construction of, utilities. In the recent past, the on-site office structure was in use and was served by the City's utility providers. In addition, the project is consistent with the General Plan land use designation for the site. Furthermore, the project would result in the relocation of 40 students from their current school sites within the City to the proposed Westbridge School at the project site. This relocation of students would not result in any additional demand for water, sewer, storm drainage, or solid waste services. The City's General Plan Master EIR has previously analyzed and addressed impacts related to Utilities and Service Systems and impacts beyond those identified in the General Plan Master EIR would not result. Overall, the proposed project would result in a ***less-than-significant*** impact.

| Issues                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Potentially<br>Significant<br>Impact | Less-Than-<br>Significant<br>With<br>Mitigation<br>Incorporated | Less-Than-<br>Significant<br>Impact | No<br>Impact             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------------------------------------------------------------|-------------------------------------|--------------------------|
| <b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</b>                                                                                                                                                                                                                                                                                                                                                                                                        |                                      |                                                                 |                                     |                          |
| a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <b>×</b>                            | <input type="checkbox"/> |
| b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?                                                                                                           | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <b>×</b>                            | <input type="checkbox"/> |
| c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/>             | <input type="checkbox"/>                                        | <b>×</b>                            | <input type="checkbox"/> |

### **Discussion**

- a. This IS/ND identifies that the proposed project would consist solely of converting the existing, on-site vacant office structure into a special needs private school, and the project would not include any new development on the site. In addition, the project would not include any demolition or construction. Thus, the project would not result in degradation of the quality of the environment on the site or in surrounding areas and, therefore, the proposed project would have **less-than-significant** impacts to wildlife and plant species or communities and examples of California history or prehistory.
- b. The proposed project would consist of conversion of an existing, on-site vacant office structure into a special needs private school, and the project would not include construction of any new development on the project site. The project would utilize the existing building for 700 sf of office space, 800 sf of storage space, 500 sf of assembly area, and 4,000 sf of classrooms, as well as utilizing the existing parking spaces. The proposed project would not have the potential for achieving short-term goals to the disadvantage of long-term environmental goals. In addition, because the project would not include operational modifications, the impacts are not considered cumulatively considerable. The IS/ND also indicates that the proposed project would not result in direct or indirect environmental impacts. Therefore, the proposed project's impact would be considered **less than significant**.
- c. Because the project site has previously been developed and the site is surrounded by existing development, and because the project would be consistent with the site's existing land use designation, substantial adverse effects on human beings are not

anticipated with implementation of the proposed project. More specifically, as described in this IS/ND, the criteria air pollutant and GHG emissions generated by the project would be below the SJVAPCD's thresholds of significance. In addition, the project would not involve the use of hazardous materials that could impact human health. Therefore, overall, the project's impact to human health would be ***less than significant***.

## **H. LIST OF PREPARERS**

### ***Lead Agency***

Sean Brewer, Community Development Director

City of Coalinga  
155 West Durian Street  
Coalinga, California 93210  
(559) 935-1533

### ***Environmental Consultant***

Tim Raney, President  
Rod Stinson, Division Manager/Air Quality Specialist

Raney Planning & Management, Inc.  
1501 Sports Drive, Suite A  
Sacramento, California 95834

# Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # \_\_\_\_\_

## Project Title: Westbridge School

Lead Agency: City of Coalinga

Contact Person: Sean Brewer

Street Address: 155 West Durian Avenue

Phone: 559-935-1533

City: Coalinga

Zip: 93210

County: Fresno

Project Location: County: Fresno

City/Nearest Community: Coalinga

Cross Streets: Washington Street and California Street

Zip code: 93210

Lat./Long/: 36 ° 08 ' 36.36 " N / 120 ° 21 ' 57.45 " W

Total Acres: 0.5

Assessor's Parcel No. 072-053-195

Section: 32 Twp: 20S Range: 15E Base: MDBM

Within 2 miles: State Hwy#: 33/198

Waterways: Warthan Creek

Airports: Coalinga Municipal

Railways: N/A

Schools: Nell Dawson and Henry Bishop Elementary Schools, Coalinga Middle School, Cambridge and Coalinga High Schools, Faith Christian Academy

## Document Type:

CEQA: ☐ NOP  
☐ Early Cons  
☒ Neg Dec  
☐ Mit Neg Dec

☐ Draft EIR  
☐ Supplement/Subsequent EIR  
(Prior SCH No.) \_\_\_\_\_  
☐ Other: \_\_\_\_\_

NEPA:

☐ NOI  
☐ EA  
☐ Draft EIS  
☐ FONSI

Other: ☐ Joint Document  
☐ Final Document  
☐ Other:

Governor's Office of Planning & Research  
AUG 31 2016  
AFTER 12 PM

## Local Action Type:

☐ General Plan Update  
☐ General Plan Amendment  
☐ General Plan Element  
☐ Community Plan

☐ Specific Plan  
☐ Master Plan  
☐ Planned Unit Development  
☐ Site Plan

☐ Rezone  
☐ Prezone  
☒ Use Permit  
☐ Land Division (Subdivision, etc.)

☐ Annexation  
☐ Redevelopment  
☐ Coastal Permit  
☒ Other: Zoning Ordinance Text Amendment

## Development Type:

☐ Residential: Units \_\_\_\_\_ Acres \_\_\_\_\_  
☐ Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
☐ Commercial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
☐ Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
☒ Educational 6,427 square feet  
☐ Recreational \_\_\_\_\_

☐ Water Facilities: Type \_\_\_\_\_ MGD \_\_\_\_\_  
☐ Transportation: Type \_\_\_\_\_  
☐ Mining: Mineral \_\_\_\_\_  
☐ Power: Type \_\_\_\_\_ MW \_\_\_\_\_  
☐ Waste Treatment: Type \_\_\_\_\_ MGD \_\_\_\_\_  
☐ Hazardous Waste: Type \_\_\_\_\_  
☐ Other: \_\_\_\_\_

## Project Issues That May Have a Significant or Potentially Significant Impact:

|                                                   |                                                     |                                                          |                                                   |
|---------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------|---------------------------------------------------|
| <input type="checkbox"/> Aesthetic/Visual         | <input type="checkbox"/> Fiscal                     | <input type="checkbox"/> Public Services/Facilities      | <input type="checkbox"/> Traffic/Circulation      |
| <input type="checkbox"/> Agricultural Land/Forest | <input type="checkbox"/> Flood Plain/Flooding       | <input type="checkbox"/> Recreation/Parks                | <input type="checkbox"/> Vegetation               |
| <input type="checkbox"/> Air Quality              | <input type="checkbox"/> Forest Land/Fire Hazard    | <input type="checkbox"/> Schools/Universities            | <input type="checkbox"/> Water Quality            |
| <input type="checkbox"/> Archeological/Historical | <input type="checkbox"/> Geologic/Seismic           | <input type="checkbox"/> Septic Systems                  | <input type="checkbox"/> Water Supply/Groundwater |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Greenhouse Gas Emissions   | <input type="checkbox"/> Sewer Capacity                  | <input type="checkbox"/> Wetland/Riparian         |
| <input type="checkbox"/> Coastal Zone             | <input type="checkbox"/> Minerals                   | <input type="checkbox"/> Soil Erosion/Compaction/Grading | <input type="checkbox"/> Growth Inducement        |
| <input type="checkbox"/> Drainage/Absorption      | <input type="checkbox"/> Noise                      | <input type="checkbox"/> Solid Waste                     | <input type="checkbox"/> Land Use                 |
| <input type="checkbox"/> Economic/Jobs            | <input type="checkbox"/> Population/Housing Balance | <input type="checkbox"/> Toxic/Hazardous                 | <input type="checkbox"/> Cumulative Effects       |
|                                                   |                                                     |                                                          | <input type="checkbox"/> Other: _____             |

**Present Land Use/Zoning/General Plan Designation:** The project site currently contains a vacant, 6,427-square-foot (sf) office structure. The site has a General Plan land use designation of Mixed-Use and is zoned Mixed-Use (MX).

**Project Description:** The proposed project would convert the vacant office structure into a special needs private school (Westbridge School). The hours of operation would be Monday through Friday, 8:00 AM to 5:00 PM and student enrollment would be limited to a total of 40 students. The project would utilize the existing building as follows: 700 sf of office space, 800 sf of storage space, 500 sf for an assembly area, and 4,000 sf for classrooms. The project would utilize the existing parking lot and on-street parking spaces. The project would have a total of 11 employees.

**Reviewing Agencies Checklist**

Appendix C

*continued**Lead Agencies may recommend State Clearinghouse distribution by marking agencies below.*

|   |                                        |  |                                                                |
|---|----------------------------------------|--|----------------------------------------------------------------|
|   | Air Resources Board                    |  | Office of Emergency Services                                   |
|   | Boating & Waterways, Department of     |  | Office of Historic Preservation                                |
|   | California Highway Patrol              |  | Office of Public School Construction                           |
| X | Caltrans District # 6                  |  | Parks & Recreation                                             |
|   | Caltrans Division of Aeronautics       |  | Pesticide Regulation, Department of                            |
|   | Caltrans Planning (Headquarters)       |  | Public Utilities Commission                                    |
|   | Coachella Valley Mountains Conservancy |  | Reclamation Board                                              |
|   | Coastal Commission                     |  | Regional WQCB #                                                |
|   | Colorado River Board Commission        |  | Resources Agency                                               |
|   | Conservation, Department of            |  | S.F. Bay Conservation & Development                            |
|   | Corrections, Department of             |  | San Gabriel & Lower Los Angeles Rivers & Mountains Conservancy |
|   | Delta Protection Commission            |  | San Joaquin River Conservancy                                  |
| X | Education, Department of               |  | Santa Monica Mountains Conservancy                             |
|   | Office of Public School Construction   |  | State Lands Commission                                         |
|   | Energy Commission                      |  | SWRCB: Clean Water Grants                                      |
|   | Fish & Wildlife Region #               |  | SWRCB: Water Quality                                           |
|   | Food & Agriculture, Department of      |  | SWRCB: Water Rights                                            |
|   | CalFire                                |  | Tahoe Regional Planning Agency                                 |
| X | General Services, Department of        |  | Toxic Substances Control, Department of                        |
|   | Health Services, Department of         |  | Water Resources, Department of                                 |
|   | Housing & Community Development        |  | Other:                                                         |
|   | CalRecycle                             |  | Other:                                                         |
|   | Native American Heritage Commission    |  |                                                                |

**Local Public Review Period**Starting Date September 1, 2016Ending Date October 3, 2016**Lead Agency:** City of Coalinga**Applicant:** Gutierrez Properties, LLCConsulting Firm: Raney Planning & Management, Inc.Address: 195 West Elm AvenueAddress: 1501 Sports Drive, Suite ACity/State/Zip: Coalinga, CA 93210City/State/Zip: Sacramento, CA 95834Phone: ( 559 ) 304-1889Contact: Rod StinsonPhone: ( 916 ) 372-6100**Signature of Lead Agency Representative:** \_\_\_\_\_

Date: \_\_\_\_\_

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21161, Public Resources Code.



## CITY OF COALINGA

### PUBLIC NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

**PROJECT NAME:** Westbridge School

**LEAD AGENCY:** City of Coalinga  
Community Development Department  
155 West Durian Avenue  
Coalinga, California 93210

**CONTACT PERSON:** Sean Brewer  
Community Development Director  
(559) 935-1533

**PROJECT LOCATION:** The Westbridge School project (proposed project) site is located at 201 Washington Street in the City of Coalinga (Assessor's Parcel Number [APN] 072-053-195) at the intersection of Washington Street and California Street (see attached Project Location Map).

**PROJECT APPLICANT:** Rito Gutierrez  
Gutierrez Properties, LLC  
195 West Elm Avenue  
Coalinga, California 93210

**PROJECT DESCRIPTION:** The proposed project site is approximately 0.5-acre and contains a single, 6,427-square-foot (sf) office structure that is no longer in use. The proposed project would include the conversion of the vacant office structure into a special needs private school (Westbridge School). The project would utilize the existing on-site building and a perimeter fence would be constructed around the building. The school's hours of operation would be Monday through Friday, 8:00 AM to 5:00 PM and student enrollment would be limited to a total of 40 students enrolled in Pre-Kindergarten through 12<sup>th</sup> grades. The project would utilize the building as follows: 700 sf of office space, 800 sf of storage space, 500 sf for an assembly area, and 4,000 sf for classrooms. The project would utilize the 22 existing parking lot spaces and 10 existing on-street parking spaces. The project would be expected to employ a maximum of eight teachers and seven additional support staff members.

The current Coalinga General Plan land use designation for the site is Mixed-Use and the site is also zoned by the City of Coalinga as Mixed-Use (MX).

The proposed project requires approval of a Zoning Ordinance Text Amendment to allow public and private schools in Mixed-Use and Commercial zones with a Conditional Use Permit, as well as a Conditional Use Permit for the proposed school facility.

The proposed project is not on any of the lists enumerated under Section 65962.5 of the Government Code as related to hazardous materials.

**INITIAL STUDY:**

The Initial Study and proposed Negative Declaration can be reviewed at the following locations in the City of Coalinga: the City of Coalinga Community Development Department located at 155 West Durian Avenue (open 8:00 AM to 5:00 PM, Monday-Friday); the Coalinga Library located at 305 North 4th Street (open 10:00 AM to 8:00 PM, Monday-Friday and 10:00 AM to 5:00 PM (Saturday); and the Coalinga Chamber of Commerce located at 265 West Elm Avenue (open 10:00 AM to 5:00 PM, Monday-Friday). This environmental review process and Negative Declaration filing is pursuant to Title 14, Division 6, Chapter 3, Article 6, sections 15070, 15071, and 15072 of the California Administrative Code.

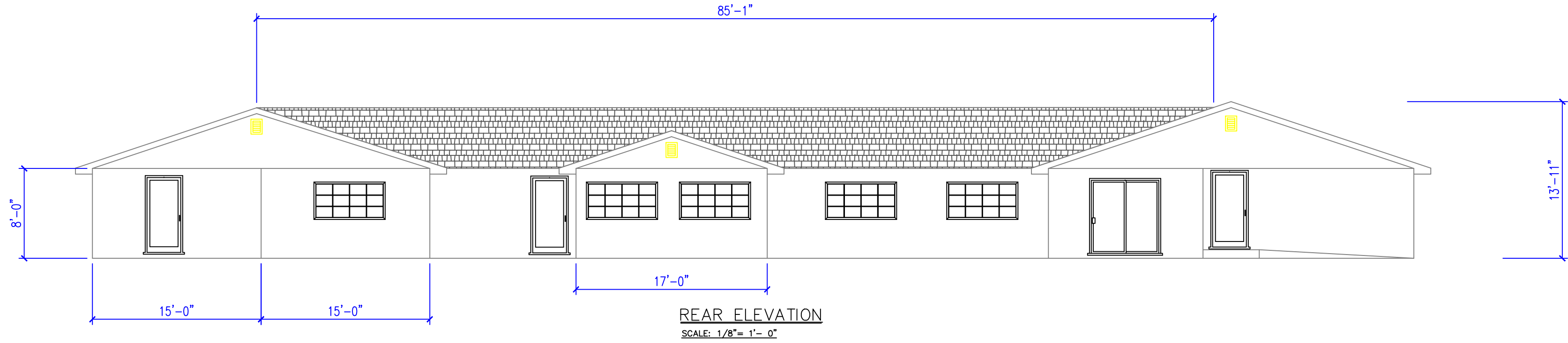
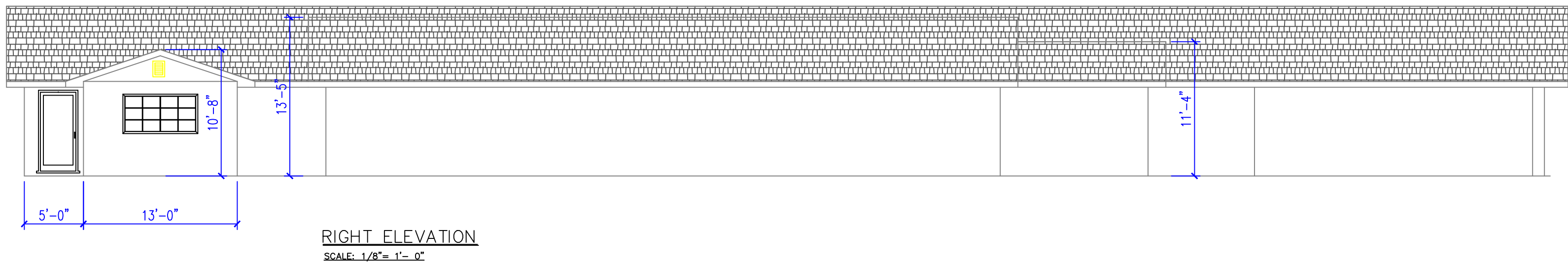
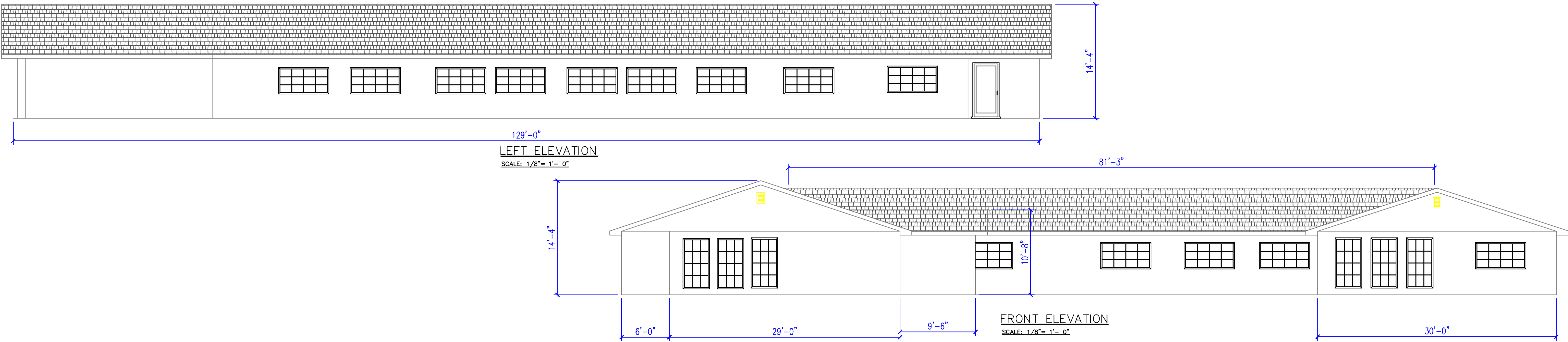
**PUBLIC REVIEW:**

A 30-day public comment period on this Initial Study/Mitigated Negative Declaration begins on **September 1, 2016** and ends on **October 3, 2016**. **Written comments regarding this project, addressing the findings of the proposed Negative Declaration and/or accuracy or completeness of the Initial Study, may be submitted to the City of Coalinga Department of Community Development (at the below address) during this comment period. A public hearing before the City of Coalinga Planning Commission will be held for the proposed project on October 11, 2016. A final public hearing before the City of Coalinga City Council will be scheduled for a later date, to be determined and noticed separately. All hearings and meetings will be located in the City Hall Chambers, 155 West Durian Avenue, Coalinga, California 93210.**

Sean Brewer, Community Development Director  
City of Coalinga Community Development Department  
155 West Durian Avenue, Coalinga, California 93210  
(559) 935-1533  
[sbrewer@coalinga.com](mailto:sbrewer@coalinga.com)

## Project Location Map





| REVISIONS |      |     | RITO #1 CONSTRUCTION          |                 |             |
|-----------|------|-----|-------------------------------|-----------------|-------------|
| NO.       | DATE | BY: | 201 WASHINGTON ST COALINGA CA |                 |             |
| 1.        |      |     |                               |                 |             |
| 2.        |      |     |                               |                 |             |
| 3.        |      |     | DRAWN BY: C.S.                | SCALE: AS NOTED | MATERIAL:   |
| 4.        |      |     | CHECKED BY:                   | DATE:           | DRAWING NO. |
| 5.        |      |     | TRACED BY:                    | APP'D:          |             |

EA 16-01



**CITY OF COALINGA**  
*The Sunny Side of the Valley*

**City of Coalinga**  
**Community Development Department**

**APPLICATION FOR ENVIRONMENTAL EVALUATION**

CPA 16-01

201 Washington

**1. Owner/Applicant Information**

PROPERTY OWNER'S NAME: Gutierrez Properties, LLC / Rito Gutierrez  
PROPERTY OWNER'S ADDRESS: 195 W Elm Ave. Coalinga, Ca 93210  
TELEPHONE: (559) 304-1889 EMAIL: ritogutierrez@yahoo.com

APPLICANT'S NAME, COMPANY/ORGANIZATION: Rito Gutierrez  
APPLICANT'S ADDRESS: 195 W Elm Ave. Coalinga, Ca 93210  
TELEPHONE: (559) 304-1889 EMAIL: ritogutierrez@yahoo.com

CONTACT FOR PROJECT INFORMATION: Guadalupe Contreras  
ADDRESS: 195 W Elm Ave. Coalinga, Ca 93210  
TELEPHONE: (559) 250-4667 EMAIL: notary3604@yahoo.com

**2. Location and Classification**

STREET ADDRESS OF PROJECT: 201 Washington St. Coalinga, Ca 93210  
CROSS STREETS: California St.  
ASSESSOR'S PARCEL NUMBER(S): 072-053-195  
LOT DIMENSIONS: 150' x 150' LOT AREA (SQ FT): 22,500  
ZONING DESIGNATION: Mixed Use GENERAL PLAN DESIGNATION: MX (Mixed Use)

**3. Project Description (please check all that apply)**

- ☒ Change of Use
- ☐ Change of Hours
- ☐ New Construction
- ☐ Alterations
- ☐ Demolition
- ☐ Other (please clarify):

PRESENT OR PREVIOUS USE: Law offices  
 PROPOSED USE: Private school  
 BUILDING APPLICATION PERMIT #: N/A DATE FILED: N/A

#### 4. Project Summary Table

If you are not sure of the eventual size of the project, provide the maximum estimates.

|                                   | Existing Uses | Existing Uses to be Retained | Net New Construction and/or Addition | Project Totals |
|-----------------------------------|---------------|------------------------------|--------------------------------------|----------------|
| <b>Project Features</b>           |               |                              |                                      |                |
| Dwelling Units                    |               |                              |                                      |                |
| Parking Spaces                    | 0             | 22                           | 0                                    | 22             |
| Loading Spaces                    | 0             | <del>0</del> 1               | 0                                    | 1              |
| Bicycle Spaces                    | 0             | 0                            | 0                                    | 0              |
| Number of Buildings               | 0             | 1                            | 0                                    | 1              |
| Height of Buildings               | 0             | 8'                           | 0                                    | 8'             |
| Number of Stories                 | 0             | 1                            | 0                                    | 1              |
| <b>Gross Square Footage (GSF)</b> |               |                              |                                      |                |
| Residential                       | 0             | 0                            | 0                                    | 0              |
| Retail                            | 0             | 0                            | 0                                    | 0              |
| Office                            | 0             | 700                          | 0                                    | 700            |
| Industrial                        | 0             | 0                            | 0                                    | 0              |
| Parking                           | 0             | 4400                         | 0                                    | 4400           |
| Other _____                       |               |                              |                                      |                |
| Other _____                       |               |                              |                                      |                |
| Other _____                       |               |                              |                                      |                |
| <b>Total GSF</b>                  |               | 5100                         | 0                                    | 5100           |

Please provide a narrative project description that summarizes the project and its purpose or describe any additional features that are not included in this table. Please list any special authorizations or changes to the Planning Code or Zoning Maps if applicable.

### All Projects

#### Land Use

What is the current use of the site? It is currently vacant, but used to be a Law office.  
Please list all previous land uses of the site for the last 10 years. Law office

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#### Neighborhood Contact

Please describe any contact you have had regarding the project with the following: neighbors/property owners adjacent to the subject site, Neighborhood Associations, Business Associations, or Community Groups in the project area.

None

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#### Site Characteristics

Providing the following information regarding the environmental setting with your application is one of the most effective ways to expedite your project's environmental review. If your site contains structures, large trees, mature vegetation, natural drainage ways, low lying areas where water pools during the rainy season, or wetland areas, supplemental information may be requested in order to conduct the environmental review of your project.

Are there any structures or buildings on the project site?

☒ Yes ☐ No

If yes, how many? 1

What is the construction date of each structure? 1968

Current use of existing structure(s)? Law office (vacant)

Proposed use of existing structure(s)? Private school

Are there any trees on the project site?

☒ Yes ☐ No

Are any trees proposed to be removed?

☐ Yes ☒ No

Does the site contain any natural drainage ways?

☒ Yes ☐ No

Does the site contain any wetland areas or areas where water pools during the rainy season?

☐ Yes ☒ No

What land uses surround the project site? (i.e., single-family residential, commercial, etc.)

Please describe: single family residential, commercial, and  
the ~~school~~ public schools are nearby

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Are you proposing any new fencing or screening?

☒ Yes ☐ No

If yes, please describe the location, the height, and the materials (i.e., wood, masonry, etc.) of the fencing.

6' high, chain link fence with privacy slats around the building where needed.

Is there parking on-site?

☒ Yes ☐ No

If yes, how many spaces are existing (for the entire property) and how many are proposed on-site for the project?

Existing 22

Proposed 22

Is any parking proposed off-site?

☒ Yes ☐ No

If yes, where will it be located and how many spaces? 10 spaces in the front, along the sidewalk

Are you proposing new signs with the project?

☐ Yes ☒ No

If yes, please describe the number and type. \_\_\_\_\_

Are there any easements crossing the site?

☐ Yes ☒ No

Are there any trash/recycling enclosures on-site?

☒ Yes ☐ No

If yes, what is the size/height/materials of the enclosure(s) and where are they located?

6' block, located in the back of the building

What is the total number of cubic yards allocated for recycling? \_\_\_\_\_

| Building Setback from Property Lines |                        |                        |
|--------------------------------------|------------------------|------------------------|
|                                      | Existing (feet/inches) | Proposed (feet/inches) |
| Front                                | <u>15 feet</u>         |                        |
| Rear                                 | <u>15 feet</u>         |                        |
| Streetside                           | <u>30 feet</u>         |                        |
| Interior Side                        | <u>5 feet</u>          |                        |

What are the front setbacks of the two nearest buildings (on adjacent property) on the same side of the block? If there are no other properties, please write "N/A."

1<sup>st</sup> Address: \_\_\_\_\_ 2<sup>nd</sup> Address: \_\_\_\_\_

Setback: \_\_\_\_\_ Setback: \_\_\_\_\_

#### Exterior Materials

Existing Exterior Building Materials: Drywall, stucco

Existing Roof Materials: shingle

Existing Exterior Building Colors: green

Proposed Exterior Building Materials: same, no change

Proposed Roof Materials: same, no change

Proposed Exterior Building Materials: same, no change

### Residential Projects

Fill in this section if your project has residential units. Complete both residential and non-residential sections if you are submitting a mixed-use project. Provide information below for the proposed project unless the question specifically requests information on the existing conditions of the property.

Total Number of Lots: \_\_\_\_\_ N/A  
Total Dwelling Units: \_\_\_\_\_ 0

Net Acreage of Site: \_\_\_\_\_ N/A  
Density/Net Acre: \_\_\_\_\_

# of Single-Family Units: \_\_\_\_\_ 0  
# of Multi-Family/Apartment Units: \_\_\_\_\_ 0

# of Duplex/Half-Plex Units: \_\_\_\_\_ 0  
# of Condominium Units: \_\_\_\_\_ 0

### **Structure Size**

Please identify the size of all existing structures to be retained (identify separately).

Residence  
Garage  
Other

Gross Square Footage: \_\_\_\_\_ 0  
Gross Square Footage: \_\_\_\_\_ 0  
Gross Square Footage: \_\_\_\_\_

Size of new structure(s) or building addition(s):

Gross Square Footage: \_\_\_\_\_ N/A  
Total Square Footage: \_\_\_\_\_ 0

### **Building Height**

Building height means the vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the plate line, where the roof meets the wall.

Existing Building Height and # of Floors (from ground to the plateline): \_\_\_\_\_ 0 N/A  
Existing Building Height and # of Floors (from ground to the top of the roof): \_\_\_\_\_ 0 N/A  
Proposed Building Height and # of Floors (from ground to the plateline): \_\_\_\_\_ 0 N/A  
Proposed Building Height and # of Floors (from ground to the top of the roof): \_\_\_\_\_ 0 N/A

### **Lot Coverage**

Total Building Coverage Area\* (proposed new and existing to be retained) (sq. ft.): \_\_\_\_\_ N/A  
Project Site Lot Area (sq. ft.): \_\_\_\_\_ N/A  
Total Lot Coverage Percentage: \_\_\_\_\_ N/A

(Example: building area (2,000') / lot area (5,000') = 40% total lot coverage)

\* Include all covered structures (patios, porches, sheds, detached garages, etc.)

### Non-Residential Projects

Fill in this section if your project has a non-residential component. Complete both residential and non-residential sections if you are submitting a mixed-use project.

Hours of operation of the proposed use: 8:00 am - 5:00 pm  
If your project includes fixed seats, how many are there? N/A

#### Building Size

Total Building Square Footage On-Site (gross sq. ft.) 6427

| Breakdown of Square Footage – Please Mark All That Apply |             |             |
|----------------------------------------------------------|-------------|-------------|
|                                                          | Existing    | Proposed    |
| Warehouse Area                                           | <u>0</u>    | <u>0</u>    |
| Office Area                                              | <u>700</u>  | <u>700</u>  |
| Storage Area                                             | <u>800</u>  | <u>800</u>  |
| Restaurant/Bar Area                                      | <u>0</u>    | <u>0</u>    |
| Sales Area                                               | <u>0</u>    | <u>0</u>    |
| Medical Office Area                                      | <u>0</u>    | <u>0</u>    |
| Assembly Area                                            | <u>500</u>  | <u>500</u>  |
| Theater Area                                             | <u>0</u>    | <u>0</u>    |
| Structured Parking                                       |             |             |
| Other Area* <u>classrooms</u>                            | <u>4000</u> | <u>4000</u> |
| *Describe use type of "Other" areas.                     |             |             |

#### Building Height

Existing Building Height and # of Floors: 8' height, 1 floor  
Proposed Building Height and # of Floors: 8' height, 1 floor

#### Lot Coverage

Total Existing and Proposed Building Coverage Area\* (sq. ft.): 6427  
Project Site Lot Area (sq. ft.): 22,500  
Total Lot Coverage Percentage: 28%

(Example: building area (2,000') / lot area (5,000') = 40% total lot coverage)

\* Include all covered structures (patios, porches, sheds, detached garages, etc.)

### Environmental Evaluation Application Submittal Checklist

| Application Materials                                                                                                                                                                                                                                                             | Provided | Not Applicable |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------------|
| Two (2) originals of this application signed by owner or agent, with all blanks filled in.                                                                                                                                                                                        |          |                |
| Two (2) hard copy sets of project drawings in 11" x 17" format showing existing and proposed site plans with structures on the subject property and on immediately adjoining properties, and existing and proposed floor plans, elevations, and sections of the proposed project. |          |                |
| One (1) CD containing the application and project drawings and any other submittal materials that are available electronically.                                                                                                                                                   |          |                |
| Photos of the project site and its immediate vicinity, with viewpoints labeled.                                                                                                                                                                                                   |          |                |
| Check payable to Coalinga Community Development Department.                                                                                                                                                                                                                       |          |                |
| Letter of authorization for agent, if applicable.                                                                                                                                                                                                                                 |          |                |
| Available technical studies.                                                                                                                                                                                                                                                      |          |                |

#### For Department Use Only

Application Received by Community Development Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF COALINGA  
AMENDMENT TO THE  
ZONING ORDINANCE APPLICATION**

RZ 16-01

Application

6/28/16

Date

**Important:** The City of Coalinga will only accept, for processing, an application for a general amendment to the Zoning Ordinance if the proposed amendment is consistent with the Coalinga General Plan. The reason for this policy is that State Law requires that the City's Zoning Ordinance be consistent with the General Plan. Before beginning this application, you should check with the secretary of the Planning commission to determine if the amendment is consistent with the General Plan.

**APPLICANT INFORMATION:**

Applicant/Property Owner Name: Rito Gutierrez / Gutierrez Properties, LLC

Applicant's Mailing Address: 195 W. Elm Ave Coalinga, Ca 93210

Telephone Number: (559) 935-8853 / (559) 304-1889

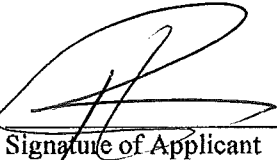
**The answers to the following questions must be made full and complete.**

1. Please give the number and a brief description of the section of the Zoning Ordinance from which you are requesting to be amended.

Amend zoning ordinance to allow public and private schools in all commercial zones by CUP.

2. Please describe how and why you believe this section should be amended.

The forgoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief



Signature of Applicant

195 W. Elm Ave. Coalinga, Ca 93210

Mailing Address

Rito Gutierrez

Name of Applicant (Please Print)

(559) 304-1889

Telephone Number

**CITY OF COALINGA  
CONDITIONAL USE PERMIT APPLICATION**

CUP 16-01  
Application Number

6/28/16  
Date

**APPLICANT INFORMATION:**

Applicant/Property Owner: Rito Gutierrez / Gutierrez Properties, LLC  
Mailing Address: 195 W. Elm Ave. Coalinga, Ca 93210  
Telephone Number: (559) 304-1889 Assessor Parcel Number: \_\_\_\_\_  
Property Location: 201 Washington St. Coalinga, Ca 93210  
Legal Description (lot, block, Tracts, etc.) \_\_\_\_\_

**PROPERTY USE INFORMATION:**

Current Zoning: Mixed Use (MX)  
Existing Number of Lots: 6 Proposed Number of Lots: 6 Area of Parcel: 22,500 <sup>sq.</sup> ft.  
Proposed Use: For a private school

(If additional space is required attach separate sheet of paper)

Describe any new structures or improvements associated with use (indicate total square footage of structures). \_\_\_\_\_

Attached

(If additional space is required attach separate sheet of paper)

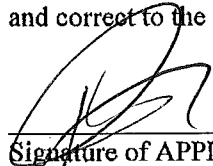
Describe operational characteristics of use (hours of operation, number of employees, vehicle traffic to and from use, parking requirements, etc.) \_\_\_\_\_

Attached

The undersigned applicant has the ability and intention to proceed with the actual construction work in accordance with these plans (as approved) within one year from the date of approval and the applicant understands that this conditional use permit, if granted, becomes null and void and of no effect if the applicant does not commence with the actual construction work in accordance with these plans within one year from the date of approval of this application and diligently proceed to completion. An extension to commence the work at a later date may be granted by the planning commission, upon the written petition of applicant for such extension before the expiration of the one-year period. The applicant understands that the Commission may also establish a deadline date for the completion of said project.

Signature of BOTH the APPLICANT and RECORDED PROPERTY OWNER(S) are required below as applicable.

The forgoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

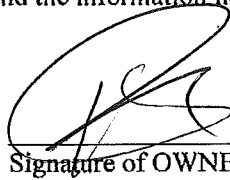


Signature of APPLICANT/AGENT

Rito Gutierrez  
Name of APPLICANT/AGENT (Please Print)

195 W Elm Coalinga, Ca  
Mailing Address

559-304-1889  
Telephone Number

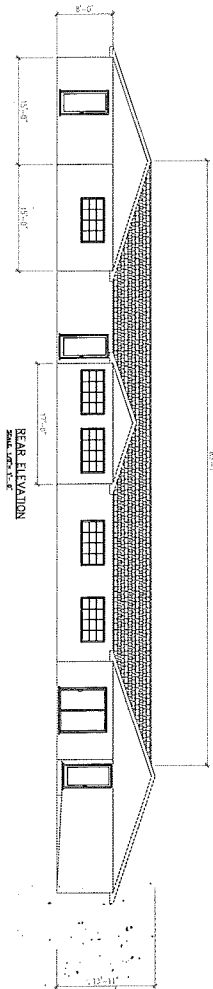
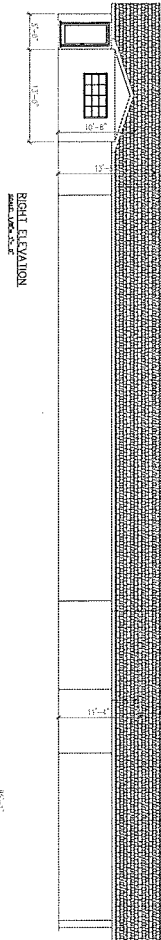
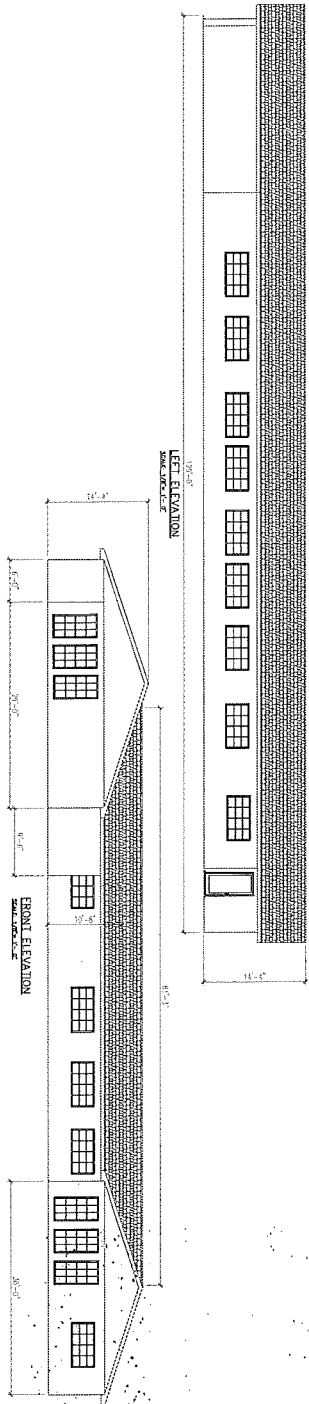


Signature of OWNER

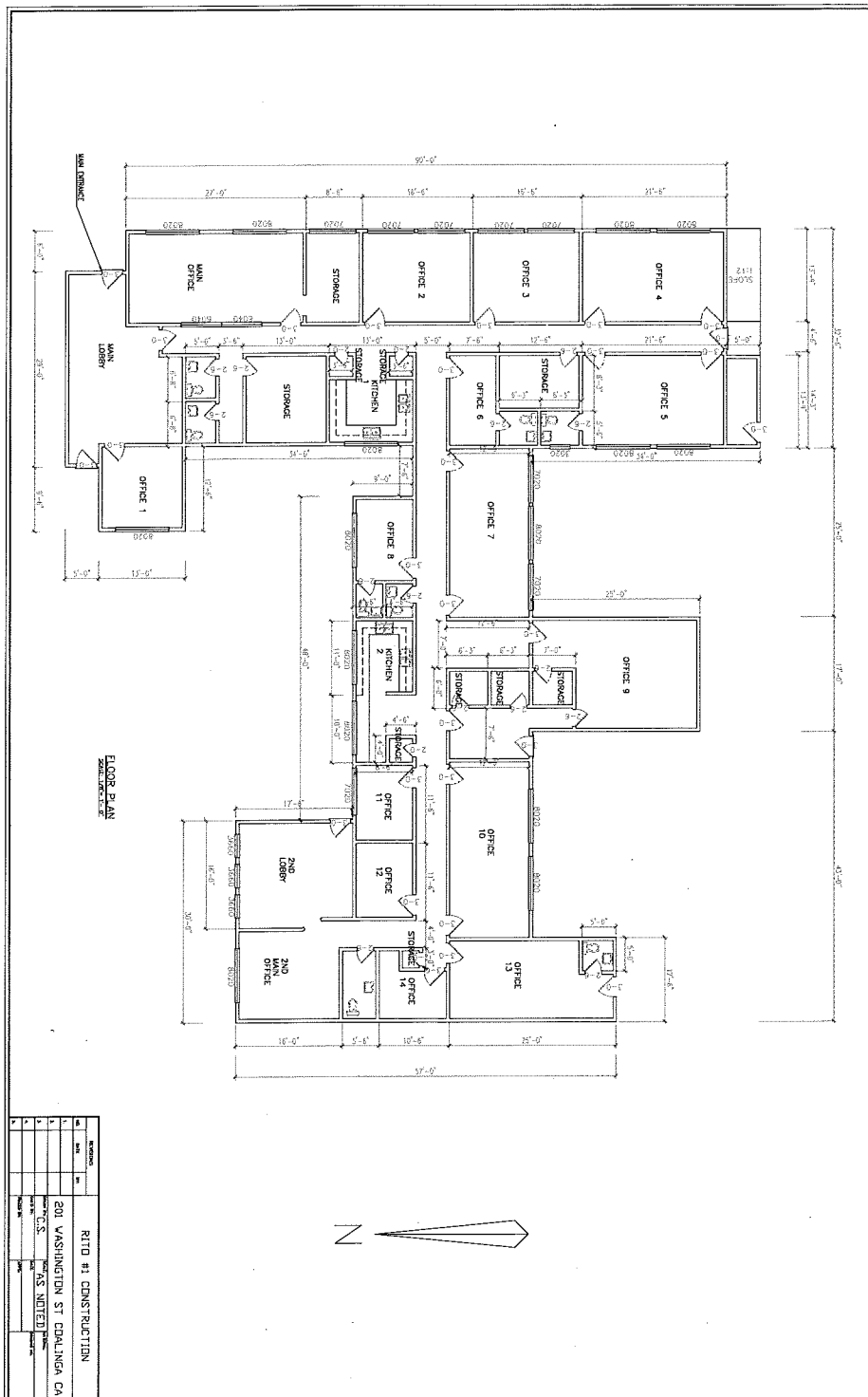
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Name of OWNER (Please Print)

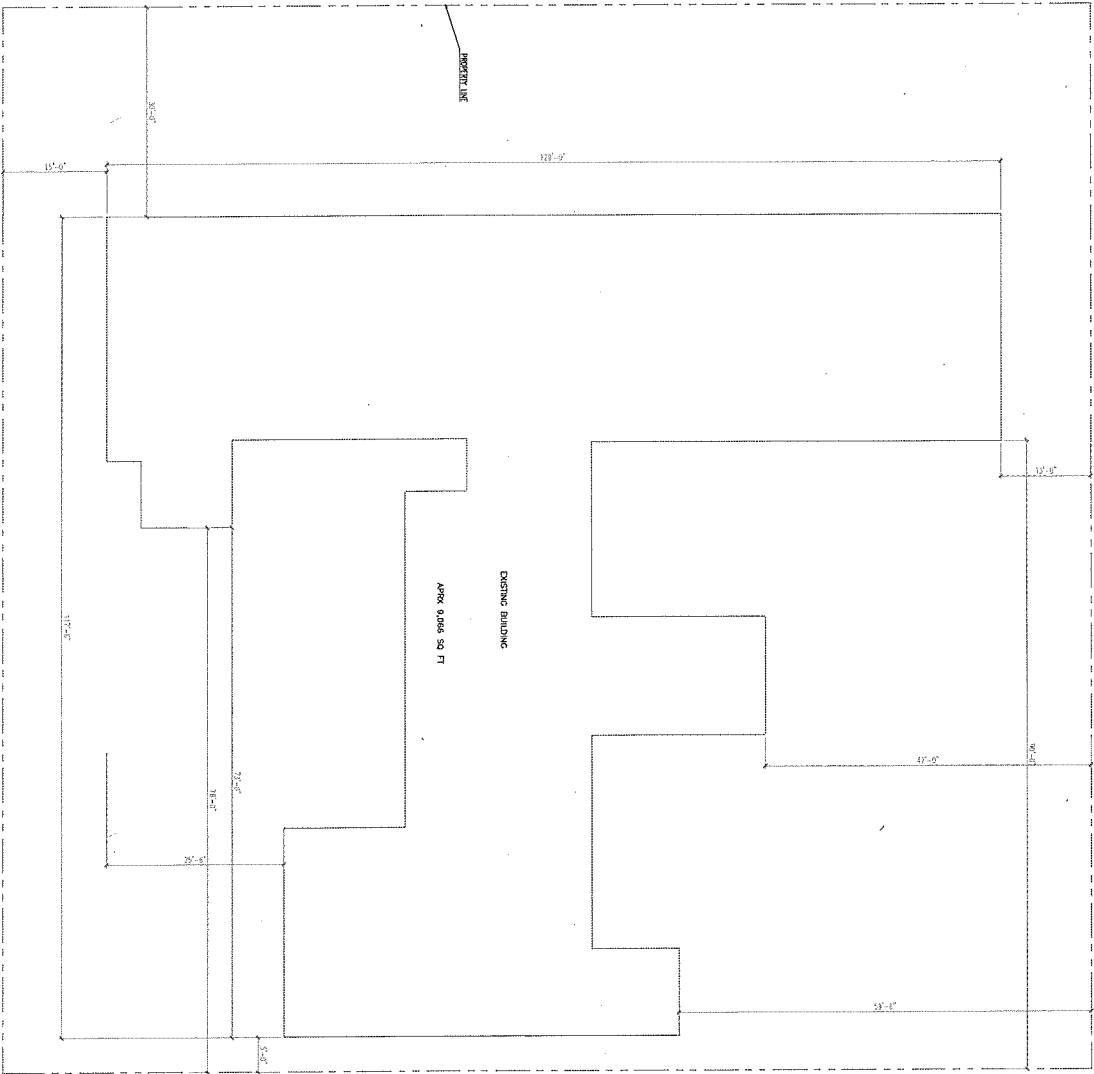
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RITO #1 CONSTRUCTION

201 WASHINGTON ST COALINGA CA

DATE: 10/10/00

BY: [Signature]



# Westbridge Schools

A Highly Individualized Independent Nonpublic School for K-12 Students

## Business Plan

### Executive Summary

#### A. Business Goals/Mission

The **mission** of Westbridge Schools, an independent, nonsectarian, nonpublic school for K-12 students, is to provide services that meet federal and state mandates for students whose special academic, behavioral, social and other educational needs the public school cannot provide for a variety of reasons.

The **goal** of Westbridge Schools is to satisfy the provisions of the Individualized Educational Plan (IEP) of every enrolled student developed by a team of professional and the Holder of Educational Rights of the Student in the shortest reasonable time for mainstreaming into the regular public school.

#### B. Business Description

Westbridge Schools is a private school, which is licensed by the California Department of Education (CDE) and classified as a nonpublic school to receive federal and state funding for its enrolled students. School Districts in any California County through a Special Education Local Planning Area (SELPA) refer students with IEP to attend Westbridge Schools.

The School is located at 741 Sunset Street, Coalinga CA 93210. It needs to acquire business license, zoning approval, and health and fire clearances from the City of Coalinga CA. The School expects to expand to other locations in the State of California where its services may be warranted in the near future.

Student enrollment of the School is limited to 20 students in Pre-K – K, and 20 students in Grades 1-12 (up to age 22), divided into three distinct programs of pre-elementary, elementary and secondary schools. Student to Adult Teaching Supervision ratio is Ten to Two (10:2).

The School is formed as a partnership through the alliance of a financial partner (Mr. Rito Gutierrez) and an industrial partner (Drs. Rhante/Ces Parreñas). The financial partner procures and provides the funds required for the operation of the School, while the industrial partner creates and implements the academic programs of the School. The Management Team is comprised of a Chief Executive/Operating Officer, a Chief Academic Director and a Chief Business Officer.

As a certified CDE nonpublic school, Westbridge Schools will avail itself of CDE project services and programs to close the achievement gap of students including California Services for Technical Assistance and Training (CalSTAT),



# Westbridge Schools

A Highly Individualized Independent Nonpublic School for K-12 Students

Resources in Special Education (RiSE), Supporting Early Education Delivery Systems (SEEDS), the Special Education Early Childhood Administrators Project (SEECAP), Technical Assistance for Students with Low-Incidence Disabilities (visual and orthopedic disabilities) and focused monitoring projects. These projects provide technical services, research, training, conferences, and other services to many special education students that Westbridge Schools services.

## C. Development

The partnership has determined to use the start-up location at 741 Sunsett Street, Coalinga CA 93210 as its main educational facility and management offices. Through the Coalinga City Planning Office this facility and its surrounding facilities have been designated as a multi-use planning zone. The partnership is now in its final stages of documentations for the filing of applications for licenses to authorize the operation of Westbridge Schools as a nonpublic school.

The School has 120 working days from the start of filing of its application with CDE to the first day of operation. It is imperative that the School complete all documentations required before the actual filing of the application to ensure that it will meet the CDE processing timeline.

## D. Financial Plan

Westbridge Schools will promote student enrollment through SELPA and intends to receive students from school districts in Fresno, King and Tulare Counties. SELPA will provide the funds to finance the attendance of students enrolled at the daily rate it establishes at the beginning of the fiscal year. SELPA will also fund the services provided by speech therapists, psychologists, pathologists, counselors, physical therapists, and other providers to help students and their parents. Westbridge, in turn, will balance expenses to make achieving profitability easier.

## E. The Organizational Structure

The organizational structure of the School is as follows:

- Chief Executive and Operating Officer
  - i. Administrative Assistant
- Chief Academic Officer
  - ii. Principal
  - iii. Teachers
  - iv. Teacher Assistants
- Chief Business Officer
  - v. Attendance Accounting Clerk



# Westbridge Schools

A Highly Individualized Independent Nonpublic School for K-12 Students

- vi. Safety and Security Personnel
- vii. Janitorial and Maintenance Personnel

## F. Safety and Security

All personnel will undergo and pass a mandated Federal Department of Justice Clearance to work in a school setting. All personnel will undergo and pass training in non-violent personal intervention.

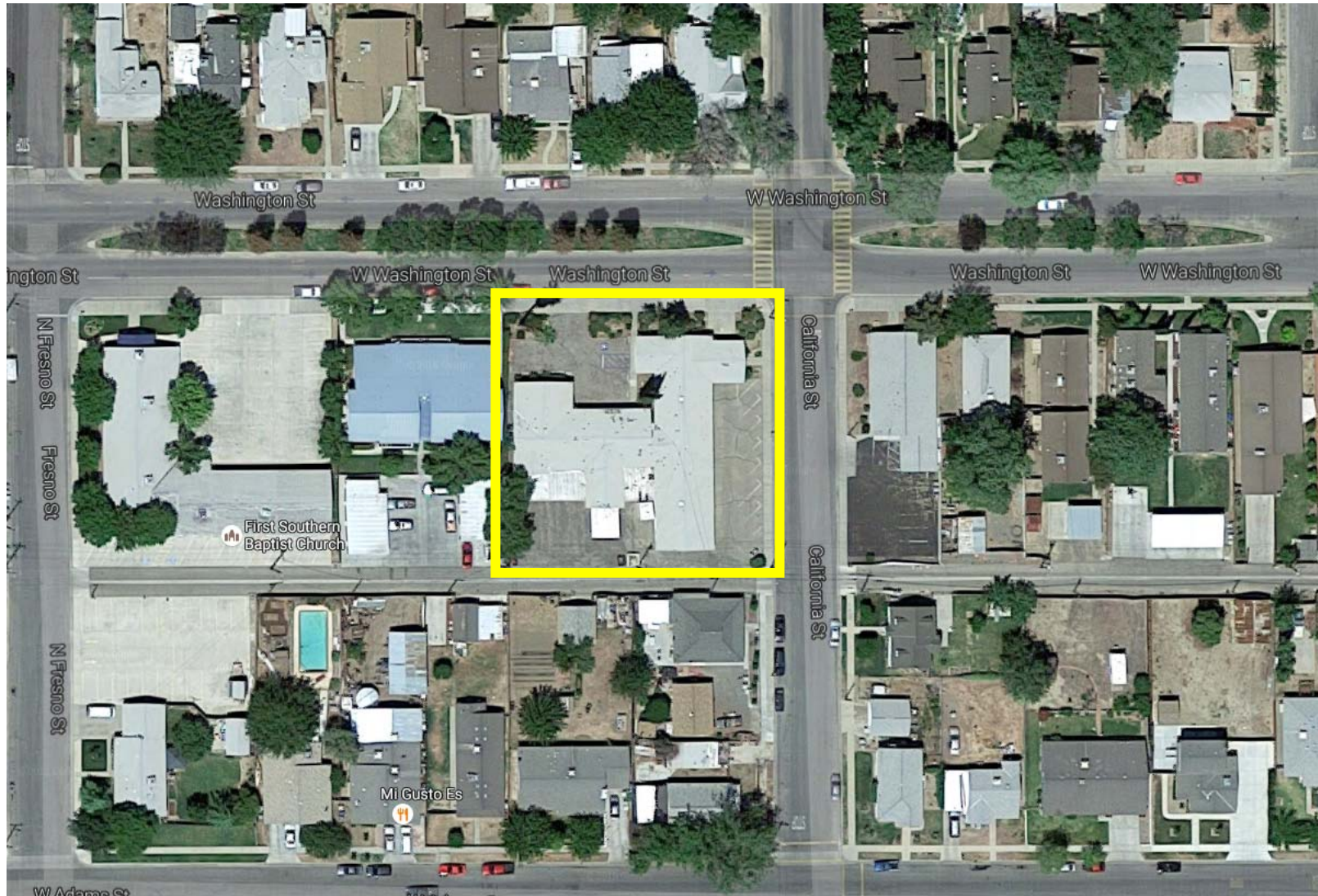
The ingress and egress access to the school is attached as an appendix.

## G. Appendices

1. Ingress and Egress Access Plan
2. Program Plan

Dr. Florante Parreñas  
Chief Executive Officer  
May 22, 2016

# Project Location



## **RESOLUTION 016P-008**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COALINGA, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONING TEXT AMENDMENT, CONDITIONAL USE PERMIT, AND CERTIFICATION OF AN INITIAL STUDY AND NEGATIVE DECLARATION FOR THE PROPERTY LOCATED AT 201 WASHINGTON STREET (WESTBRIDGE SCHOOL)**

WHEREAS, the Planning Commission of the City of Coalinga, California, did on October 11, 2016, hold a duly noticed Public Hearing for review of an applicant initiated zoning text amendment to allow public and private schools to be permitted in all commercial zones by conditional use permit and further approve an application for a private school to be located at 201 Washington Street to serve special needs children, currently zoned Mixed-Use (MX); and

WHEREAS, said zoning text amendment shall amend the Coalinga zoning code to include School, Public and Private, to the Commercial Districts, Table 2.5 of the Land Use Regulations with each commercial zoning designation in Table 2.5 being labeled with "CUP" to denote that a Conditional Use Permit is required; and

WHEREAS, the zoning text amendment and conditional use permit complies with the requirements the California Environmental Quality Act of 1970 (CEQA), in that the Coalinga Community Development Department prepared an initial study and negative declaration; and,

WHEREAS, the Community Development Department circulated a notice of intent (NOI) to adopt an initial study and negative declaration and advertised a 30-day public comment period which began on **September 1, 2016** and ended on **October 3, 2016**; and

WHEREAS, the Community Development Department mailed public hearing notices to all property owners within 300 feet of the site as required by Local and State law, and;

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all interested persons wanting to be heard, said Planning Commission did make the following mandatory findings recommending approval of said zoning text amendment and conditional use permit:

1. The potential effects of the proposed Zone Change and CUP has been evaluated and has been determined not to be detrimental to the public health, safety, or welfare of the City.
2. The proposed Zone Change and CUP are internally consistent and compatible with the goals, policies, and actions of the General Plan and Zoning Ordinance.
3. If applicable, the site is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses/developments.

4. The proposed Zone Change and CUP have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Coalinga, California, as follows:

SECTION 1. That the above recitations are true and constitute the Findings of the Planning Commission in this case;

SECTION 2. That the Planning Commission does hereby recommend approval of the zoning text amendment and conditional use permit with conditions as set in Exhibit "A" and further recommends the City Council certify the IS/ND for the reasons set forth in this Resolution.

PASSED AND ADOPTED, by the City of Coalinga Planning Commission at a regularly scheduled meeting held on the 11<sup>th</sup> Day of October 2016.

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Planning Commission Chairman/Vice Chairman

ATTEST:

---

City Clerk/Deputy City Clerk

## **Exhibit A**

# **General On-going Procedural and Operational Conditions of Approval – Combined Development Application 16-02 (201 Washington Street – Westbridge School)**

REVISIONS: Any proposed change to the approved use or activity on the site shall require submittal, review and approval of an additional land use application.

EXPIRATION: This approval shall become null and void if all conditions have not been completed and the occupancy or use of the land has not taken place within six (6) months of the effective date of conditional approval.

PERMITS: Prior to occupancy, all licenses and permits shall be obtained from all applicable City, State and Federal Departments and Agencies (Fire Department, Building Department, ect.). The applicant shall comply with all the requirements of the Building and Fire Department as it relates to the business license application process.

CONTINUOUS EFFECT: All of the conditions of this approval are continuously in effect throughout the operative life of the project for the uses approved. Failure of the property owner, tenant, applicant, developer or any operator to comply with any or all of the conditions at any time may result in a public hearing and revocation of the use provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.

PROPERTY MAINTENANCE: The tenant and/or property owner shall continually maintain the property and its infrastructure so that it is visually attractive and not dangerous to the health, safety and general welfare of both its employees, patrons and surrounding properties.

OCCUPANCY: The proposed school shall not exceed the occupancy allowed by the City Fire Marshal as posted in the building.

SIGNAGE: All signage shall be reviewed and approved by the Community Development Department and in accordance with Chapter 4 Article 5 of the Planning and Zoning Code. No off-site signage shall be permitted.

### ADDITIONAL CONDITIONS:

The applicant shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul the approval of the project when such claim or action is brought within the time period provided for in applicable state and /or local statutes. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.

This use permit shall be subject to revocation by the Planning Commission at such time as any of the following conditions are found to exist:

- Conditions of approval have not been fulfilled;
- The use has resulted in a substantial adverse effect on the health and/or general welfare of users of adjacent or proximate property; or
- The use has resulted in a substantial adverse impact on public facilities or services.



## Staff Report- Chairman and Planning Commission

**Subject:** CIP 16-01 - Adoption of Planning Commission Resolution No. 016P-007  
Recommending to the City Council approval of a Re-zone and General Plan  
Amendment of four properties in the existing Juniper Ridge Industrial Park; Rezone  
and General Plan Amendment of the former Claremont Custody Facility property;  
Adoption of the Commercial Marijuana Operations Permanent Ordinance; and  
Certification of the Initial Study and Mitigated Negative Declaration and Approval of  
a Mitigation Monitoring Program

**Meeting Date:** October 11, 2016

**Project Location:** City of Coalinga

**Applicant:** City of Coalinga

**Owner:** City of Coalinga

**Prepared By:** Sean Brewer, Community Development Director

---

### I. RECOMMENDATION:

Staff recommends the Planning Commission approve Resolution No. 016P-007 recommending approval by the City Council the following:

1. Re-zone and general plan amendment of four properties in the existing Juniper Ridge Industrial Park;
2. Rezone and General Plan Amendment of the former Claremont Custody Facility property;
3. Adoption of the Commercial Marijuana Operations Permanent Ordinance;
4. Certification of the Initial Study and Mitigated Negative Declaration for the above approvals in accordance with the California Environmental Quality Act; and
5. Approval of a Mitigation Monitoring Program.

### II. BACKGROUND:

Early in 2016, the City Council began discussing the possibility of developing regulations for permitting commercial marijuana operations in the City of Coalinga. Soon thereafter Ocean Grown Extracts (OGE) made an offer on the Claremont Custody Facility to purchase the facility in order to open a commercial marijuana manufacturing and cultivation operation. The City Council accepted the offer and entered into a development and disposition agreement to proceed with selling the Claremont facility and proceed with developing a regulatory framework for permitting the Commercial Marijuana Industry.

Understanding the timing in which the agreement needed to be executed to address several areas of immediate concern including, but not limited to, the continuing drain of City resources that Claremont has been over the last 4 years, patient access to medical marijuana, the likelihood of AUMA being approved by the voters in

November, and the declining job market, on July 7, 2016 the City Council adopted Urgency Ordinance No. 786 implementing regulations for commercial marijuana operations in the City of Coalinga. In addition to the adoption of Urgency Ordinance 786, the City Council adopted Urgency Ordinance No. 787 which changed the zoning designation of the Claremont Custody Center from Public Facilities (PF) Designation to the Light/Manufacturing/Business (MBL) Zone District. In addition to the rezone, the Council adopted Resolution 3714 approving a Minor Adjustment to the General Plan Land Use Designation for the Claremont Custody property since it was no longer going to be used as a public use which would limit the allowable uses unless amended.

With the Urgency Ordinance in effect, the City was able to proceed with developing the regulatory framework for the way in which Commercial Marijuana Operations will be implemented in the City's Light Manufacturing Zoning Designations. With that came the development of a comprehensive application process and fee structure as well as a robust monitoring and compliance program.

Currently the City is accepting applications in accordance with the standards of the Medical Cannabis Regulation and Safety Act (MCRSA) and the City's adopted Urgency Commercial Marijuana Operations (CMO) Ordinance. The City Council directed staff to proceed with approving the required permanent ordinances and conduct the necessary CEQA review to analyze the permanent commercial marijuana ordinance and proposed land use changes.

### **III. PROPOSAL AND ANALYSIS:**

The proposed project approvals consist of the following components which the Planning Commission will be recommending approval by the City Council:

1. Adoption of a CMO Permanent Ordinance, which would supersede the current interim CMO Urgency Ordinance providing permanent standards for commercial marijuana facilities and establish consistency with the Medical Cannabis Regulations and Safety Act (MCRSA).
2. Approval of a re-zone and GPA for the former Claremont Custody Center property located at 185 West Gale Avenue, identified as APN 070-041-17ST, and analysis of proposed reuse of the Claremont facility as a CMO. The rezone would amend the existing Public Facilities (PF) zoning district to MBL and the GPA would amend the existing Public Facilities (PF) land use designation to MB.
3. Approval of a City of Coalinga-initiated rezone and General Plan Amendment (GPA) of four properties in the existing Juniper Ridge Industrial Park. The rezone and GPA would amend the Service Commercial (CS) zoning district to Light Manufacturing/Business (MBL) and Commercial Service (CS) land use designation to Manufacturing/Business (MB) respectively. The rezone and GPA would create consistency between the General Plan Land Use Map, Zoning Map, and the adopted Juniper Ridge Business/Industrial Park Master Area Plan.
4. Certification of an environmental review, in accordance the California Environmental Quality Act (CEQA), that analyzes the above land use approvals, the permanent ordinance and proposed conceptual uses at the Claremont Facility. After the Initial Study was conducted it was determined that a Mitigated Negative Deceleration need to be prepared.

#### **Adoption of the Permanent Commercial Operations (CMO) Ordinance**

The City of Coalinga currently has an interim CMO Urgency Ordinance in place regulating the application process for CMOs within the City. The proposed CMO Permanent Ordinance would supersede the Urgency

Ordinance. The proposed CMO Permanent Ordinance would provide permanent standards for marijuana facilities within the City and create consistency with MMRSA. The CMO Permanent Ordinance consists of citywide standards and regulations for marijuana operations.

#### Ordinance Standards and Regulations

The proposed CMO Permanent Ordinance would allow Commercial Marijuana Operations to conduct cultivation, processing, extraction, manufacturing, testing, distribution, and transportation activities under Conditional Use Permits (CUP) and Regulatory Permits within areas of the City zoned MBL. The requirement of CMOs to operate under a CUP, allows the City to strictly regulate such activities, and provides a means of enforcement for potential violations. Central to the CMO Permanent Ordinance is the inclusion of specific *Minimum Operational Requirements and Restrictions*, which regulate various portions of CMOs including, the registration of employees, the type of signage allowed, the distance of CMOs from schools, as well as building construction and security standards among other regulations.

In addition to the operational permits required by the CMO Permanent Ordinance, separate Employee Permits are required for each employee which includes a full DOJ background check. Finally, the CMO Permanent Ordinance includes protocols regarding the enforcement of regulations and the denial or revocation of permits. As such, the CMO Permanent Ordinance would allow CMOs to operate within the City, however, such regulations would be required to operate under the strict governance and approval of the Police Chief and Community Development Department, and would be required to operate in such a manner as to avoid the creation of public nuisance or hazard.

As part of the implementation of the CMO ordinance, the City has developed within its fee structure cost recovery for monitoring and compliance of each individual license holder which will ensure that the license holder is in strict compliance with the City of Coalinga regulations as well as the MCRSA state regulation. Several of the items that will be monitored within the licensees are records, product tracking, employee tracking and verification, code enforcement, cross testing, quality control, security reliability and monitoring, ect.

#### **Former Claremont Custody Center (General Plan Amendment, Re-Zone and Anticipated Project Operations)**

The former Claremont Custody Center located at 185 West Gale Avenue in the northern part of the City of Coalinga. The Claremont Custody Center contract was terminated by the California Department of Corrections and Rehabilitations (CDCR) on August 7, 2011 and the facility is currently vacant. The CMO Urgency Ordinance included a rezone from PF to MBL, and a GPA from PF to MB for the Claremont Custody Center property.

#### Land Use Changes

On December 18, 2014, the City Council adopted Resolution No. 3662, declaring Claremont Custody Center surplus property, thereby making the property available for private use. Prior to making the property available for private use, the City invited offers to make the property available for other public uses by sending letters to specified State and local entities and qualified non-profit organizations in accordance with Government Code § 54222 et seq. No entity expressed an interest in acquiring the property. Therefore, the only viable use for the property became private use. Property adjacent to Claremont is designated MBL - Light Manufacturing/Business, making that General Plan designation the appropriate designation for Claremont. The re-zone and a General Plan land use change for the Claremont Custody Center Property from PF - Public Facilities to MBL - Light Manufacturing/Business is found to be appropriate and will meet the required findings for a GPA and Re-zone since the property will no longer serve the purpose as a public use as is compatible with the surrounding land uses, the potential effects of the proposed General Plan amendment

have been evaluated and have been determined not to be detrimental to the public health, safety, or welfare of the City, it is internally consistent and compatible with the goals, policies, and actions of the General Plan, the site is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses/developments, and lastly, the GPA has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

#### Ocean Grown Extracts Anticipated Commercial Marijuana Operations

The City of Coalinga has an approved Disposition and Development Agreement (DDA) with OGE. The DDA acknowledges that the likely use that would be proposed within the Former Claremont Custody Center by OGE would consist of a CMO facility comprising of 77,000 square feet (sf) of indoor cultivation, manufacturing, testing and distribution. The Initial Study/Mitigated Negative Declaration (IS/MND) included analysis of potential environmental impacts that could occur with the development of a 77,000-square-foot indoor cultivation and manufacturing operations within the former Claremont Custody Center.

Although, OGE has not submitted an application to the City, OGE has provided the following potential components for indoor operations and are subject to change once an application is submitted:

#### *Intended Uses of Facilities*

The facilities would be used for the commercial cultivation of marijuana. OGE, would use the 77,000 sf of the Claremont facility for indoor commercial marijuana activities, with a potential for the future use of the remaining acreage behind Claremont for potential indoor cultivation in the future. In addition to cultivation, OGE would use approximately 7,000 sf of the Claremont facility for manufacturing, processing and packing. A portion of the manufacturing and processing space would be used to perform extraction and testing operations. The extraction process includes killing bacteria, mold, and fungi that may contaminate the vegetable material, before refining the cannabis into a standardized medicinal product for safe and consistent medical application. Following the testing and extraction process, OGE would package the product before delivery to a third party distribution company. Retail and dispensary activity would not occur at the Claremont facility, as all retail and dispensary activity would occur after delivery of the finished product by the distribution company.

Although the former Claremont facility is 77,000 sf, licensing limitations would restrict OGE to a maximum of 10,000 sf of cultivation canopy based on ownership of a manufacturing license in accordance with MCRSA.

#### *Staffing*

OGE plans to employ approximately 50 individuals. The employees would conduct operations related to cultivation, extraction, packaging, facilities management, security, lab operations, scientific testing, and administrative work. With the anticipated employment levels expected, the Claremont Facility is designed to accommodate the parking demand. When Claremont was operational, there were 100 employees working at the Facility with similar operational characteristics (24-hour operation).

#### *Project Phasing*

Preparations for the proposed Claremont facility operations would be comprised of three phases. Phase I would include the initial conversion of 2,000 sf of existing facility space for manufacturing purposes, which would be used for processing and packaging operations.

Phase II would include a total build out of 37,000 sf, and would include 32,000 sf of cultivation space as well as 5,000 sf of manufacturing and processing space. Actual canopy of OG's cultivation area would be limited

to 10,000 s/f in accordance with MCRSA. However, OG could sub-let additional lease space of the Claremont Facility for other licensees and if applications are received after the permanent ordinance is in effect, a CUP and Regulatory Permit would be required.

At the time of the environmental review, the buildout plans for Phase III had not yet been finalized. While Phase III buildout may involve further work within the Claremont facility, OGE has also indicated utilizing the remaining Claremont vacant property for mixed/light (green house style) cultivation activities at some point in the future. The CMO Permanent Ordinance would regulate all cultivation activity, including restricting mixed light cultivation. Relevant regulations for the mixed light cultivation of medical marijuana include the CMO Permanent Ordinance's requirement in section (d) (17) that "operations cannot be seen, heard, or smelled beyond the property line," as well as regulations requiring that all Marijuana Operations occur inside enclosed structures of solid construction, where such structures must meet minimum building code requirements for industrial structures, but may have roofs made of solid non-opaque materials.

Because the CMO Permanent Ordinance would require cultivation to occur within structures meeting the minimum building code for industrial structures, proposals for the construction of cultivation structures would be required to be processed through standard building processing procedures with the City. As building plans for such structures have not been submitted to the City, potential impacts related to the construction and operation of cultivation structures was not included in the IS/MND. Analysis of such structures would occur during the building approval and future entitlement processes, when building plans exist and can be analyzed for potential environmental impact should a discretionary approval be required.

### **Juniper Ridge Industrial Park (General Plan Amendment and Re-Zone)**

In June 2008, the City of Coalinga adopted the Juniper Ridge Business/Industrial Park Master Area Plan to guide the development of Approximately 48 acres in the eastern part of the City. Currently, the Juniper Ridge Industrial Park is predominately vacant. The Juniper Ridge Industrial Park component of the proposed project consists of the City initiated rezone and GPA of the four following properties (see Figure 2):

1. APN 083-280-11ST;
2. APN 083-280-12ST;
3. APN 083-280-13ST; and
4. APN 083-280-14ST.

The rezone would amend the zoning of the four aforementioned properties from Service Commercial (CS) to Light Manufacturing/Business (MBL). The GPA would amend the General Plan land use designations for the same four properties from Commercial Service (CS) to Manufacturing/Business (MB), which would create consistency between the General Plan Land Use Map and Zoning Map.

The Juniper Ridge project site is currently undeveloped vacant land, which was anticipated for development by the JRBIPAP. The project site is currently surrounded by predominantly vacant land with an existing industrial development along Mercantile Lane, to the southeast of the project site. Residential developments also exist to the west of the JRBIPAP area; however, development of the project would not impact the circulation system of the nearby residential development. Because substantial development does not exist surrounding the project site, and development of the site was anticipated by the JRBIPAP, and the General Plan, the project would not physically divide an established community.

Currently, the City's General Plan and zoning designations for the Juniper Ridge project site are inconsistent with the sites anticipated uses within the JRBIPAP. The project would re-establish consistency within the three documents through a GPA and rezone to MB and MBL. Currently, the Juniper Ridge project site is zoned Service Commercial and designated Commercial Service, which allows uses such as repair facilities, building material sales, auto dealers, light manufacturing and distributing. Meanwhile the proposed designation of MB

and zoning of MBL would allow for large and small-scale businesses involving manufacturing, distribution, wholesale outlets, and office space. As such, the allowable land uses for the CS, MB, and MBL are generally similar and would be anticipated to have similar environmental impacts. Should the GPA and rezone be approved the proposed project would be consistent with the plans and policies in the Coalinga General Plan, Zoning Code, and JRBIPAP. It would further meet the goals and policies of the General Plan by increasing the allowable uses within the Juniper Ridge Industrial Park.

### **Environmental Analysis**

In accordance with the California Environmental Quality Act the City's Consultant's Raney Planning and Management prepared an Initial Study and staff found that there will not be a significant effect in this case and a mitigated negative declaration has been prepared. A copy of the IS/MND has been attached to this report.

The 30-day public comment period on this Initial Study/Mitigated Negative Declaration began on **September 2, 2016** and ended on **October 3, 2016**. The notice of public hearing before the Planning Commission was included in the notice of intent. This notice included various state and local agencies and the required surrounding property owners from the affected parcels. A notice of completion and environmental document transmittal was sent to the state clearinghouse on September 1, 2016. From the date of writing this staff report, the City has only received one comment which has been attached and a response to those comments are included as an attachment to this report. Should comments be received prior to the Planning Commission public hearing staff will advise the Commission at the meeting. Included in this report is a copy of the Mitigation Monitoring Program that must be adopted with the Mitigated negative Declaration.

### **IV. FISCAL IMPACT:**

The anticipated fiscal impact to the City is expected to be substantial as the approval of the permanent commercial marijuana ordinance and subsequent construction of new facilities, the City would generate revenue from application fees, annual licensing fees, business license taxes, revenue raising fees, building fees, and property taxes. Below is possible revenue scenario for a typical large commercial marijuana cultivation facility (22,000 s/f cultivation canopy with a building at 35,000 – 40,000 s/f):

| <b>Fee Type</b>                                    | <b>Fee Amount</b> |
|----------------------------------------------------|-------------------|
| Pre-Application Fee:                               | \$300             |
| Application Fee:                                   | \$2,000           |
| Annual Licensing Fee:                              | \$53,561          |
| Employee Permit (Assumed at 20 employees @ \$400)  | \$8,000           |
| Revenue Raising Fee (~30,000 sf of taxable space): | \$345,000         |
| Business Licenses Tax (based on \$6M Gross):       | \$3,000           |
| <b>TOTAL</b>                                       | <b>\$411,000</b>  |

\*This total does not include property taxes as purchase prices of property has not been disclosed at this time.

### **V. REASONS FOR RECOMMENDATION:**

The following standard findings must be made for each General Plan Amendment and Zone Change. Specific findings may also be required by the decision-making body on a case-by-case basis. Staff feels that based on the environmental analysis and analyzing the general plan and other applicable plans, these land use amendments further the enhancement of commercial and industrial development while preserving the public

health, safety and welfare.

1. **The potential effects of the proposed General Plan amendment and Re-Zone have been evaluated and have been determined not to be detrimental to the public health, safety, or welfare of the City.**
2. **The proposed General Plan and Re-Zone amendment is internally consistent and compatible with the goals, policies, and actions of the General Plan.**
3. **If applicable, the site is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses/developments.**
4. **The proposed General Plan amendment and Re-Zone has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.**

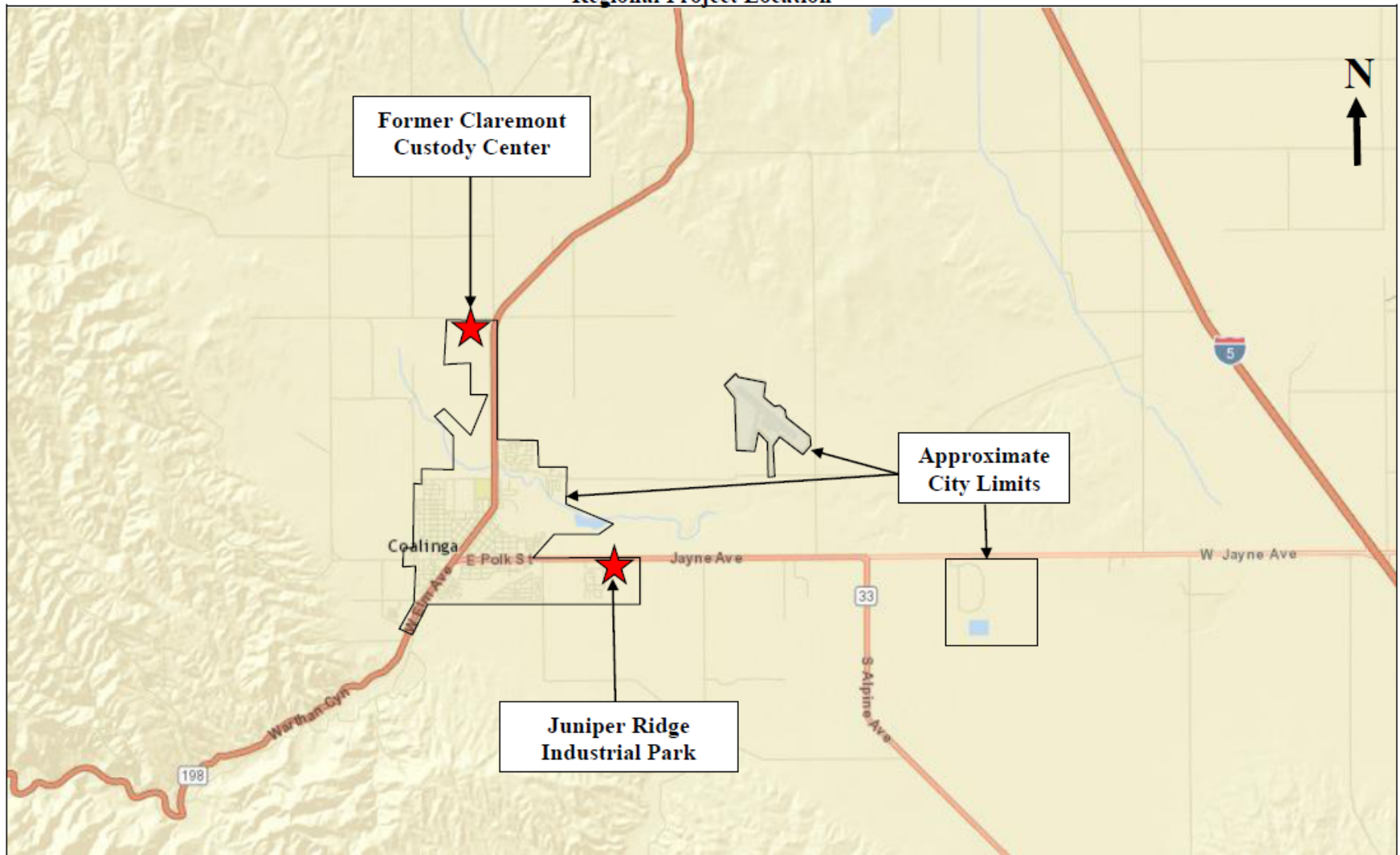
The Commercial Marijuana Operations ordinance increases the allowable industrial uses within the industrial zone designations and the regulations within the ordinance ensure that the CMO operations permitted under this ordinance operate in safe and secure manner similar to that of any other industrial use already permitted within the MBL zoning designations. Implementation of the CMO ordinance will not affect the health safety and welfare of the City.

#### ATTACHMENTS:

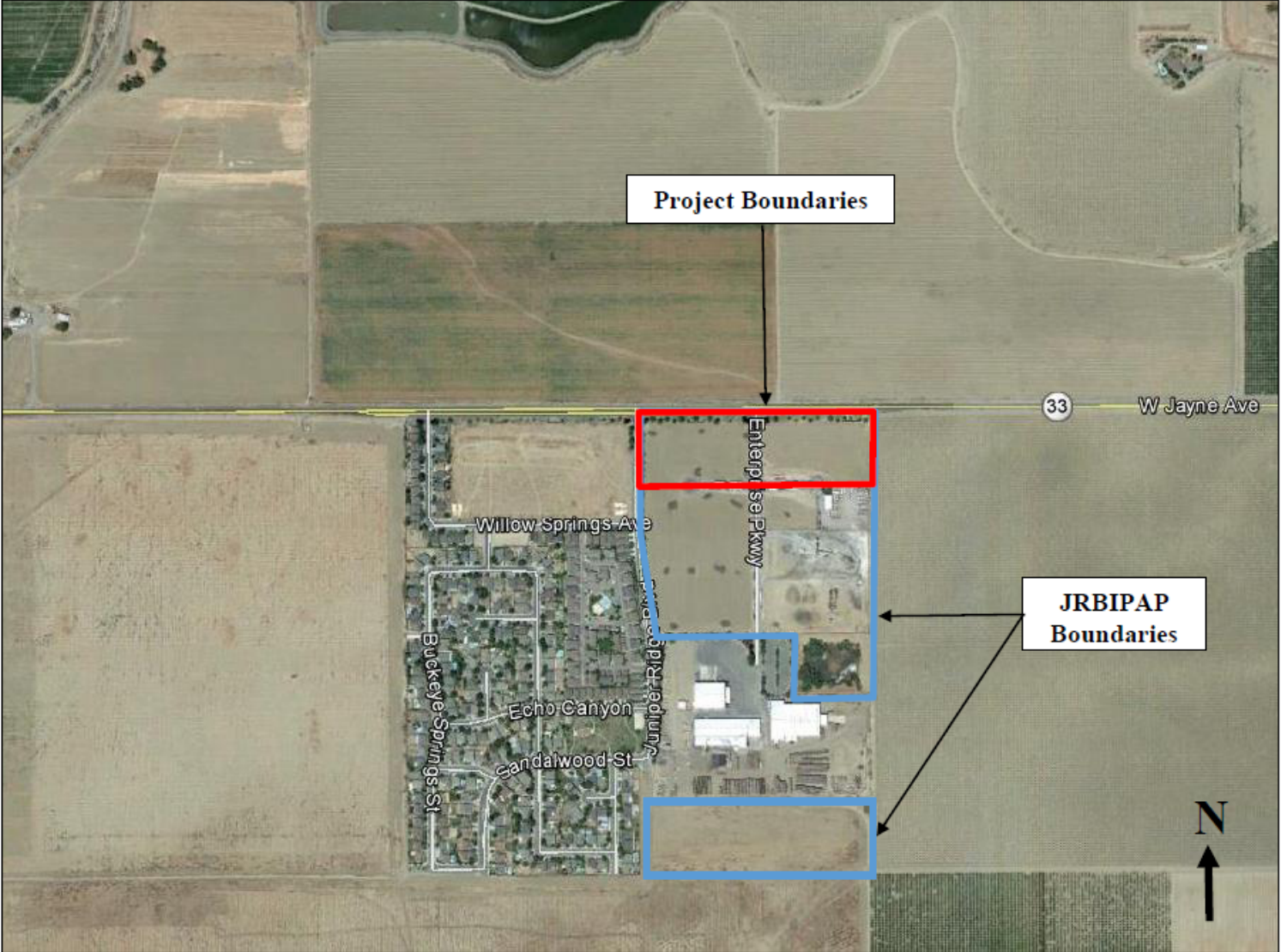
##### Description

- ☐ Maps and Land Use Exhibits
- ☐ CEQA - Initial Study and Mitigated Negative Declaration
- ☐ Notice of Intent - Public Hearing Notice
- ☐ DRAFT Commercial Marijuana Operations Permanent Ordinance
- ☐ Resolution 016P-007
- ☐ NAHC Comments Dated 10-3-2016
- ☐ CMMO ISMND Eratta Sheet
- ☐ CEQA Response to Comments
- ☐ CEQA Mitigation and Monitoring Program

**Figure 1**  
**Regional Project Location**



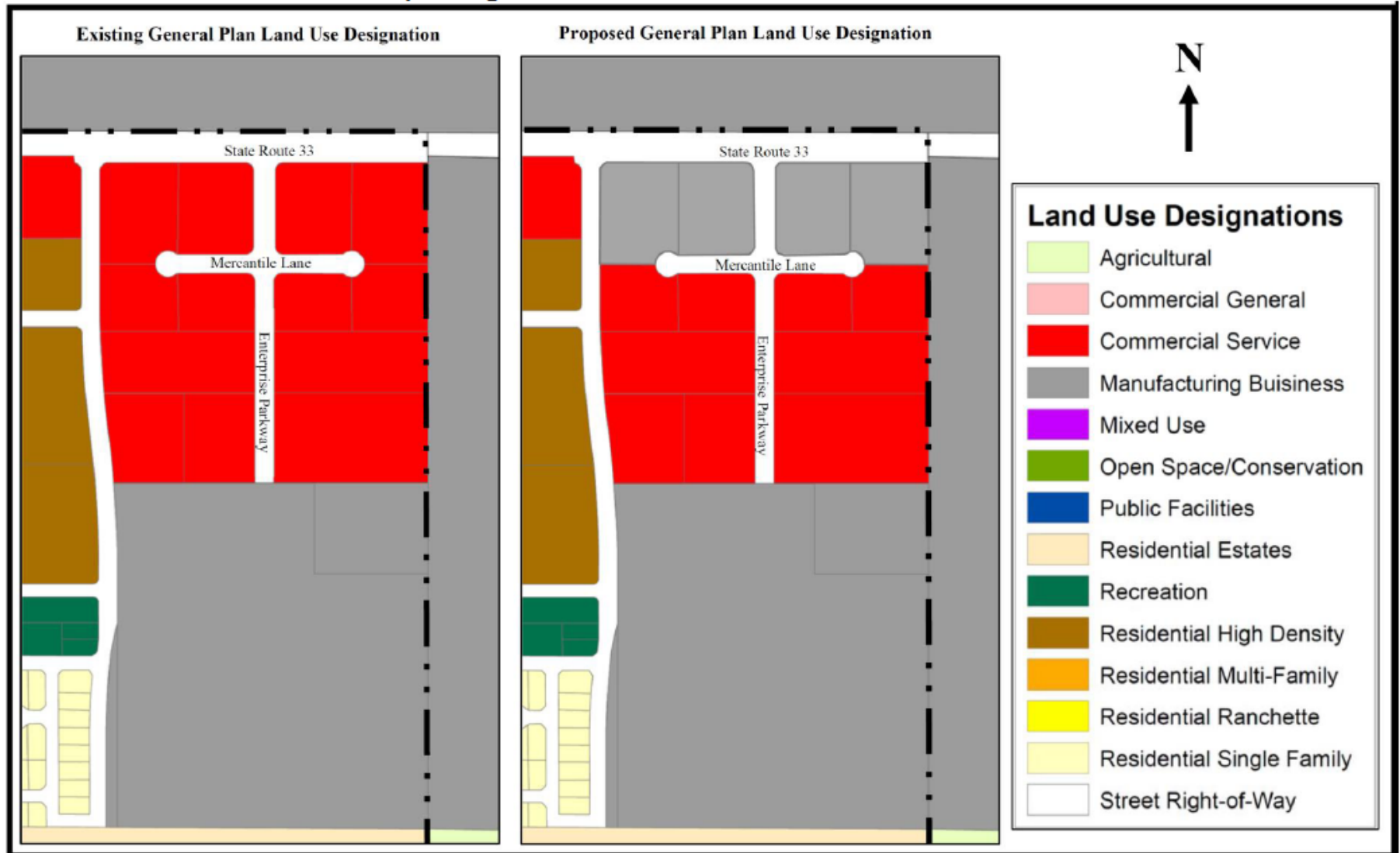
**Figure 2**  
**Juniper Ridge Industrial Park Component**



**Figure 3**  
**Juniper Ridge Industrial Park Rezone Exhibit**



**Figure 4**  
**Juniper Ridge Industrial Park General Plan Amendment Exhibit**



**Figure 5**  
**Former Claremont Custody Center**

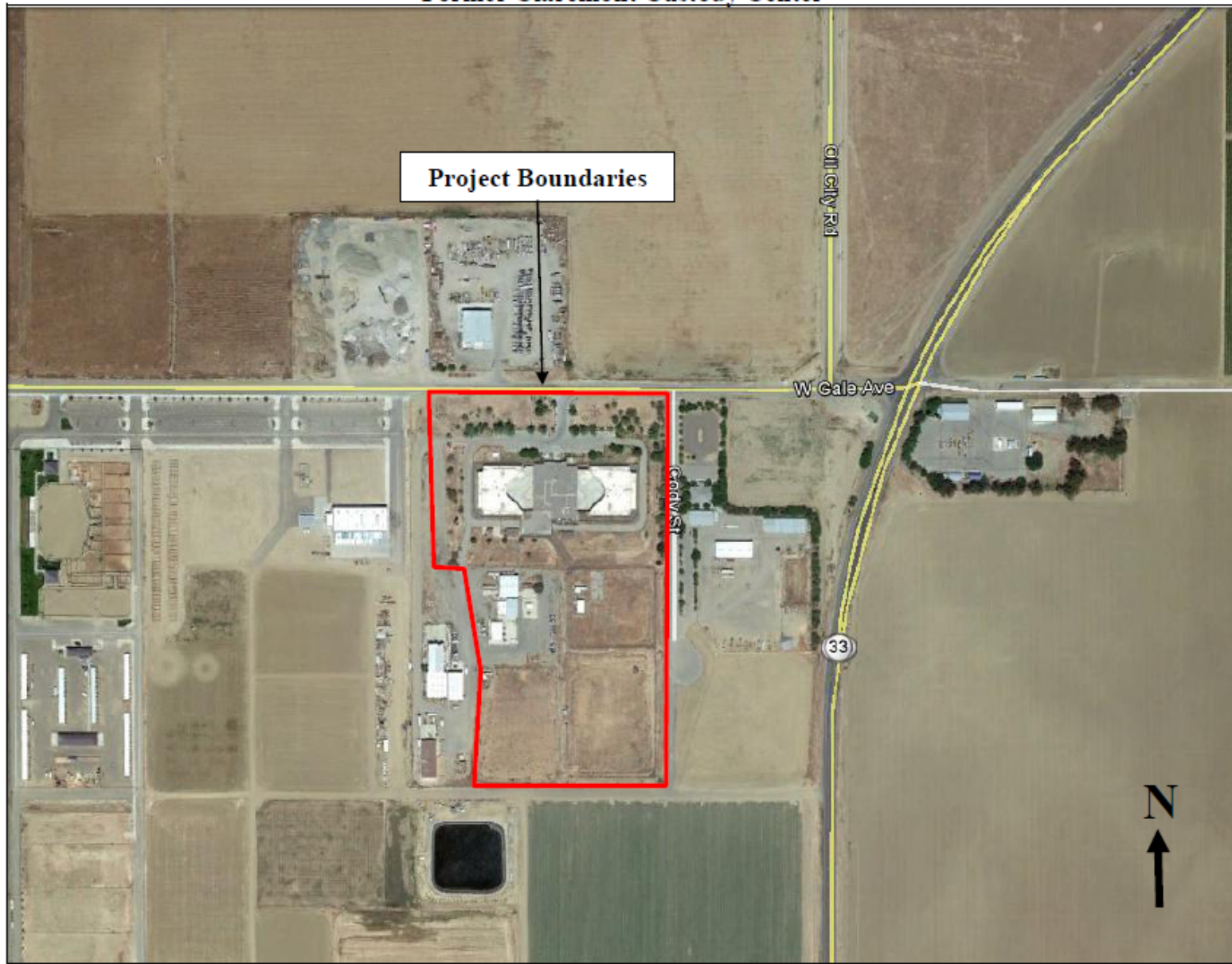
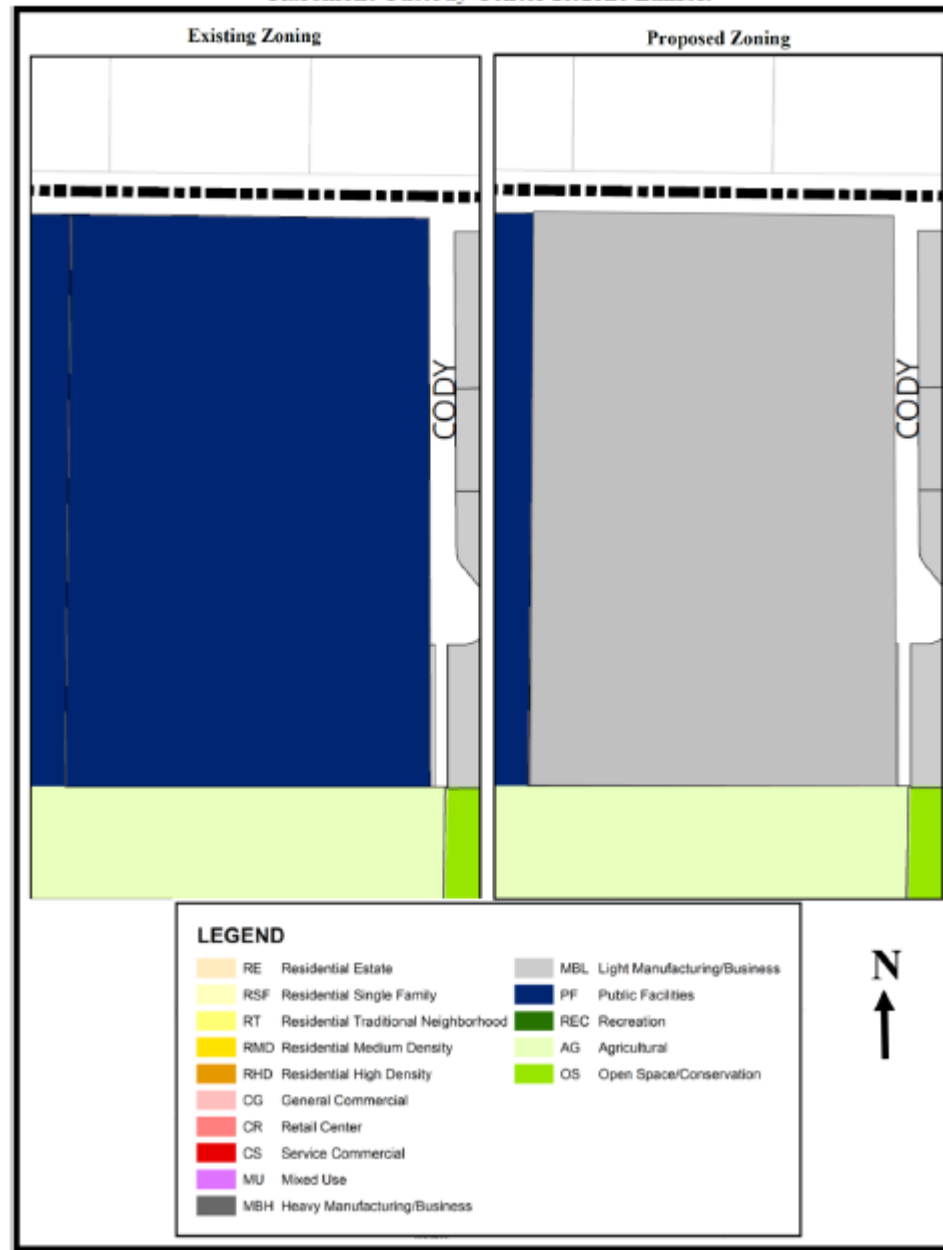
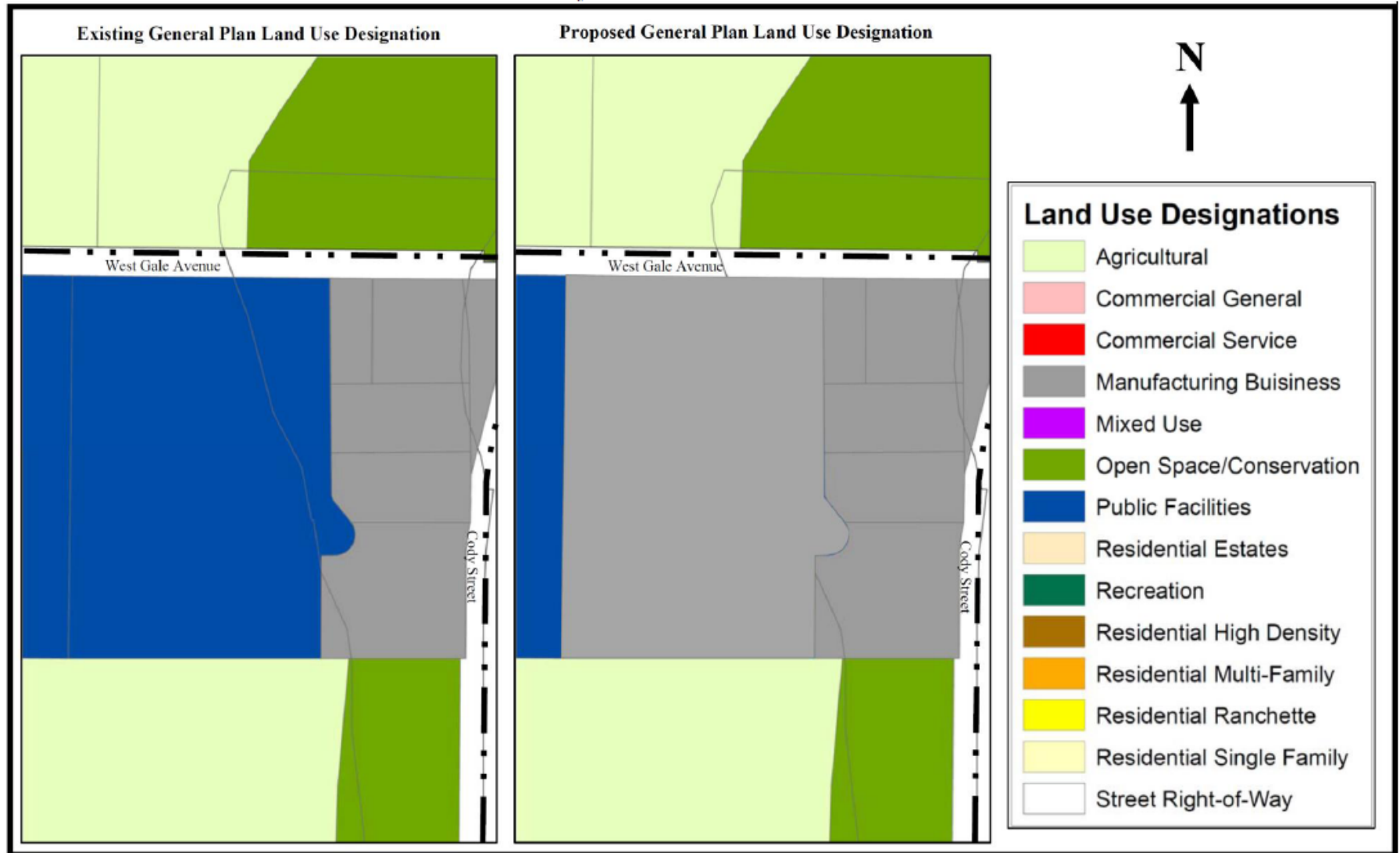


Figure 6  
 Claremont Custody Center Rezone Exhibit



**Figure 7**  
**Claremont Custody Center General Plan Amendment Exhibit**



**CITY OF COALINGA  
COMMUNITY DEVELOPMENT DEPARTMENT**



**CITY OF COALINGA**  
*The Sunny Side of the Valley*

**COMMERCIAL MARIJUANA PERMANENT ORDINANCE, JUNIPER  
RIDGE INDUSTRIAL PARK CITY-INITIATED REZONE AND GENERAL  
PLAN AMENDMENT, AND CLAREMONT PROPERTY PROJECT**

**INITIAL STUDY / MITIGATED NEGATIVE  
DECLARATION**

**September 2016**



1501 SPORTS DRIVE SUITE A • SACRAMENTO • CA • 95834  
OFFICE 916.372.6100 • FAX 916.419.6108

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## APPENDIX

Ocean Grown Extract, LLC., Claremont Property Project Operation Plan

## ***INITIAL STUDY***

***September 2016***

### **A. BACKGROUND**

1. Project Title: Commercial Marijuana Permanent Ordinance, Juniper Ridge Industrial Park City-Initiated Rezone and General Plan Amendment, and the Claremont Property Project
2. Lead Agency Name and Address: City of Coalinga  
Community Development Department  
155 West Durian Avenue  
Coalinga, CA 93210
3. Contact Person and Phone Number: Sean Brewer  
Community Development Director  
(559) 935-1533 Ext. 143
4. Project Location: City of Coalinga, CA
5. Project Sponsor's Name and Address: City of Coalinga  
Community Development Department  
155 West Durian Avenue  
Coalinga, CA 93210  
(559) 935-1533
6. Project Description Summary:

The proposed project consists of three components. 1) City of Coalinga-initiated rezone and General Plan Amendment (GPA) of four properties, identified as Fresno County Assessor Parcel Numbers (APNs) 083-280-10ST, -11ST, -12ST, and -13ST, in the existing Juniper Ridge Industrial Park. The rezone and GPA would amend the Service Commercial (CS) zoning district to Light Manufacturing/Business (MBL) and Commercial Service (CS) land use designation to Manufacturing/Business (MB) respectively. The rezone and GPA would create consistency between the General Plan Land Use Map, Zoning Map, and the adopted Juniper Ridge Business/Industrial Park Master Area Plan. 2) The Commercial Marijuana Operations (CMO) Permanent Ordinance, which would supersede the current interim CMO Urgency Ordinance providing permanent standards for commercial marijuana facilities and establish consistency with the Medical Marijuana Regulations and Safety Act (MMRSA). 3) Analysis of a rezone and GPA for the former Claremont Custody Center property located at 185 West Gale Avenue, identified as APN 070-041-17ST, and analysis of proposed reuse of the Claremont facility as a CMO. The rezone would amend the existing Public Facilities (PF) zoning district to MBL and Public Facilities (PF) land use designation to MB.

## B. SOURCES

All the technical reports and modeling results prepared for the project analysis are available upon request at the City of Coalinga City Hall. The following documents are referenced information sources utilized for purposes of this Initial Study/Mitigated Negative Declaration:

1. California Air Resources Board. Air Quality and Land Use Handbook: A Community Health Perspective. April 2005.
2. California Department of Conservation. *Fresno County Important Farmland 2014 [Sheet 1 of 2]*. Published December 2015.
3. California Department of Forestry and Fire Protection. *Draft Fire Hazard Severity Zones in LRA*. September 2007.
4. California Regional Water Quality Control Board, Central Valley Region. *Order R5-2015-0113, Waste Discharge Requirements General Order for Discharges of Waste Associated with Medicinal Cannabis Cultivation Activities*. Adopted October 2, 2015
5. City of Coalinga. *City of Coalinga General Plan 2005-2025*. June 2009.
6. City of Coalinga. *City of Coalinga Press Release*. June 19, 2014.
7. City of Coalinga. *Claremont Custody Center Operations*. Data on file at City
8. City of Coalinga. *Development Impact Fees Master List*. Updated October 16, 2014.
9. City of Coalinga. *Final Master Environmental Impact Report for the City of Coalinga 2025 General Plan Update SCH#: 2005021140*. May 2009.
10. City of Coalinga. *Juniper Ridge Business/Industrial Park Master Area Plan*. June 19, 2008.
11. Institute of Traffic Engineers. *Trip Generation Handbook 9<sup>th</sup> Edition*. Published 2012.
12. Ocean Grown Extracts, LLC. *Claremont Property Project Operation Plan*. August 2016.
13. San Joaquin Valley Air Pollution Control District. *2016 Ozone Plan for 2008 8-Hour Ozone Standard*. Adopted – June 16, 2016.
14. United States Department of Agriculture, Natural Resources Conservation Service. *Web Soil Survey*. Accessible at <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>. Accessed in August 2016.
15. United States Fish and Wildlife Service. *National Wetlands Inventory*. Accessible at <https://www.fws.gov/wetlands/Data/Mapper.html>. Accessed in August 2016.

## C. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

- |                                                              |                                                             |                                                             |
|--------------------------------------------------------------|-------------------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> Aesthetics                          | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources     | <input checked="" type="checkbox"/> Cultural Resources      | <input type="checkbox"/> Geology and Soils                  |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards and Hazardous Materials    | <input type="checkbox"/> Hydrology and Water Quality        |
| <input type="checkbox"/> Land Use and Planning               | <input type="checkbox"/> Mineral Resources                  | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population and Housing              | <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic              | <input type="checkbox"/> Utilities and Service Systems      | <input type="checkbox"/> Mandatory Findings of Significance |

**D. DETERMINATION**

On the basis of this initial study:

- ☐ I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the applicant. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
Signature

Sean Brewer  
Printed Name

\_\_\_\_\_  
Date

City of Coalinga  
For

## **E. BACKGROUND AND INTRODUCTION**

This Initial Study identifies and analyzes the potential environmental impacts of the proposed project. The information and analysis presented in this document are organized in accordance with the order of the California Environmental Quality Act (CEQA) checklist in Appendix G of the CEQA Guidelines. If the analysis provided in this document identifies potentially significant environmental effects of the project, mitigation measures that shall be applied to the project are prescribed.

The mitigation measures prescribed for environmental effects described in this Initial Study will be implemented in conjunction with the project, as required by CEQA. The mitigation measures will be incorporated into the project through project conditions of approval. The City will adopt findings and a Mitigation Monitoring/Reporting Program for the project in conjunction with its approval of the project.

On October 9, 2015, Governor Brown signed into law Assembly Bill (AB) 266, AB 243, and Senate Bill (SB) 643, which together establish a framework for regulating medical marijuana and are commonly referred to as MMRSA.

- **AB 266** establishes a Bureau of Medical Marijuana Regulation to oversee licensing and operating rules for marijuana growers, product producers, and retailers.
- **AB 243** authorizes the State to use licensing fees to carry out the framework and a fund for helping local governments address environmental problems associated with cultivation.
- **SB 643** addresses medical clinics that specialize in issuing medical marijuana recommendations to patients without valid health needs and creates standards for labeling products.

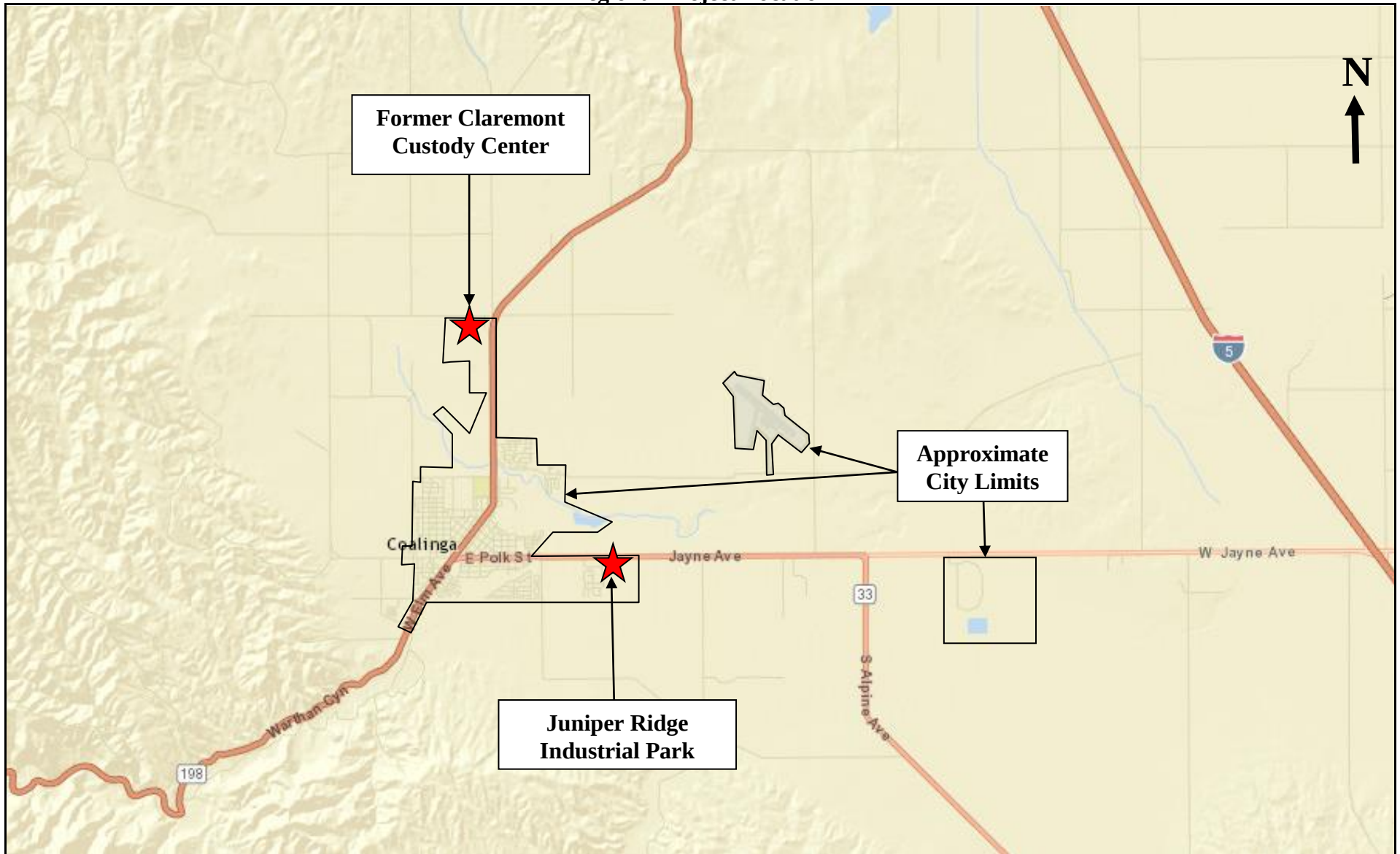
On July 7, 2016 the City Council adopted Ordinance No. 786, titled Commercial Marijuana Operations (Urgency Ordinance). The Urgency Ordinance established the need for increased access to legal medical marijuana, allowed the operation of CMOs within the City of Coalinga, regulated the operation of said CMOs, and included a rezone and General Plan Amendment for the Claremont Custody Center property. On August 18, 2016 the City Council extended the Urgency Ordinance for an additional ten months, unless superseded by a Permanent CMO Ordinance.

The Juniper Ridge Business/Industrial Park Master Area Plan (JRBIPAP) was adopted on June 19, 2008. The JRBIPAP satisfied city requirements, which specify that major annexations or development projects be accompanied by a development plan.

## **F. PROJECT DESCRIPTION**

The proposed project consists of 1) the City-initiated rezone and GPA of four properties in the existing Juniper Ridge Industrial Park, 2) adoption of the CMO Permanent Ordinance, and 3) a rezone and GPA of the former Claremont Custody Center in the City of Coalinga (see Figure 1).

**Figure 1**  
**Regional Project Location**



## **Juniper Ridge Industrial Park**

In June 2008, the City of Coalinga adopted the Juniper Ridge Business/Industrial Park Master Area Plan to guide the development of Approximately 48 acres in the eastern part of the City. Currently, the Juniper Ridge Industrial Park is predominately vacant. The Juniper Ridge Industrial Park component of the proposed project consists of the City initiated rezone and GPA of the four following properties (see Figure 2):

- APN 083-280-11ST;
- APN 083-280-12ST;
- APN 083-280-13ST; and
- APN 083-280-14ST.

The rezone would amend the zoning of the four aforementioned properties from Service Commercial (CS) to Light Manufacturing/Business (MBL) (see Figure 3). The GPA would amend the General Plan land use designations for the same four properties from Commercial Service (CS) to Manufacturing/Business (MB), which would create consistency between the General Plan Land Use Map and Zoning Map (see Figure 4).

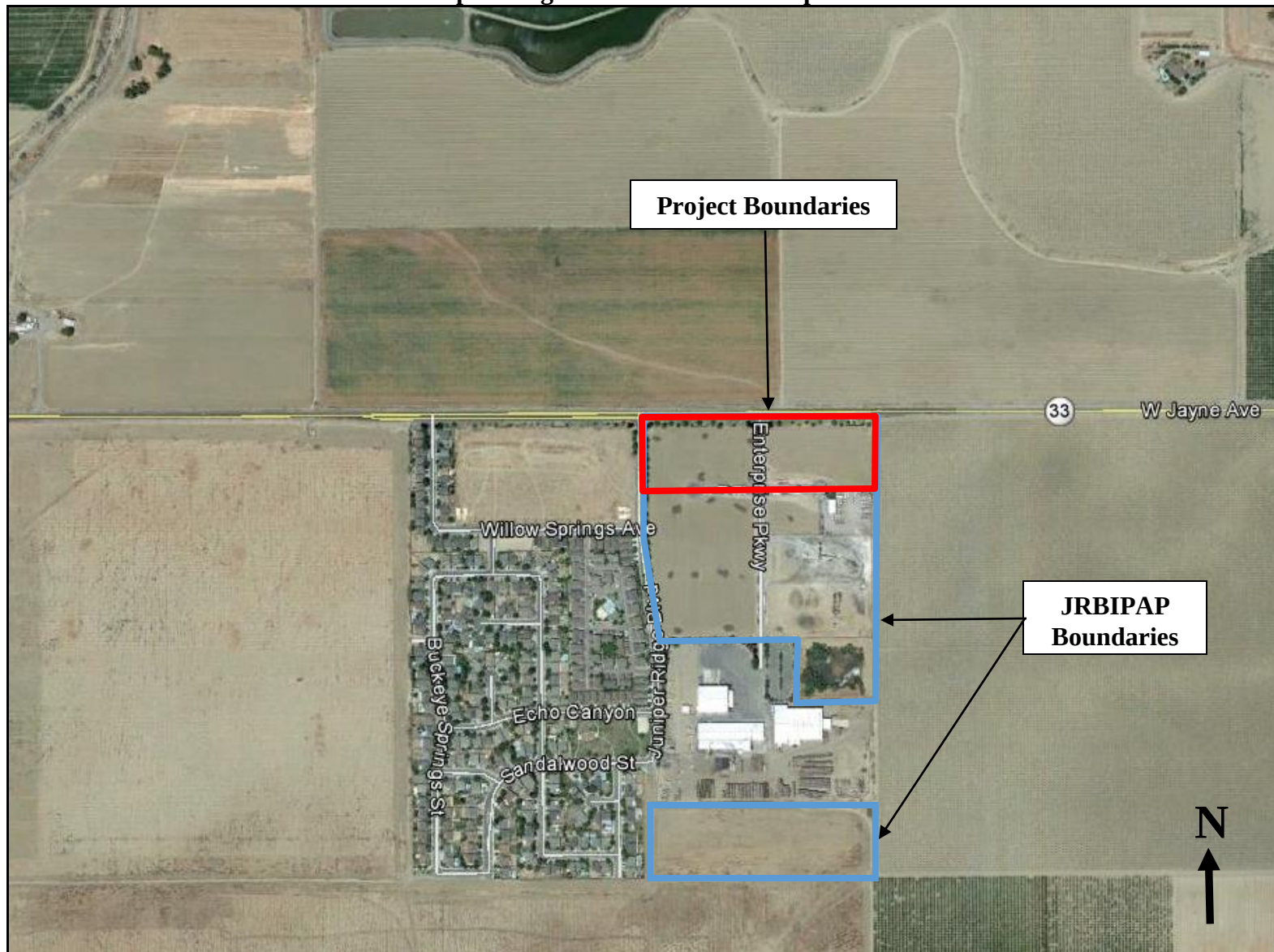
## **Commercial Marijuana Operations Permanent Ordinance**

The City of Coalinga currently has an interim CMO Urgency Ordinance in place regulating the application process for CMOs within the City. The proposed CMO Permanent Ordinance would supersede the Urgency Ordinance. The proposed CMO Permanent Ordinance would provide permanent standards for commercial marijuana facilities within the City and create consistency with MMRSA. The CMO Permanent Ordinance consists of citywide standards and regulations for CMOs.

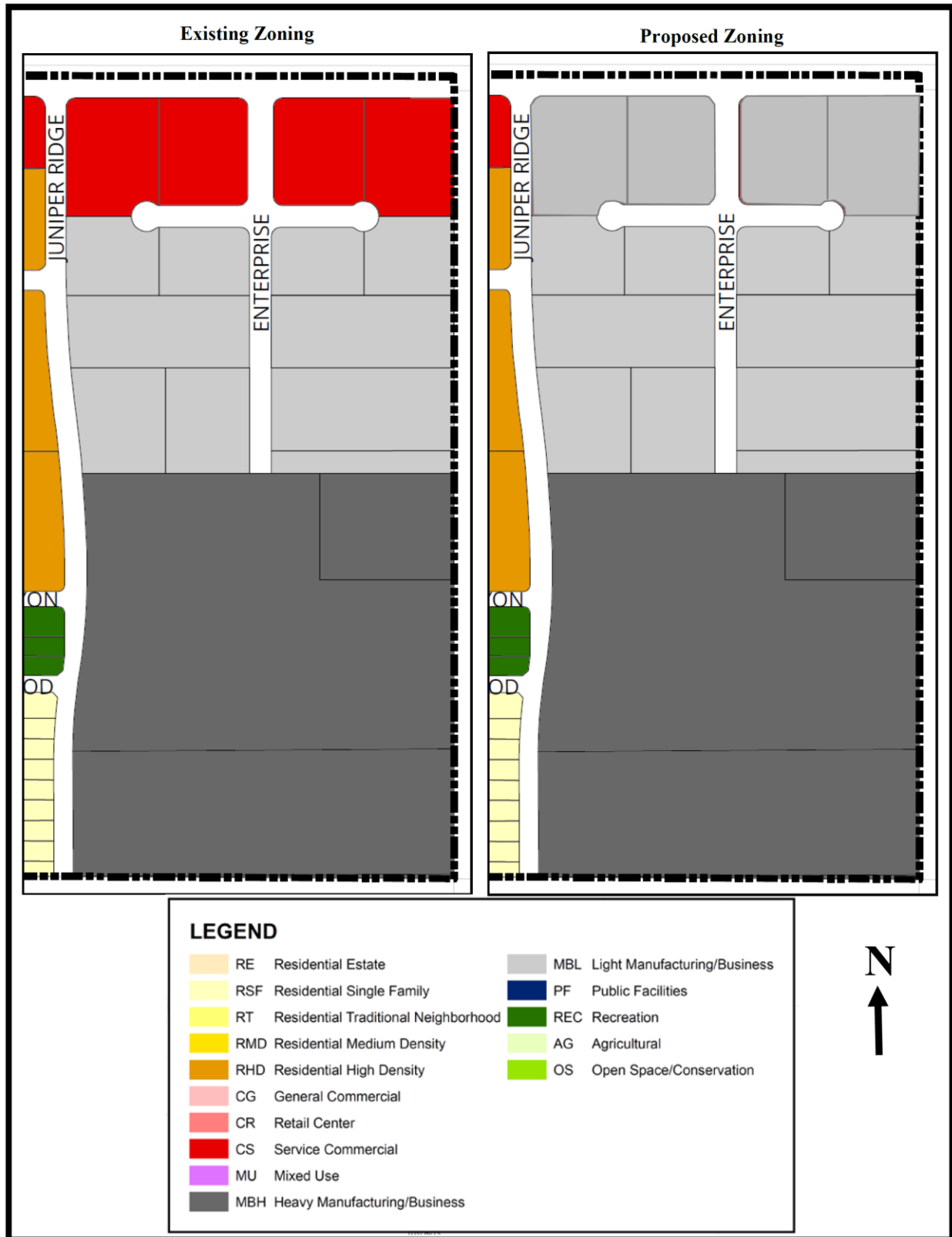
### Ordinance Standards and Regulations

The proposed CMO Permanent Ordinance would allow Commercial Marijuana Operations to conduct cultivation, processing, extraction, manufacturing, testing, distribution, and transportation activities under Conditional Use Permits (CUP) and Regulatory Permits (RP) within areas of the City zoned MBL. The requirement of CMOs to operate under a CUP and RP, allows the City to strictly control such activities, and provides a means of enforcement for potential violations. Central to the CMO Permanent Ordinance is the inclusion of specific *Minimum Operational Requirements and Restrictions*, which regulate various portions of CMOs including, the registration of employees, the type of signage allowed, the distance of CMOs from schools, as well as building construction and security standards among other regulations. In addition to the operational permits required by the CMO Permanent Ordinance, separate Employee Permits are required for each employee. The requirements and restrictions included in the CMO Permanent Ordinance would be applied to each CMO through the RP process. Applications for RPs would be required to include site diagrams and floor plans, maps depicting the distance from schools, security plans, and employee information among other requirements. The RP would be reviewed by the City of Coalinga's Community Development Department and the Chief of Police for adequacy. The CMO Permanent Ordinance includes protocols regarding the enforcement of regulations and the denial or revocation of permits. As such, the CMO Permanent Ordinance would allow CMOs to operate within the City under the strict governance and approval of the Police Chief and Planning Commission, and would be required to operate in such a manner as to avoid the creation of public nuisance or hazard.

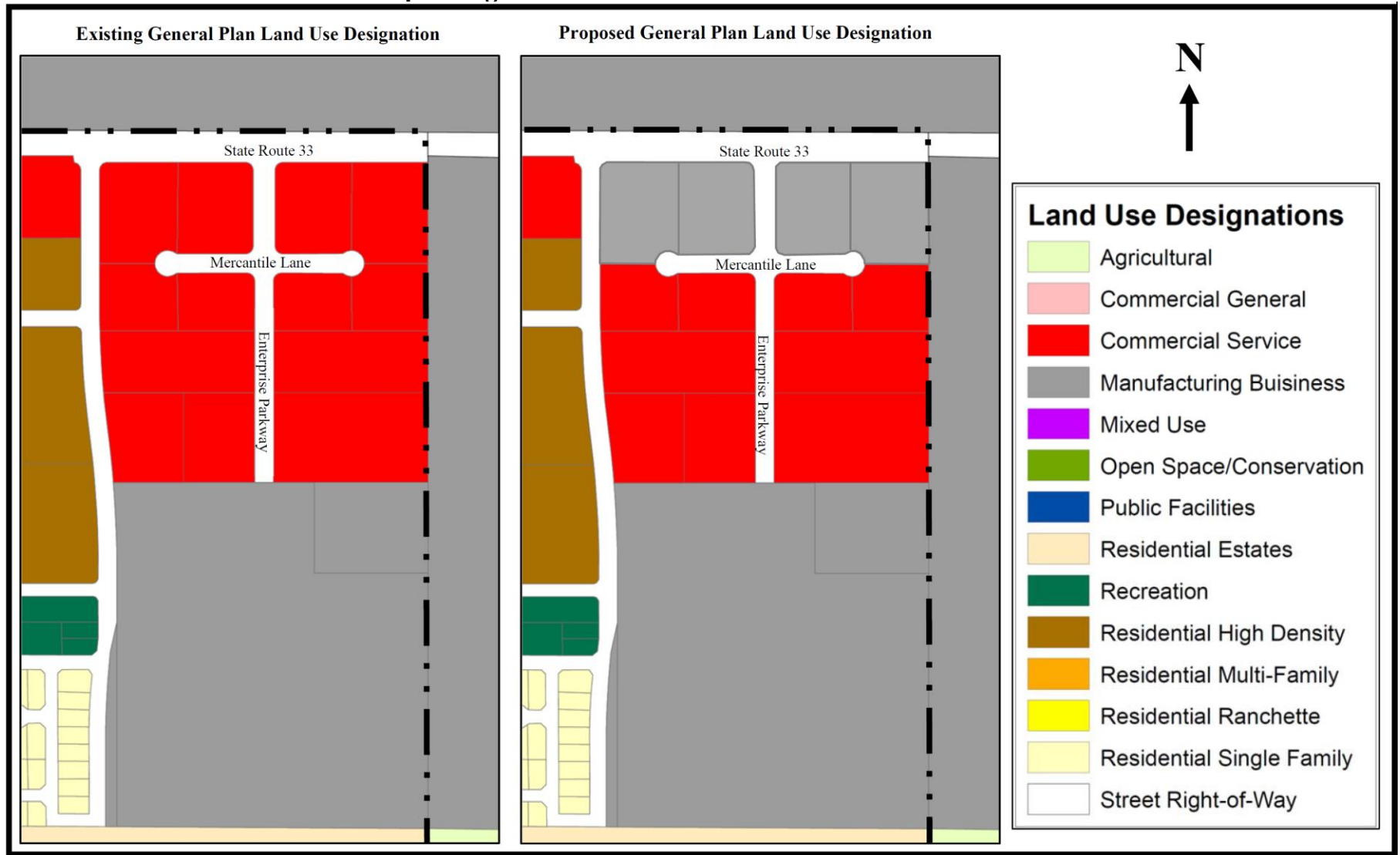
**Figure 2**  
**Juniper Ridge Industrial Park Component**



**Figure 3**  
**Juniper Ridge Industrial Park Rezone Exhibit**



**Figure 4**  
**Juniper Ridge Industrial Park General Plan Amendment Exhibit**



## **Former Claremont Custody Center**

The former Claremont Custody Center located at 185 West Gale Avenue in the northern part of the City of Coalinga (see Figure 5). The Claremont Custody Center contract was terminated by the California Department of Corrections and Rehabilitations (CDCR) on August 7, 2011 and the facility is currently vacant.<sup>1</sup> The CMO Urgency Ordinance included a rezone from PF to MBL, and a GPA from PF to MB for the Claremont Custody Center property (see Figure 6 and Figure 7). An analysis of the GPA and rezone is included in this IS/MND.

The City of Coalinga has an approved Disposition and Development Agreement (DDA) with Ocean Grown Extracts. The DDA acknowledges that the likely use that would be proposed within the Former Claremont Custody Center by Ocean Grown Extracts (OGE) would consist of a CMO facility comprising of 77,000 square feet (sf) of indoor cultivation, manufacturing, and testing space. The remaining area of the Claremont Property may be developed for additional CMO activities in the future. However, specific plans for such expansion are not currently available. If future expansion does occur, expansion would be required to abide by all relevant regulations in the CMO Urgency Ordinance or the CMO Permanent Ordinance, should the Permanent Ordinance be approved. Therefore, expanded cultivation activities would only be allowed to occur in enclosed buildings, and outdoor cultivation activity would not be permitted. Because OGE has not submitted information for potential future expansion outside of the existing Claremont Facility, this Initial Study/Mitigated Negative Declaration (IS/MND) includes analysis of potential environmental impacts that could occur with the development of a 77,000-square-foot CMO facility within the former Claremont Custody Center.

Although, OGE has not submitted an application to the City, OGE has provided a proposed Operation Plan for their operations at the Claremont Property. The following potential components for the 77,000-square-foot CMO facility summarize the information included in the Operation Plan and the Operation Plan itself is included in this document as the Appendix:

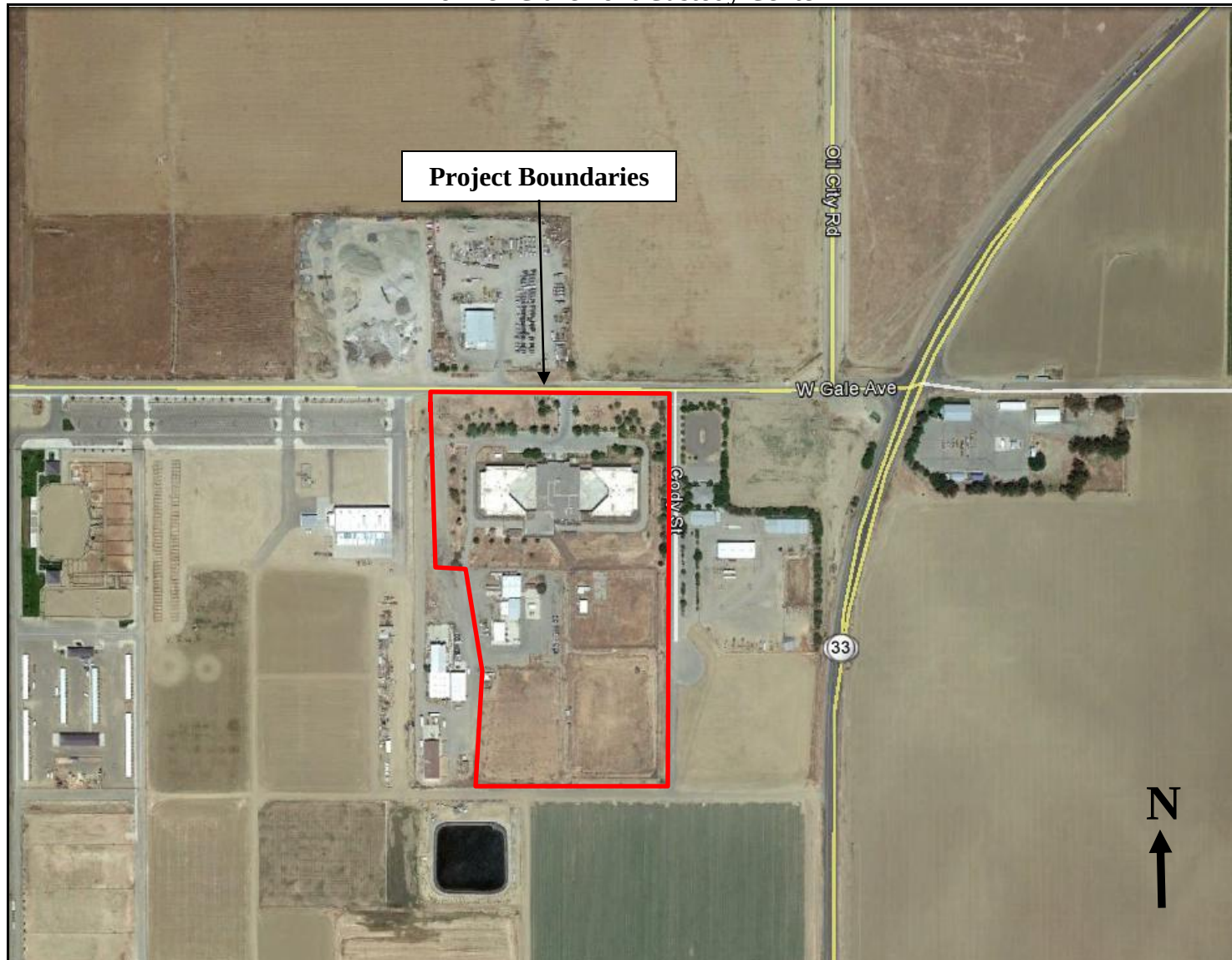
### Intended Uses of Facilities

The facilities would be used for the commercial cultivation of marijuana. OGE, would use 77,000 sf of the Claremont facility for indoor cultivation activities, with a potential for the future expansion of CMO operations over the remaining area of the project site. In addition to cultivation, OGE would use 7,000 sf of the Claremont facility for manufacturing, processing, and packing. A portion of the manufacturing and processing space would be used to perform extraction and testing operations. The extraction process includes killing bacteria, mold, and fungi that may contaminate the vegetable material, before refining the cannabis into a standardized medicinal product for safe and consistent medical application. Following the testing and extraction process, OGE would package the product before delivery to a third party distribution company. Retail and dispensary activity would not occur at the Claremont facility, as all retail and dispensary activity would occur after delivery of the finished product by the distribution company.

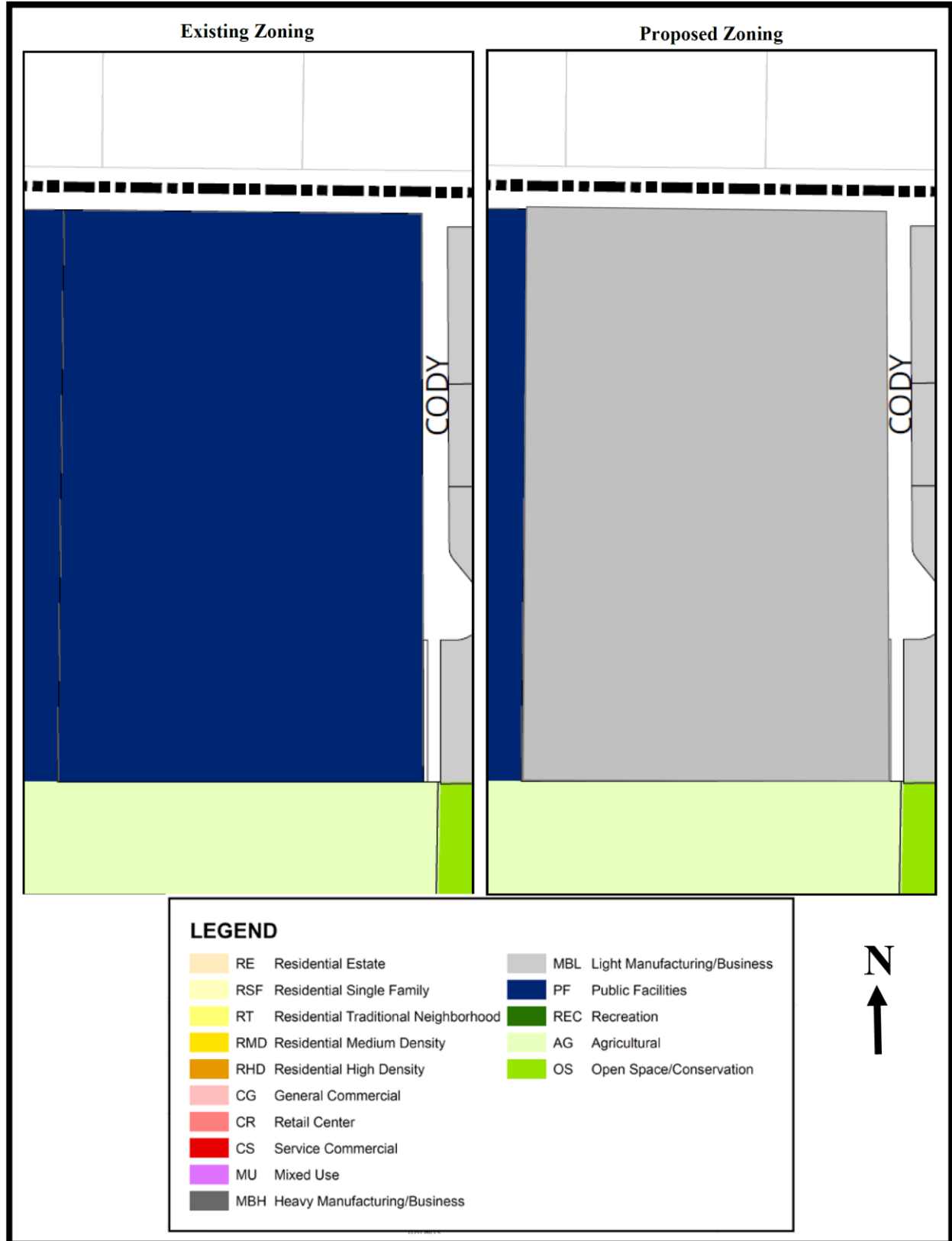
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<sup>1</sup> City of Coalinga. *City of Coalinga Press Release*. June 19, 2014.

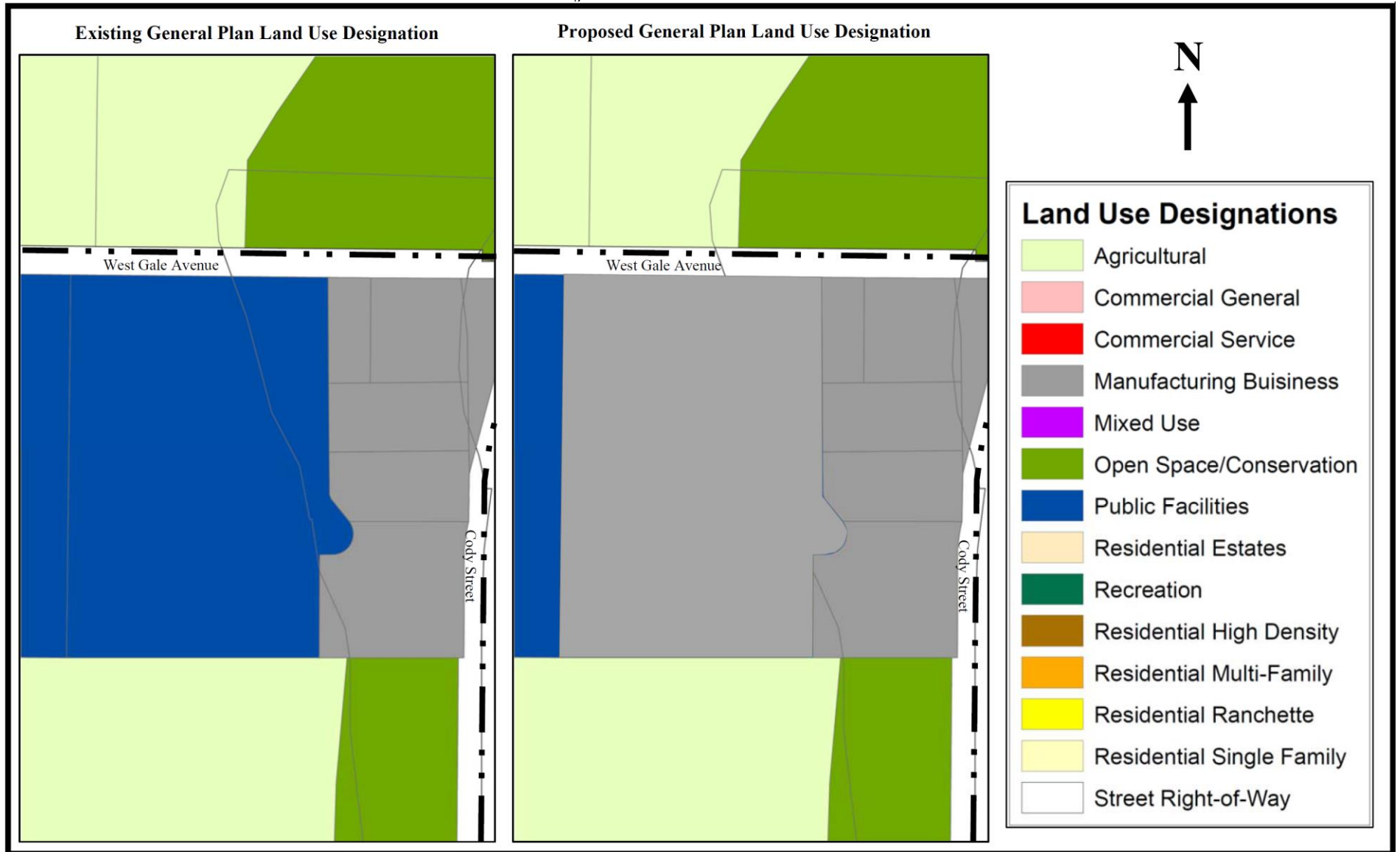
**Figure 5**  
**Former Claremont Custody Center**



**Figure 6**  
**Claremont Custody Center Rezone Exhibit**



**Figure 7**  
**Claremont Custody Center General Plan Amendment Exhibit**



### Staffing

OGE plans to employ approximately 50 individuals. The employees would conduct operations related to cultivation, extraction, packaging, facilities management, security, lab operations, scientific testing, and administrative work.

### Project Phasing

Preparations for the proposed Claremont facility operations would be comprised of three phases. Phase I would include the initial conversion of 2,000 sf of existing facility space for manufacturing purposes, which would be used for processing and packaging operations.

Phase II would include a total build out of 37,000 sf, and would include 32,000 sf of cultivation space as well as 5,000 sf of manufacturing and processing space. While the 32,000 sf of cultivation space would be operated within the existing facility, in accordance with requirements of MMRSA, licenses for the 32,000 sf would be divided under multiple licenses, held by multiple licensees.

At the time of the environmental review, the buildout plans for Phase III had not yet been finalized. While Phase III buildout may involve further work within the Claremont facility, OGE has also indicated that up to 20 acres of the Claremont property may be used for expanded CMO activities at some point in the future. The CMO Permanent Ordinance, if approved, would regulate all cultivation activity, including future expanded operations at the Claremont Property. Relevant regulations for the commercial cultivation of marijuana include the CMO Permanent Ordinance's requirement in section (d) (17) that "operations cannot be seen, heard, or smelled beyond the property line," as well as regulations requiring that all Marijuana Operations occur inside enclosed structures of solid construction, where such structures must meet minimum building code requirements for industrial structures, but may have roofs made of solid non-opaque materials. Because the CMO Permanent Ordinance would require future cultivation to occur within structures meeting the minimum building code for industrial structures, future proposals for the construction of structures related to CMOs would be required to be processed through standard building processing procedures with the City. As OGE has not submitted building plans for such structures to the City, potential impacts related to the cultivation activities outside the existing Claremont facility will not be included within this IS/MND. Analysis of such expanded CMO activities would occur during the CUP, RP, and building approval process, when building plans exist and can be analyzed for potential environmental impact.

### Environmental Stewardship

In proposing the reuse of the Claremont facility, OGE has included consideration of methods to reduce the operations environmental impacts. Assuming that cultivation activities would use 1,760 gallons of water per day, with half that amount being reclaimed, and an equivalent amount for employee water use, the OGE operation would use 75 to 67 percent less water than consumed by the Claremont Custody Center at full capacity. Additionally, OGE will pursue a composting and recycling program to reduce the solid waste stream created by the operations.

### **Discretionary Actions**

Implementation of the proposed project would require the following discretionary actions by the City of Coalinga City Council:

- Approval of this IS/MND;
- Approval of a Mitigation Monitoring and Reporting Program;
- General Plan Amendment for four properties in the Juniper Ridge Industrial Park from Commercial Service (CS) to Manufacturing/Business (MB);
- Rezone four properties in the Juniper Ridge Industrial Park from Service Commercial (CS) to Light Manufacturing/Business (MBL);
- Approve Permanent Ordinance for citywide Commercial Marijuana Operations;
- General Plan Amendment – Confirmation of Boundary Change; and
- Rezone former Claremont Custody Center property from Public Facilities (PF) to MBL.

## G. ENVIRONMENTAL CHECKLIST

The following Checklist contains the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the proposed project. A discussion follows each environmental issue identified in the checklist. Included in each discussion are project-specific mitigation measures recommended as appropriate as part of the proposed project. It should be noted that this IS/MND includes an analysis of the three components of the proposed project individually, as noted throughout the discussions within this IS/MND. Recommended mitigation measures are distinguished appropriately as to which component of the project the measures apply.

For this checklist, the following designations are used:

**Potentially Significant Impact:** An impact that could be significant, and for which mitigation has not been identified. If any potentially significant impacts are identified, an EIR must be prepared.

**Less-Than-Significant With Mitigation Incorporated:** An impact that requires mitigation to reduce the impact to a less-than-significant level.

**Less-Than-Significant Impact:** Any impact that would not be considered significant under CEQA relative to existing standards.

**No Impact:** The project would not have any impact.

| Issues                                                                                                                                                   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|--------------------------|
| <b>I. AESTHETICS.</b>                                                                                                                                    |                                |                                                    |                              |                          |
| <i>Would the project:</i>                                                                                                                                |                                |                                                    |                              |                          |
| a. Have a substantial adverse effect on a scenic vista?                                                                                                  | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway? | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| c. Substantially degrade the existing visual character or quality of the site and its surroundings?                                                      | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| d. Create a new source of substantial light or glare which would adversely affect day or night-time views in the area?                                   | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |

### **Discussion**

- a-c. The City of Coalinga is on the western edge of California's Great Central Valley, at the eastern base of the coast ranges. The City of Coalinga's General Plan describes the visual setting of the City as being in a wide, flat valley bounded by rolling foothills to the west and south. The City is surrounded by rural open space, agriculture, rangeland, and land used for oil production. The Los Gatos and Warthan Creeks run along the northeast and southeast edges of the City, both waterways have varying degrees of riparian vegetation.

Although the City has not officially designated any scenic vistas, the General Plan identifies State Route (SR) 198 and SR 33 as major public viewing corridors for the rolling hills, natural landscape, and agricultural areas surrounding the City. Additionally, the California Department of Transportation (Caltrans) has designated the portion of SR 198 between Interstate 5 and the western Fresno County Line as an Eligible State Scenic Highway. Therefore, any degradation of the scenic value of areas within the public viewing corridors of SR 198 and SR 33 would be considered substantial impacts to a scenic vista.

#### **Juniper Ridge Industrial Park**

The Juniper Ridge Industrial Park is located on the eastern edge of the City. The project site is not visible from the Caltrans designated Eligible Scenic Highway portion of SR 198, and therefore would not impact scenic resources within a State scenic highway. Portions of the Juniper Ridge Industrial Park area have already been developed as industrial uses, and the portion of the project site that would be rezoned, although currently vacant, is also anticipated for future development. Because the Juniper Ridge Industrial Park project site has been previously anticipated for future urban development, impacts to scenic vistas that may occur from development of the area have already been anticipated. Nevertheless, development of the project site in accordance with the proposed rezone and GPA would change the existing visual settings from primarily vacant land to light manufacturing and

light industrial land uses. However, development of the proposed project site for such uses was planned by the JRBIPAP, and the proposed rezone and GPA would establish consistency between the planned uses for the project site specifically identified in the JRBIPAP and the broader General Plan land use and zoning designations. Existing General Plan and zoning designations for the project site would allow the construction of structures for commercial and service uses, such as repair facilities, building material sales, light manufacturing/distributing, and wholesale outlets. Structures constructed under the proposed MBL and MB designations would most likely be of similar scale and character to the commercial uses that are currently allowed for the Juniper Ridge project site. Additionally, the JRBIPAP includes design guidelines for development of the area, and future structures would be required to adhere to the guidelines established by the Area Plan. Therefore, because the rezone and GPA would establish consistency between the JRBIPAP and the City's General Plan and zoning designations, the structures allowed under the proposed MB and MBL designations would be generally similar to those structures already anticipated under the currently approved commercial land uses, and the JRBIPAP includes design guidelines for development in the area, the proposed rezone and GPA would result in a **less-than-significant** impact related to adversely affecting a scenic vista, damaging scenic resources within a State scenic highway, and substantially degrading the existing visual character or quality of the site or its surroundings.

#### CMO Permanent Ordinance

Approval of the permanent ordinance would not directly include the construction of structures or any physical alterations that could impact aesthetic resources, scenic vistas, or State scenic highways. Rather, the permanent ordinance would allow CMO in areas zoned MBL or MB with the approval of a CUP and RP. The approval of a CUP and RP would qualify as a discretionary action taken by the City, and thus would be subject to subsequent project-specific environmental review under CEQA. Additionally, the CMO Permanent Ordinance includes language that future operations "cannot be seen, heard, or smelled beyond the property line." As such, future operations would be scrutinized under both CEQA standards as well as standards within the CMO Permanent Ordinance. Therefore, the CMO Permanent Ordinance would result in a **less-than-significant** impact related to adversely affecting a scenic vista, damaging scenic resources within a State scenic highway, and substantially degrading the existing visual character or quality of the site or its surroundings.

#### Claremont Property Project

The Claremont Property Project includes the rezone and redesignation of the Claremont property to MBL and MB. The project would then include the reuse of the property and existing structure for CMO. The reuse of the property would include interior renovations of the Claremont facility to accommodate the CMO. Neither of the first two operational phases of the project include any alterations to the exterior of the existing structure. The specific work that would be included in Phase III of the project has not yet been specified by the applicant; however, the applicant anticipates that at some point in the future, up to 20 acres of space outside of the existing facility may be used for cultivation activities. Because the CMO Permanent Ordinance includes strict structural requirements for structures to be used for cultivation activities, the potential impacts that may result from the construction of CMO related structures would need to be analyzed separately, when specific building plans are available for the CMO related structures. As specific building plans for such structures do not

exist for the currently proposed project, the indoor CMO activities are the focus of the current environmental analysis. Additionally, the CMO Permanent Ordinance would require that expanded CMO activity at the Claremont facility obtain subsequent CUP and RP approvals, which would be subject to project-specific environmental review at the time of consideration for new CUPs and RPs. Because the currently proposed operations would occur wholly within existing site structures, visible alterations to on-site structures or the property would not occur with approval of the proposed project. Given that views of the project site would not be altered from public view points, the proposed project would not adversely impact a scenic vista, damage scenic resources within a State scenic highway, or substantially degrade the existing visual character or quality of the site or its surroundings. Therefore, the Claremont Property Project would result in a ***less-than-significant*** impact.

d. Juniper Ridge Industrial Park

Development of the Juniper Ridge Industrial Park would add additional lighting and glare to the area. The proposed project would rezone and redesignate portions of the Juniper Ridge Industrial Park which are already anticipated for development with the buildout of the Juniper Ridge Industrial Park area. As discussed previously, the rezone and GPA would not significantly change the scale or character of the allowable structures on the project site. Additionally, structures on the project site would be required to comply with Section 9-4.407 of the City of Coalinga's Planning and Zoning Code, which includes lighting and glare requirements that seek to avoid spill over nuisance to existing adjacent land uses. Requirements to avoid spill over are also included in the JRBIPAP, which would further regulate on-site sources of light and glare. Compliance with the City's Planning and Zoning Code, as well as the consistency of the rezone and redesignation with what is anticipated for the project site in the JRBIPAP would ensure that the redesignation and rezone of the Juniper Ridge project site would not create a new source of substantial light or glare which would adversely affect day or night-time views in the area, and the Juniper Ridge Industrial Park rezone and GPA would thus result in a ***less-than-significant*** impact.

CMO Permanent Ordinance

Approval of the permanent ordinance would not include the construction of structures. However, the CMO may require alterations be made to the lighting of existing structures based on security requirements set forth by the Police Chief per Permanent Ordinance Section (d)(18). Such alterations to lighting would be subject to Section 9-4.407 of the City of Coalinga's Planning and Zoning Code, which would regulate the spillover of light or glare from any security lighting required by the Police Chief. Because lighting would be controlled by the City's Planning and Zoning Code, and the CMO Permanent Ordinance does not include the construction of structures, the proposed project would not create a new source of substantial light or glare which would adversely affect day or night-time views in the area, and thus a ***less-than-significant*** impact would result.

Claremont Property Project

The Claremont Property Project includes the rezone and redesignation of the Claremont property to MBL and MB. The project would then include the reuse of the property and existing structure for CMO, with the possible future expansion to of CMO to other parts of the Claremont Property. Given the site's past use as a Custody Center, the project site

currently contains sources of outdoor security lighting. Alterations that could increase the intensity of the existing sources of lighting or glare are not anticipated with approval of the project; however, if such alterations are made the new sources of light and glare would be subject to Section 9-4.407 of the City of Coalinga's Planning and Zoning Code. Compliance with the City of Coalinga's Planning and Zoning Code would ensure that the proposed project would not create a new source of substantial light or glare which would adversely affect day or night-time views in the area, and thus a ***less-than-significant*** impact would result.

| Issues                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|--------------------------|
| <b>II. AGRICULTURE AND FORESTRY RESOURCES.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                |                                                    |                              |                          |
| <i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</i> |                                |                                                    |                              |                          |
| a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping Program of the California Resources Agency, to non-agricultural use?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✘                            | <input type="checkbox"/> |
| b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✘                            | <input type="checkbox"/> |
| c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | ✘                        |
| d. Result in the loss of forest land or conversion of forest land to non-forest use?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | ✘                        |
| e. Involve other changes in the existing environment which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | ✘                        |

## **Discussion**

### **a, b. Juniper Ridge Industrial Park**

According to the *Fresno County Important Farmland 2014* map, the Juniper Ridge project site is designated as Farmland of Local Importance.<sup>2</sup> Farmland of Local Importance is designated as farmland within Fresno County that does not meet the definitions of prime, statewide, or unique farmland, but that is or has been used for agricultural production including animal productions. However, the project site is not currently used for agricultural purposes, nor is the site currently zoned or designated for such uses. Indeed, the Juniper Ridge project site is currently designated and zoned for commercial uses, and Williamson Act contracts do not currently exist for the site. The project includes a rezone and GPA for the project site from CS to MB and MBL, such a rezone and GPA would not result in the loss of farmland or rezone of areas currently zoned farmland as the area is currently anticipated for urban development. Therefore, the proposed project would not result in the loss of Prime Farmland, Unique Farmland, or Farmland of statewide importance nor would the project conflict with existing agricultural zoning or a Williamson Act contract. As a result, the proposed project would result in a ***less-than-significant*** impact.

### **CMO Permanent Ordinance**

The CMO Permanent Ordinance does not include the rezone, redesignation, or direct development of land within the City of Coalinga. Rather, the ordinance conditionally allows CMO uses within areas designated and zoned for MBL or MB. Because the CMO Permanent Ordinance would not involve development of prime, statewide, or unique farmland, and would not rezone any land zoned for agriculture or under a Williamson Act contract, the proposed project would not result in the conversion of farmland to non-agricultural uses nor would the CMO Permanent Ordinance conflict with agricultural zoning. In addition, as the permanent ordinance would allow CMO in areas zoned MBL or MB with the approval of a CUP and RP, which would qualify as a discretionary action taken by the City, any future development associated with CMO would be subject to subsequent project-specific environmental review under CEQA. As such, the project would have a ***less-than-significant*** impact.

### **Claremont Property Project**

The Claremont property is a developed facility that was formerly used as the Claremont Custody Center. Extensive building and pavement exists on the project site and the *Fresno County Important Farmland 2014* map designates the project site as urban and built-up land. The Claremont project site is currently designated and zoned PF and the proposed project would include a rezone and redesignation to MB and MBL. Because the project site is not designated as prime, statewide, or unique farmland, nor is the site zoned for agricultural use or under an existing Williamson Contract, the proposed project would not result in the conversion of farmland to non-agricultural uses nor would the Claremont Property Project

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<sup>2</sup>California Department of Conservation. *Fresno County Important Farmland 2014 [Sheet 1 of 2]*. Published December 2015.

Commercial Marijuana Permanent Ordinance, Juniper Ridge Industrial Park City-Initiated Rezone and General Plan Amendment, and the Claremont Property Project Initial Study/Mitigated Negative Declaration

conflict with agricultural zoning. Therefore, the proposed project would result in a ***less-than-significant*** impact.

c-e. Juniper Ridge Industrial Park, CMO Permanent Ordinance, and Claremont Property Project

The City of Coalinga does not contain zoning for forest or timberland (as defined in Public Resources Code sections 12220(g), 4526, and 51104(g)) and none of the proposed rezones or GPAs would involve any changes in the existing environment which could result in the conversion of farmland or forest and timberland, resulting in ***no impact***.

| Issues                                                                                                                                                                                                                                                                                      | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|--------------------------|
| <b>III. AIR QUALITY.</b>                                                                                                                                                                                                                                                                    |                                |                                                    |                              |                          |
| <i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</i>                                                                        |                                |                                                    |                              |                          |
| a. Conflict with or obstruct implementation of the applicable air quality plan?                                                                                                                                                                                                             | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?                                                                                                                                                                          | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| d. Expose sensitive receptors to substantial pollutant concentrations?                                                                                                                                                                                                                      | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| e. Create objectionable odors affecting a substantial number of people?                                                                                                                                                                                                                     | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |

### **Discussion**

a-c. The City of Coalinga is located in the San Joaquin Valley Air Basin (SJVAB). The SJVAB is under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD), which regulates air quality in the southern portion of the Central Valley. The SJVAB area is currently designated as a non-attainment area for the State and federal ozone, State and federal particulate matter 2.5 microns in diameter (PM<sub>2.5</sub>), and State particulate matter 10 microns in diameter (PM<sub>10</sub>) standards. The SJVAB is designated attainment or unclassified for all other ambient air quality standards (AAQS). It should be noted that although the U.S. Environmental Protection Agency (EPA) revoked their 1-hour ozone standard in 2005, the SJVAB has still been considered in non-attainment and subject to related penalties. However, on February 11, 2016, the California Air Resources Board (CARB) submitted a request to the EPA to make findings necessary to determine the SJVAB is in attainment of the federal 1-hour ozone standard. The SJVAPCD anticipates a final ruling to be reached by the end of 2016.

In compliance with regulations, due to the non-attainment designations of the area, the SJVAPCD periodically prepares and updates air quality plans that provide emission reduction strategies to achieve attainment of the AAQS, including control strategies to reduce air pollutant emissions through regulations, incentive programs, public education, and partnerships with other agencies. The most recent ozone plan is the 2016 Ozone Plan for the

2008 8-Hour Ozone Standard, which was adopted by the SJVAPCD on June 16, 2016. The CARB subsequently conducted a public meeting to consider approval of the 2016 Ozone Plan for the 2008 8-Hour Ozone Standard. If approved, the CARB will submit the plan to the EPA as a revision to the State's Implementation Plan. Additionally, the most recent federal attainment plan for PM is the 2015 Plan for the 1997 PM<sub>2.5</sub> Standard, which was approved by the SJVAPCD Governing Board on April 16, 2015.

The aforementioned air quality plans contain mobile source controls, stationary source controls, and transportation control measures (TCMs) to be implemented in the region to attain the State and federal standards within the SJVAB. Adopted SJVAPCD rules and regulations, as well as the thresholds of significance, have been developed with the intent to ensure continued attainment of AAQS, or to work towards attainment of AAQS for which the area is currently designated non-attainment, consistent with applicable air quality plans.

Therefore, the proposed project would result in significant impacts to air quality if the proposed project would increase construction- or operation-related emissions of criteria pollutants, for which the SJVAPCD is in non-attainment, beyond what has been previously anticipated by the City's General Plan EIR, or regional planning documents.

#### Juniper Ridge Industrial Park

Although the Juniper Ridge Industrial Park is currently predominantly undeveloped vacant land, the project area was anticipated for development by the JRBIPAP. The City of Coalinga has also anticipated development of the site through the General Plan and zoning designations of CS. The proposed project would include a rezone and GPA of the Juniper Ridge project site from CS to MBL and MB, which would establish consistency between the City's General Plan Land Use and Zoning designations, and the JRBIPAP. Such a rezone and GPA for the site would slightly change the allowable uses for the project site, where CS land uses are focused on retail and service uses that usually require a single-purpose trip, and MB/MBL uses are focused on employment, light industrial, and business uses.

While the site uses would be altered by the GPA and zoning change, the area of site disturbance would generally remain the same, and development under the CS or MB/MBL would include structures of similar scale and size. Because the area of disturbance would not change, and the scale of construction would be similar between development under the CS and MB/MBL designations, the emissions that would result from buildout of the project site under MB/MBL would be comparable to emissions that would result from buildout under the current CS designation. However, the difference in allowable uses would generate different amounts of vehicle trips to and from the project site. In regards to air quality, the difference in vehicle trips is of importance because emissions from vehicles are often the primary source of operational air quality impacts.<sup>3</sup> Therefore, if the proposed rezone and GPA would result in an increased number of operational vehicle trips, the project would be considered to lead to an increase in emissions, which could obstruct the implementation of air quality plans or contribute a net increase of criteria pollutants for which the area is in nonattainment. As presented in the Transportation/Traffic section of this IS/MND, buildout of the Juniper Ridge project site under the MB/MBL designation would result in an estimated decrease in daily

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<sup>3</sup> San Joaquin Valley Air Pollution Control District. *2016 Ozone Plan for 2008 8-Hour Ozone Standard*. Adopted June 16, 2016.

vehicle trips of approximately 12,259, from what would be anticipated for buildout of the project site under the currently approved CS designation. Because mobile sources, such as single-passenger vehicles, are the major source of operational criteria pollutants, by reducing the anticipated number of vehicle trips to the project site, the proposed project would reduce the amount of operational emissions associated with buildout of the site. Considering that construction emissions for buildout of the Juniper Ridge site would be similar under the CS or MB/MBL designations, but that mobile source emissions would likely decrease, the proposed project would be considered to result in an overall reduction of criteria pollutant emissions. Therefore, the proposed project would not conflict with the implementation of applicable air quality plans, nor would the project lead to the violation of air quality standards or the cumulatively considerable net increase in criteria air pollutants, and the proposed Juniper Ridge Project would result in a ***less-than-significant*** impact.

#### CMO Permanent Ordinance

The CMO Permanent Ordinance would not directly involve development. Instead, the proposed permanent ordinance involves conditional uses allowed in areas designated MB or MBL. Because the permanent ordinance would not involve construction activities, the proposed permanent ordinance would only involve air quality emissions related to the operation of conditionally permitted CMOs. As discussed above, the primary source of operational emissions would result from mobile sources such as employee commutes, and the transportation of goods to and from the permitted CMO operations. Such activity would be generally similar to the manufacturing and light industrial uses currently approved for MB and MBL designated areas. As such, the proposed project would not be considered to conflict with the implementation of applicable air quality plans, nor would the project lead to the violation of air quality standards or the cumulatively considerable net increase in criteria air pollutants, and the proposed CMO Permanent Ordinance would result in a ***less-than-significant*** impact.

#### Claremont Property Project

The Claremont Property Project would involve the reuse of the existing Claremont facility for a CMO. Because the facility already exists, only limited construction activity would occur to renovate the existing structure for the cultivation and processing of marijuana. Following such renovations, the project would result in air quality emissions from sources similar to those described in the CMO Permanent Ordinance section above, that is, mostly from mobile sources such as employee commutes and the movement of goods. The project site was previously used as the Claremont Custody Center which housed 500 inmates and involved 100 employees. Such past operations would have involved daily employee commutes to the project site, as well as the delivery of goods and equipment to provision the 500 inmates and maintain operations.

The movement of goods would continue to occur as processing materials would be delivered while finished products would be shipped by a third party distributor. However, the proposed project would reduce the amount of employees from 100 at the Claremont Custody Center to 50 at the CMO, which would reduce the amount of employee trips, and the inmate population of the project site would be eliminated. Overall, the proposed Claremont Property Project would most likely result in a reduction in the number of daily trips from the project as compared to previous operations as the Claremont Custody Center (see the Transportation

and Traffic section of this IS/MND for further discussion of trip generation). Because emissions of criteria pollutants are directly linked to the number of vehicle trips induced by the operation of a project, by resulting in a reduced number of vehicle trips as compared to previous site operations, the proposed Claremont Property Project would not be considered to conflict with the implementation of applicable air quality plans, nor would the project lead to the violation of air quality standards or the cumulatively considerable net increase in criteria air pollutants, and the proposed project would result in a ***less-than-significant*** impact.

- d. As discussed above, the three components of the proposed project would not result in impacts related to the emission of criteria pollutants. However, in addition to criteria air pollutants, toxic air contaminants (TACs) are also a category of environmental concern. TACs are present in many types of emissions with varying degrees of toxicity. Sources of TACs include industrial processes such as petroleum refining and chrome plating operations, commercial operations such as gasoline stations and dry cleaners, and motor vehicle exhaust. Cars and trucks release at least 40 different TACs. In terms of health risks, the most volatile contaminants are diesel particulate matter (DPM), benzene, formaldehyde, 1,3-butadiene and acetaldehyde. Gasoline vapors contain several TACs, including benzene, toluene, and xylenes. Public exposure to TACs can result from emissions from normal operations as well as accidental releases. Health risks from TACs are a function of both the concentration of emissions and the duration of exposure, which typically are associated with long-term exposure and the associated risk of contracting cancer.

#### Juniper Ridge Industrial Park

The proposed project would rezone and redesignate a portion of the Juniper Ridge Industrial Park area from CS to MBL and MB. New residential developments on the project site would not be allowed under the MBL and MB designations, and therefore new sensitive receptors would not be introduced to the area. However, the nearest sensitive receptors to the Juniper Ridge Industrial Park project (Juniper Ridge Project) site are the residential developments located approximately 260 feet southeast of the project site. A significant impact would result if the proposed project allowed development of the Juniper Ridge Project site for uses that would involve the emissions of TACs.

The redesignation and rezone of the site to MB and MBL would slightly change the allowable uses at the project site. As such, permitted uses for the CS and MBL zoning designations, identified in Article 4 of Title 9 within the City of Coalinga's Planning and Zoning Code, were compared to possible sources of TACs included in the CARB's Land Use Handbook.<sup>4</sup> Allowable MBL uses that could create a hazard through the emission of DPM are freight/truck terminals and warehouses. Such a land use would be considered a distribution center, which if the freight/truck terminal included over 100 heavy-duty diesel truck trips per day, would be considered by the CARB as a significant source of DPM, which would require a health risk analysis if sited within 1,000 feet of sensitive receptors. However, the existing CS designation currently allows wholesale and distribution centers on the project site. A wholesale and distribution center would be subject to the same considerations by the CARB, and could potentially be built within 1,000 feet of the nearest sensitive receptor under current zoning and land use designations. Therefore, the proposed project would not change

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<sup>4</sup> California Air Resources Board. Air Quality and Land Use Handbook: A Community Health Perspective. April 2005.

the likelihood that a source of DPMs would be sited in proximity to existing sensitive receptors, and thus the proposed redesignation and rezone of the Juniper Ridge project site would not increase the risk or likelihood of development emitting TACs within proximity to sensitive receptors.

The CARB also includes other land uses that are considered sources of TACs, however the Planning and Zoning Code prohibits development in areas designated MBL from including land uses that would involve the manufacture, processing or treatment of hazardous materials. Such a prohibition ensures that land uses, other than the currently allowed distribution centers, would not be developed on the project site.

Therefore, redesignating and rezoning the Juniper Ridge site to MB/MBL would not increase the risk of DPM emissions, nor would the MB/MBL designations allow for any new land uses that would be considered a source of TACs. As such, the proposed project would not lead to an increased risk of exposing sensitive receptors to substantial air pollutants, and the Juniper Ridge Project would result in a ***less-than-significant*** impact.

#### CMO Permanent Ordinance

The CMO Permanent Ordinance involves conditionally allowable uses within areas designated as MB/MBL. As discussed in the Hazards and Hazardous Materials section of this IS/MND marijuana cultivation and processing activities may involve the use of materials considered to be flammable. However, CMOs are not anticipated to involve any activities that would directly involve the emission of TACs. CMOs could involve distribution activity, but, as discussed above, such activity is permitted in any area designated or zoned MB and MBL. Because the CMO Permanent Ordinance would not lead to activities that would involve greater emissions of TACs or DPMs than are currently allowed under the existing land use regulations for areas designated and zoned MB and MBL, the proposed project would not lead to an increased risk of exposing sensitive receptors to substantial air pollutants, and the CMO Permanent Ordinance would result in a ***less-than-significant*** impact.

#### Claremont Property Project

The Claremont Property Project involves the reuse of the Claremont Facility for a CMO and the rezone and redesignation of the project site to MBL/MB. As discussed above, CMOs, such as that which would occur at the Claremont Facility with approval of the project, would not be considered a significant source of TACs. Additionally, the closest residential development is located over 1.25-miles from the Claremont property, and thus, sensitive receptors would be outside of all distance thresholds advised by the CARB. Because the proposed project would not involve operations that would lead to the emission of TACs, and sensitive receptors do not exist within the close proximity to the project site, the proposed project would not lead to an increased risk of exposing sensitive receptors to substantial air pollutants, and the Claremont Property Project would result in a ***less-than-significant*** impact.

e. Juniper Ridge Industrial Park

The proposed project would allow the future development of the project site for MB or MBL uses. Typical odor-generating land uses include, but are not limited to, wastewater treatment plants, landfills, and composting facilities. Such uses would not be allowed under the MB or MBL land use types, and as such the proposed project would not allow the development of new odor-generating land uses. Moreover, Article 4 of Title 9, within the City of Coalinga's Planning and Zoning Code, specifically prohibits developments within MBL zoned areas from involving the manufacture, processing or treatment of materials which may be obnoxious or offensive. However, with the approval of the CMO Permanent Ordinance the Juniper Ridge Project site could be used for CMOs, which could create objectionable odors. Potential future CMOs would be subject to all odor related regulations contained within the CMO Permanent Ordinance, and as discussed below, such odor regulations would control potential offensive odors from CMOs. Finally, the SJVAPCD's Rule 4102 prohibits the discharge of air contaminants that would create a nuisance or annoyance, and the SJVAPCD accepts complaints related to odors. Given the existing regulations on allowable development, and the SJVAPCD's existing restrictions on odor producing emissions, the proposed project would not be anticipated to expose sensitive receptors objectionable odors and a ***less-than-significant*** impact would result.

CMO Permanent Ordinance

The proposed ordinance does not directly involve development which could create objectionable odors. However, the CMO Permanent Ordinance would conditionally allow the cultivation and processing of marijuana, which could result in objectionable odors. In recognition of the possible odors that would be emitted by a CMO, the CMO Permanent Ordinance includes specific odor control requirements as part of the minimum operational requirements and restrictions of CMOs. The CMO Permanent Ordinance includes the requirement that exhaust air filtration systems with odor prevention be installed, which would ensure that odors generated by cannabis cultivation would not be detectable outside the facility. Additionally, the City has developed a monitoring and compliance program that would periodically inspect each facility to ensure that the air ventilation and exhaust filtration systems are working and odors are not detectable form outside of the CMO facility. If violations of the ordinance occurred, and objectionable odors were produced, enforcement activities could be undertaken by the City to ensure that odors were properly controlled. Additionally, permitted CMOs would also be subject to SJVAPCD's Rule 4102, which would allow members of the public to submit complaints, should violations occur. Because the CMO Permanent Ordinance includes odor control requirements, and the SJVAPCD prohibits the emission of objectionable odors, the proposed CMO Permanent Ordinance would not be anticipated to expose sensitive receptors objectionable odors and a ***less-than-significant*** impact would result.

Claremont Property Project

The proposed cultivation and processing operation at the Claremont facility could involve the creation of objectionable odors. However, both the CMO Urgency Ordinance and the CMO Permanent Ordinance contain specific regulations regarding odor control. The Urgency

Ordinance required that CMOs may not be seen, heard, or smelled outside of the premises, and section (d)(15) of the CMO Permanent Ordinance requires air ventilation and exhaust systems sufficient to ensure that odors cannot be detected outside of the premises. The Claremont Property Project would be required to abide by the aforementioned odor regulations, which would ensure that odors are not smelled outside of the premises. Additionally, the City has developed a monitoring and compliance program that would periodically inspect each facility to ensure that the air ventilation and exhaust filtration systems are working and odors are not detectable form outside of the CMO facility. Should a violation of the odor regulations of the CMO Urgency Ordinance or the CMO Permanent Ordinance occur, complaints could be submitted to the SJVAPCD, and enforcement action could occur. However, the Claremont facility is over 1.25-miles away from the nearest residences, which would make exposure of sensitive receptors to objectionable odors highly unlikely. Additionally, should future activities on the Claremont Property include expanded CMO outside of the existing structures, such activity would be subject to subsequent environmental review, which would analyze possible impacts related to odors. Because the Claremont Property Project would be regulated by the odor requirements of the CMO Urgency Ordinance, the CMO Permanent Ordinance, and the SJVAPCD and is not in proximity to sensitive receptors, the proposed project would not be anticipated to expose sensitive receptors to objectionable odors and a *less-than-significant* impact would result.

| Issues                                                                                                                                                                                                                                                                                                           | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|--------------------------|
| <b>IV. BIOLOGICAL RESOURCES.</b>                                                                                                                                                                                                                                                                                 |                                |                                                    |                              |                          |
| <i>Would the project:</i>                                                                                                                                                                                                                                                                                        |                                |                                                    |                              |                          |
| a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/>       | ✗                                                  | <input type="checkbox"/>     | <input type="checkbox"/> |
| b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?                                                                 | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?                                             | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?                                                                                                    | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?                                                                                                                                                                              | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?                                                                                                                             | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |

## **Discussion**

- a. Special-status species are plants and animals that are legally protected under the State and/or Federal Endangered Species Act (FESA) or other regulations. The FESA of 1973 declares that all federal departments and agencies shall utilize their authority to conserve endangered and threatened plant and animal species. The California Endangered Species Act (CESA) of 1984 parallels the policies of FESA and pertains to native California species. Special-status species also include other species that are considered rare enough by the scientific community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, nesting or denning locations, communal roosts, and other essential habitat.

According to the General Plan Master EIR, based on a query of the California Natural Diversity Database (CNDDB) (2006) and the CNPS Electronic Inventory of Rare and Endangered Plants (2006), the following 12 sensitive plant species were identified as occurring within the region

- Heartscale (*Atriplex cordulata*)
- Brittlescale (*Atriplex depressa*)
- Lesser saltscale (*Atriplex minuscula*)
- Lost Hills crownscale (*Atriplex vallicola*)
- Dwarf calycadenia (*Calycadenia villosa*)
- California jewel-flower (*Caulanthus californicus*)
- Hall's tarplant [*Hemizonia (Deiandra) halliana*]
- Recurved larkspur (*Delphinium recurvatum*)
- Hoover's woolly-star (*Eriastrum hooveri*)
- Pale-yellow layia (*Layia heterotricha*)
- San Joaquin woolly-threads [*Lembertia (Monolopia) congdonii*]
- Showy madia (*Madia radiata*)

In addition, based on the CNDDB query, the following 30 sensitive wildlife species have been documented in the region.

### *Insects*

- San Joaquin dune beetle (*Coelus gracilis*)
- Redheaded sphecoid wasp (*Eucerceris ruficeps*)
- Hopping's Blister Beetle (*Lytta hoppingi*)
- Molestan blister beetle (*Lytta molesta*)
- Morrison's blister beetle (*Lytta morrisoni*)

### *Amphibians*

- Western spadefoot [*Scaphiopus (Spea) hammondi*]
- Foothill yellow-legged frog (*Rana boylei*)

### *Reptiles*

- Western pond turtle (*Clemmys marmorata*)
- Blunt-nosed leopard lizard (*Gambelia sila*)
- San Joaquin coachwhip (*Masticophis flagellum ruddocki*)
- Coast (California) horned lizard (*Phrynosoma coronatum frontale*)

### *Birds*

- White-tailed kite (*Elanus leucurus*)
- Northern harrier (*Circus cyaneus*)
- Golden eagle (*Aquila chrysaetos*)
- Prairie falcon (*Falco mexicanus*)
- Swainson's hawk (*Buteo swainsonii*)
- Short-eared owl (*Asio flammeus*)
- Western burrowing owl (*Athene cunicularia hypugea*)
- Le Conte's thrasher (*Toxostoma lecontei*)
- Tricolored blackbird (*Agelaius tricolor*)
- Loggerhead shrike (*Lanius ludovicianus*)
- California horned lark (*Eremophila alpestris actia*)
- Lark sparrow (*Chondestes grammacus*)

### *Mammals*

- Roosting bat species (Order Chiroptera)
- San Joaquin antelope squirrel (*Ammospermophilus nelsoni*)
- San Joaquin pocket mouse (*Perognathus inornatus inornatus*)
- Giant kangaroo rat (*Dipodomys ingens*)
- Short-nosed kangaroo rat (*Dipodomys nitratoides brevinasus*)
- Tulare grasshopper mouse (*Onychomys torridus tularensis*)
- San Joaquin kit fox (*Vulpes macrotis mutica*)

Construction of projects within the City could have the effect of removing or disturbing habitat, potentially resulting in harm to sensitive species during habitat removal or indirectly if the habitat is used for foraging or for other means of sustenance. Policy OSC1-3 of the General Plan is intended to reduce potential impacts to sensitive and special-status species in the Coalinga area; however, according to the General Plan Master EIR, although development projects would be evaluated on a project-by-project basis to ensure that impacts to sensitive habitats (e.g., wetlands, habitat for special-status species) are mitigated in accordance with most current regulations, compliance with these regulations would not necessarily ensure that development would be able to feasibly provide for "no net loss" of wetland habitat or habitats for listed species.

### Juniper Ridge Industrial Park

The Juniper Ridge project site is currently anticipated for commercial development. The proposed project would rezone and redesignate the project site to MBL and MB.

Development of the project site as light industrial or business uses was anticipated by the JRBIPAP, and the proposed GPA and rezone would establish consistency between the JRBIPAP and the General Plan land use and zoning designations. The project would not alter the amount of land anticipated for development, or significantly change the scale or intensity of future development for the Juniper Ridge project site. Therefore, the proposed project would not be anticipated to create any impacts to the aforementioned species that were not anticipated by the General Plan.

To determine what species may be present on the site, and thus what species may be impacted by development, the CNDDDB was queried for a five-mile area surrounding the Juniper Ridge Project site. The query identified six plant species and 20 animal species within the five-mile query area. The habitat requirements of the identified species were compared to the available habitat at the Juniper Ridge project site to determine what species within the query area may use the site. The Juniper Ridge project site has been historically disturbed through development of the surrounding area, and regular site disking. The historic disturbance and regular disking allows for only sparse, weedy vegetation to persist on the site, while small landscape trees exist on the perimeter of the site. The persistent disturbance and lack of vegetation make the Juniper Ridge project site poor or unsuitable habitat for many species. Indeed, considering the low elevation, lack of water features, and regular disturbance, the project site is unlikely to provide habitat to any of the six special-status plant species identified within five-miles of the Juniper Ridge project site. However, the open, sparsely vegetated, arid project site provides potential habitat for 15 of the 20 species identified in the CNDDDB query. In particular, American Badgers (*Taxidea taxus*), blunt-nosed leopard lizards (*Gambelia sila*), burrowing owls (*Athene cunicularia*), Le Conte's thrashers (*Tocostoma lecontei*), Morrison's blister beetles (*Lytta morrisoni*), prairie falcons (*Falco mexicanus*), San Joaquin coachwhips (*Masticophis flagellum ruddocki*), San Joaquin Kit foxes (*Vulpes Macrotis mutica*), short-nosed kangaroo rats (*Dipodomys nitratoideus brevinasus*), silvery legless lizards (*Anniella pulchra pulchra*), Swainson's hawks (*Buteo Swainsoni*), western mastiff bats (*Eumops perotis californicus*), and western spadefoots (*Spea hammondi*) may all use the project site for nesting, mating, or foraging.

Disturbance of the Juniper Ridge project site, and the potential habitat that the site provides, was anticipated by the General Plan and General Plan EIR. As such, the proposed Juniper Ridge rezone and redesignation would not result in any adverse effects to special-status species in excess of impacts identified in the City's General Plan EIR. However, the General Plan EIR concluded that buildout of the General Plan would result in a significant and unavoidable impact to special-status species within the planning area. As such, buildout of the proposed project may result in a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service and a ***potentially significant*** impact would result.

#### Mitigation Measure(s)

Implementation of the following mitigation measure would ensure that the impact is *less-than-significant*.

IV-1. *In conjunction with the submittal of any application for development of the Juniper Ridge Project site, the project applicant(s) shall have a site-specific*

*biological resources evaluation prepared by a qualified biologist, and shall comply with all mitigation measures included in the biological resources evaluation, including, but not limited to, preconstruction surveys for any special-status plant or wildlife species that the biological resources evaluation determined to have the potential to exist on-site. If special status species are found on-site during surveys the report shall include avoidance and/or protection measures to ensure that project implementation does not result in adverse effects to protected biological resources. The biological resources evaluation shall be subject to review and approval by the City of Coalinga's Community Development Department and/or City Council in conjunction with their review of the development application.*

IV-2 *In the event that the Coalinga Habitat Conservation Plan is adopted prior to the submittal of any application for development of the project site, then the above mitigation measure may be replaced with standard mitigation fees and conservation protocol to address special-status species as set forth in the Coalinga Habitat Conservation Plan implementation document.*

#### CMO Permanent Ordinance

The CMO Permanent Ordinance does not include the rezone, redesignation, or development of land within the City of Coalinga. Rather, the ordinance concerns the conditionally allowed uses within areas designated and zoned for MBL or MB. Because the CMO Permanent Ordinance would not directly involve development of new structures or the disturbance of land, the permanent ordinance would not result in a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The approval of the CMO Permanent Ordinance may indirectly lead to development through the increased application for building permits for structures which would serve as CMOs; however, such development would be subject to standard development review processes as well as environmental review for the CUP and RP related to such future CMOs. The environmental review process for the CMO would require consideration of special-status species, migratory corridors, and wildlife nursery sites. Because the CMO Permanent Ordinance would not directly involve land development, and any future development applying for use permits under the CMO would be required to undergo subsequent environmental review, the CMO Permanent Ordinance would not be anticipated to result in a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service and a ***less-than-significant*** impact would result.

#### Claremont Property Project

The Claremont property is highly disturbed and currently contains a large facility, which was previously used for the Claremont Custody Center. The Claremont Property Project would involve the reuse of the Claremont Custody Center as an indoor CMO. Following renovation of the Claremont Custody Center, OGE may expand their operations to areas outside of the

existing Claremont facility structures. If such expanded CMO activities were to occur in the future, they would be required to undergo project-specific environmental review at the time of approval. Such environmental review is outside of the scope of this IS/MND, as specific plans for expanded cultivation activity or new CMO related structures at the Claremont Facility do not currently exist. As such, the project does not currently include any land disturbance outside of the Claremont facility, and would not be expected to result in a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service and a ***less-than-significant*** impact would result.

b, c. Juniper Ridge Industrial Park

The Juniper Ridge Industrial Park has been anticipated for development by the JRBIPAP and the City's General Plan. The proposed rezone and redesignation of the project site would result in buildout of the project site with structures of a similar scale and intensity as currently approved for the project site. The project site has been disked and disturbed by development of the surrounding area, and is dominated by ruderal vegetation. Sensitive habitats or natural communities including riparian areas are not known to exist on the project site. Wetlands are not known to occur on the project site, and the project site is not included in the United States Fish and Wildlife Service's *National Wetlands Inventory*.<sup>5</sup> The proposed Juniper Ridge rezone and redesignation would not alter the area of disturbance anticipated by the General Plan EIR or the JRBIPAP, and because wetlands are not known to occur on the project site, the proposed Juniper Ridge Project would not have a substantial effect on a sensitive natural community, riparian area, or wetland area. As a result, the proposed Juniper Ridge Project would have a ***less-than-significant*** impact.

CMO Permanent Ordinance

The CMO Permanent Ordinance would not directly involve development of any areas within the City of Coalinga. Rather, the CMO Permanent Ordinance would involve conditionally approved uses associated with CMOs. Although the project would not directly involve development activity, by allowing additional uses in areas designated and zoned MB/MBL, the project may encourage development of such sites for future economic use. Development of areas designated and zoned MB/MBL was anticipated by the City's General Plan and analyzed by the General Plan EIR. Therefore, impacts to wildlife occurring as a result of buildout of areas designated for MB development have already been analyzed and anticipated. Nevertheless, the project would require CMO activity be conditionally approved, any development being completed for future use as a CMO would be subject to project-specific environmental reviews. Such environmental review would include consideration of sensitive natural communities, riparian areas, or wetland areas, and would include mitigation, where appropriate, to avoid or reduce potential impacts to such biological resources. Thus, the CMO Permanent Ordinance would not directly lead to land disturbance or development, nor would the CMO Permanent Ordinance increase the amount of land approved for development. Therefore, the CMO Permanent Ordinance would not have a substantial effect

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<sup>5</sup> United States Fish and Wildlife Service. *National Wetlands Inventory*. Accessible at <https://www.fws.gov/wetlands/Data/Mapper.html>. Accessed in August 2016.

on a sensitive natural community, riparian area, or wetland area and a ***less-than-significant*** impact would result.

#### Claremont Property Project

The Claremont Property was extensively disturbed and developed for use as the Claremont Custody Center. The project site is dominated by ruderal vegetation, with extensive paved areas, multiple structures, and some landscaped areas. Riparian areas, other sensitive natural communities, or wetlands are not known to occur on the project site. The proposed Claremont Property Project would reuse the facility for a CMO. Although the proposed project would include renovations of the existing facilities, ground disturbance or new development outside of the existing structures is not anticipated to occur at this time. As such, the proposed Claremont Property Project would not have a substantial effect on a sensitive natural community, riparian area, or wetland area and a ***less-than-significant*** impact would result.

d. Juniper Ridge Industrial Park

The Juniper Ridge Industrial Park was anticipated for development by the JRBIPAP and the City's General Plan. Development in certain areas of the Juniper Ridge Industrial Park area has already occurred; however, most of the project area is vacant land. The Juniper Ridge Industrial Park is bordered by Jayne Avenue to the north, existing residential areas to the west, and agricultural land to the west and south. The Juniper Ridge Project site, although undeveloped, has been disturbed through disking, and what vegetation does persist on the site is ruderal and sparse. Because the project site is highly disturbed, bordered by roads to the north, east, and west, and enclosed by development to the south and west, the Juniper Ridge Project site is unlikely to act as a significant wildlife movement corridor. Additionally, the project site has already been anticipated for development for CS land uses, development of the site under the proposed MB/MBL land use designations would not create any new or more severe impacts than would occur under the previous CS land use, as development would occur with a similar scale and land use intensity under both the approved and proposed designations. Because the project site is highly disturbed, unlikely to act as a movement corridor, and development under the proposed MB/MBL designations would not increase the severity of any potential development related impacts, the proposed Juniper Ridge Project would not interfere substantially with the movement of wildlife or impede use of a wildlife nursery area, and a ***less-than-significant*** impact would result.

#### CMO Permanent Ordinance

The CMO Permanent Ordinance would not directly involve development of any areas within the City of Coalinga. Rather, the CMO Permanent Ordinance would involve conditionally approved uses associated with CMOs. Although the project would not directly involve development activity, by allowing additional uses in areas designated and zoned MB/MBL, the project may encourage development of such sites for future economic use. However, because the project would require CMO activity be conditionally approved, any development being completed for future use as a CMO would be subject to project-specific environmental reviews. Such environmental review would include consideration of wildlife movement corridors and wildlife nursery areas, and would include mitigation, where appropriate, to avoid or reduce potential impacts to such biological resources. The CMO Permanent

Ordinance would not directly lead to land disturbance or development nor would the CMO Permanent Ordinance increase the amount of land approved for development. Therefore, the CMO Permanent Ordinance would not have a substantial wildlife movement corridors or the use of wildlife nursery areas and a ***less-than-significant*** impact would result.

Claremont Property Project

The Claremont Property was extensively disturbed and developed for use as the Claremont Custody Center. The project site is dominated by ruderal vegetation, with extensive paved areas, multiple structures, and some landscaped areas. Because the site is dominated by existing structures, such as fences, pavement, and structures, the project site is unlikely to serve as a wildlife movement corridor, and the sparse vegetation makes the site unlikely to serve as a wildlife nursery area. The proposed Claremont Property Project would reuse the facility for a CMO. Although the proposed project would include renovations of the existing facilities, ground disturbance or new development outside of the existing structures is not anticipated to occur at this time. Given the disturbed nature of the project site, the currently proposed Claremont Property Project would not change the existing environment of the project site. As such, the proposed Claremont Property Project would not have a substantial wildlife movement corridors or the use of wildlife nursery areas and a ***less-than-significant*** impact would result.

e. Juniper Ridge Industrial Park, CMO Permanent Ordinance, and Claremont Property Project

The General Plan Master EIR identifies policies related to the protection of biological resources and indicates that any future development within the General Plan area would be required to comply with Policies OSC1-1 through OSC1-5 of the General Plan. The City of Coalinga does not currently have any other local policies or ordinances related to biological resources in place (i.e., a tree preservation ordinance). Because all three projects would be required to comply with all relevant General Plan policies, the proposed project would not conflict with any local policies or ordinances protecting biological resources and ***less-than-significant*** impact would occur.

f. Juniper Ridge Industrial Park, CMO Permanent Ordinance, and Claremont Property Project

The City of Coalinga is not located within a Natural Community Conservation Plan (NCCP). According to the General Plan Master EIR, the City is located within the boundaries of the Pacific Gas and Electric Company (PG&E) San Joaquin Valley Operation and Maintenance Habitat Conservation Plan (HCP). The San Joaquin Valley Operation and Maintenance HCP addresses small-scale temporary effects due to operation and maintenance of the service area that are dispersed over a large geographic area. The activities covered in the HCP include two categories of activities for which PG&E requests take authorization conducted in accordance with CPUC requirements – operation and maintenance activities and minor construction activities. Although the City is located within the HCP boundary, the HCP covers only PG&E-related operation and maintenance and construction activities and does not cover any other facilities or activities. Therefore, implementation of the proposed project would not conflict with the intent of the HCP and a ***less-than-significant*** impact would result.

| Issues                                                                                                                             | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact        | No Impact                |
|------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|-------------------------------------|--------------------------|
| <b>V. CULTURAL RESOURCES.</b>                                                                                                      |                                |                                                    |                                     |                          |
| <i>Would the project:</i>                                                                                                          |                                |                                                    |                                     |                          |
| a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?                  | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/> |
| b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?         | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/> |
| c. Directly or indirectly destroy a unique paleontological resource on site or unique geologic features?                           | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/> |
| d. Disturb any human remains, including those interred outside of formal cemeteries.                                               | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/> |
| e. Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

## **Discussion**

### **a-d. Juniper Ridge Industrial Park**

The Juniper Ridge project site is currently undeveloped vacant land, which was anticipated for industrial development by the JRBIPAP. The City of Coalinga has also anticipated development of the site through the General Plan and zoning designations of CS. The proposed project would include a rezone and redesignation of the Juniper Ridge project site, but would not change the area of disturbance. Additionally, the intensity of allowable development under the proposed MB and MBL designations would be generally consistent with the currently approved commercial land use. Therefore, the proposed project would not be expected to increase any potential impacts to historic, archaeological, paleontological, or geologic features. Although the impacts of development of the Juniper Ridge project site as MB or MBL would not be more severe than development as CS, development of the site could still potential result in impacts to cultural resources. However, the Juniper Ridge project site is regularly disturbed by disking, and thus any cultural resources that persist would be underground and thus unknown, because surficial resources would have been previously damaged or destroyed during past site disturbance activity. Nevertheless, the City of Coalinga General Plan and General Plan EIR indicate that previous archaeological and cultural resources have been found in proximity to local waterways. The Juniper Ridge project site is 0.5-mile south from Los Gatos Creek, and thus the possibility that site development could result in the disturbance of destruction of historic, archaeological, or paleontological resources could occur and the project has the potential to disturb human remains interred outside of formal cemeteries. Therefore, the Juniper Ridge Industrial Park project could result in a ***potentially significant*** impact.

Mitigation Measure(s)

Implementation of the following mitigation measures would ensure that the above impact is reduced to a *less-than-significant* level.

- V-1. *During construction, in the event of the accidental discovery or recognition of any human remains further excavation or disturbance of the find or any nearby area reasonably suspected to overlie adjacent human remains shall not occur until compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) has occurred. The Guidelines specify that in the event of the discovery of human remains other than in a dedicated cemetery, no further excavation at the site or any nearby area suspected to contain human remains shall occur until the County Coroner has been notified to determine if an investigation into the cause of death is required. If the coroner determines that the remains are Native American, then, within 24 hours, the Coroner must notify the Native American Heritage Commission, which in turn will notify the most likely descendants who may recommend treatment of the remains and any grave goods. If the Native American Heritage Commission is unable to identify a most likely descendant or most likely descendant fails to make a recommendation within 24 hours after notification by the Native American Heritage Commission, or the landowner or his authorized agent rejects the recommendation by the most likely descendant and mediation by the Native American Heritage Commission fails to provide a measure acceptable to the landowner, then the landowner or his authorized representative shall reintern the human remains and grave goods with appropriate dignity at a location on the property not subject to further disturbances. Should human remains be encountered, a copy of the resulting County Coroner report noting any written consultation with the Native American Heritage Commission shall be submitted as proof of compliance to the City's Community Development Department.*
- V-2. *During construction, if any prehistoric or historic artifacts, or other indications of cultural deposits, such as historic privy pits or trash deposits, are found once ground disturbing activities are underway, all work within the vicinity of the find(s) shall cease and the find(s) shall be immediately evaluated by a qualified archaeologist. If the find is determined to be a historical or unique archaeological resource, contingency funding and a time allotment to allow for implementation of avoidance measures or appropriate mitigation shall be made available (CEQA Guidelines Section 15064.5). Work may continue on other parts of the project site while historical or unique archaeological resource mitigation takes place (Public Resources Code Sections 21083 and 21087).*
- V-3. *Prior to ground disturbance activities, the applicant shall retain the services of a professional paleontologist to educate the construction crew that will be conducting grading and excavation at the project site. The education shall consist of an introduction to the geology of the project site and the kinds of fossils that may be encountered, as well as what to do in case of a discovery.*

*Should any vertebrate fossils (e.g., teeth, bones), an unusually large or dense accumulation of intact invertebrates, or well-preserved plant material (e.g., leaves) be unearthed by the construction crew, then ground-disturbing activity shall be diverted to another part of the project site and the paleontologist shall be called on-site to assess the find and, if significant, recover the find in a timely matter. Finds determined significant by the paleontologist shall then be conserved and deposited with a recognized repository, such as the University of California Museum of Paleontology. The alternative mitigation would be to leave the significant finds in place, determine the extent of significant deposit, and avoid further disturbance of the significant deposit. Proof of the construction crew awareness training shall be submitted to the City's Community Development Department in the form of a copy of training materials and the completed training attendance roster.*

#### CMO Permanent Ordinance

The CMO Permanent Ordinance does not include the rezone, redesignation, or development of land within the City of Coalinga. Rather, the ordinance concerns the conditionally allowed uses within areas designated and zoned for MBL or MB. As such, the CMO Permanent Ordinance would not involve any new development or ground disturbing activities that could disturb historic, archeological, paleontological, or geologic resources or that could disturb human remains. The approval of the CMO Permanent Ordinance may indirectly lead to development through the increased application for building permits for structures which would serve as CMOs; however, such development would be subject to standard development review processes as well as environmental review for the CUP and RP related to the potential future CMO. The environmental review process for the CMO would require consideration of undisturbed historic, archeological, paleontological, or geologic resources or human remains. Therefore, the proposed project would be unlikely to disturb or destroy previously undisturbed historic, archeological, paleontological, or geologic resources or human remains, a **less-than-significant** impact would occur.

#### Claremont Property Project

The Claremont Property has been previously developed for use as the Claremont Custody Center. OGE's application for reuse of the project site does not currently involve the construction of additional permanent structures. All site work currently proposed by OGE for CMO would occur within the Claremont facility, and would not involve the disturbance of land outside the facility. Therefore, the proposed project would be unlikely to disturb or destroy previously undisturbed historic, archeological, paleontological, or geologic resources or human remains, and the proposed project would result in a **less-than-significant** impact.

#### e. Juniper Ridge Industrial Park and Claremont Property Project

Tribal cultural resources are generally defined by Public Resources Code 21074 as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe. Because the proposed project includes a request for a GPA, in compliance with Senate Bill (SB) 18, the City of Coalinga initiated consultation

with the pertinent Native American Tribes through the distribution of notification letters. The City had not yet received responses at the time of publication.

Concurrently, a records search of the Sacred Lands File was performed by the Native American Heritage Commission for the Juniper Ridge project site. The Sacred Lands File search returned negative results for known cultural resources on the Juniper Ridge project site. The Juniper Ridge project site does not contain any existing structures and past disturbance of the site makes the persistence of surficial tribal resources unlikely. Although past disturbance of the project site makes the discovery of surficial resources unlikely, application of Mitigation Measures V-1 and V-2 would reduce the project's impacts to possible unknown cultural, tribal or historical resources to less-than-significant levels.

A similar search of the Sacred Lands File was not necessary for the Claremont property because the Claremont property is already developed, and the proposed Claremont Property Project, does not at this time involve any new land disturbance activities that could impact tribal cultural resources.

Given the low likelihood of the presence of tribal resources due to the disturbed nature of both sites and Mitigation Measures V-1 and V-2 which requires future construction at the Juniper Ridge project site to halt if any potential resources are found, as well as the City's compliance with AB 52 and SB 18, the project would result in a ***less-than-significant*** impact to tribal cultural resources

#### CMO Permanent Ordinance

The CMO Permanent Ordinance does not include the rezone, redesignation, or development of land within the City of Coalinga. Rather, the ordinance concerns the conditionally allowed uses within areas designated and zoned for MBL or MB. As such, the CMO Permanent Ordinance would not involve any new development or ground disturbing activities that could disturb or damage tribal cultural resources and the CMO Permanent Ordinance would therefore result in a ***less-than-significant*** impact.

| Issues                                                                                                                                                                                                                             | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|--------------------------|
| <b>VI. GEOLOGY AND SOILS.</b>                                                                                                                                                                                                      |                                |                                                    |                              |                          |
| <i>Would the project:</i>                                                                                                                                                                                                          |                                |                                                    |                              |                          |
| a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:                                                                                                   |                                |                                                    |                              |                          |
| i. Rupture of a known earthquake fault, as delineated on the most recent Alquist - Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault?             | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| ii. Strong seismic ground shaking?                                                                                                                                                                                                 | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| iii. Seismic-related ground failure, including liquefaction?                                                                                                                                                                       | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| iv. Landslides?                                                                                                                                                                                                                    | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| b. Result in substantial soil erosion or the loss of topsoil?                                                                                                                                                                      | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| d. Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code?                                                                                                                                           | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?                                               | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | ✗                        |

### **Discussion**

#### **a.i,ii. Juniper Ridge Industrial Park**

The City of Coalinga is located in a seismically active region of California. The closest mapped active fault is the Nunez fault approximately six miles to the northwest of Coalinga; however, several other faults exist in the general area, and in 1983 the Coalinga Earthquake, centered eight miles northeast of the City, measured 6.7 on the Richter scale, and caused damage throughout the City, particularly to historic structures. Given the distance of known faults to the project sites the risk of seismically induced ground rupture is low. However, risks from seismically induced ground shaking may impact the proposed project. In order to mitigate the shaking effects and possible effects from expansive soils, future development of the project parcels should be designed using sound engineering judgment and the current

California Building Code (CBC) requirements. The risk of damage to structures from seismic shaking would not be altered by the rezone and redesignation of the Juniper Ridge project site from CS to MB and MBL, as future structures would be of similar scale and would be exposed to similar seismic conditions. Therefore, impacts related to ground shaking and ground rupture would be ***less than significant***.

#### CMO Permanent Ordinance

The CMO Permanent Ordinance does not involve the construction of new structures. Rather, the ordinance concerns the conditionally allowed uses within areas designated and zoned for MBL or MB. As such, the CMO Permanent Ordinance would not involve the exposure of new structures or people to seismic ground shaking or ground ruptures. Therefore, impacts related to ground shaking and ground rupture would be ***less than significant***.

#### Claremont Property Project

The Claremont facility was previously used as a Custody Center where up to 500 inmates lived. Reusing the project site for a CMO would not include any new residents at the project site and would not involve the construction of any new permanent structures. As such, the Claremont Property Project would not involve the significant exposure of new structures or people to seismic ground shaking or ground ruptures. Therefore, impacts related to ground shaking and ground rupture would be ***less than significant***.

#### a.iii Juniper Ridge Industrial Park, CMO Permanent Ordinance, and Claremont Property Project

Liquefaction is a phenomenon in which saturated cohesionless soils are subject to a temporary, but essentially total loss of shear strength because of pore pressure build-up under the reversing cyclic shear stresses associated with earthquakes. The groundwater table in the area of Coalinga is between 300 and 400 feet below the ground surface. As such, City of Coalinga's General Plan concluded that the potential for liquefaction in the City is very low. Therefore, the proposed project would not experience adverse impacts due to liquefaction and a ***less-than-significant*** impact would result.

#### a.iv. Juniper Ridge Industrial Park, CMO Permanent Ordinance, and Claremont Property Project

The proposed project areas are located on the western edge of California's Central Valley in a relatively flat area. Significant slopes do not exist within the City, and as such the potential for seismic induced landslide in the City is low. Therefore, the proposed project would not experience adverse impacts due to landslides and a ***less-than-significant*** impact would result.

#### b. Juniper Ridge Industrial Park

The Juniper Ridge project site is currently undeveloped vacant land, which was anticipated for industrial development by the JRBIPAP. The City of Coalinga has also anticipated development of the site through the General Plan and zoning designations of CS. The proposed project would include a rezone and redesignation of the Juniper Ridge project site, but would not change the area of disturbance. Additionally, the intensity of allowable

development under the proposed MB and MBL designations would be generally consistent with the currently approved commercial land uses. As such, construction activities related to development of the project site for MB or MBL uses would result in similar risks of erosion and topsoil loss as development under the current CS designations. Additionally, any future development would be required to comply with all relevant General Plan Goals and Policies that seek to reduce erosion including Goal S3, and Implementation Measure S2-3.4. Because development of the project site has already been anticipated, and any development that would occur under the MB or MBL designations would be required to abide by all applicable, local and state regulations concerning erosion control, the proposed project would not result in substantial soil erosion or topsoil loss and a *less-than-significant* impact would result.

#### CMO Permanent Ordinance

The CMO Permanent Ordinance does not involve ground disturbing activities. Rather, the ordinance concerns the conditionally allowed uses within areas designated and zoned for MBL or MB. As such, the CMO Permanent Ordinance would not directly involve land disturbance, which could cause erosion. However, approval of the ordinance may lead to increased applications for agricultural activities related to CMO. Such activities would be regulated by provisions within the CMO Permanent Ordinance, as well as existing local and state regulations including all relevant General Plan Goals and Policies that seek to reduce erosion including Goal S3, and Implementation Measure S2-3.4. Because the CMO Permanent Ordinance would not directly involve ground disturbance, and any subsequent cultivation activities would be required to abide by all applicable, local and state regulations concerning erosion control, the proposed project would not result in substantial soil erosion or topsoil loss and a *less-than-significant* impact would result.

#### Claremont Property Project

The Claremont Property has been previously developed for use as the Claremont Custody Center. The proposed CMO would rely on indoor cultivation during the initial phases of development. Indoor cultivation of marijuana would not include any ground disturbing activity, and does not necessarily require the use of soil. Because indoor cultivation does not include ground disturbance, the potential for the Claremont Property Project to result in erosion of soil or topsoil loss is very unlikely. As such, the proposed project would not result in substantial soil erosion or topsoil loss and a *less-than-significant* impact would result.

#### c. Juniper Ridge Industrial Park, CMO Permanent Ordinance, and Claremont Property Project

As discussed earlier in this section, the risk of liquefaction and landslide is considered low within the City. Lateral spreading is a failure within weak soils, typically due to liquefaction, which causes a soil mass to move along a free face, such as an open channel, or down a gentle slope. As such, reduction of liquefaction risk reduces the potential for lateral spreading. As discussed above, liquefaction is not expected to impact the proposed project, and as a result lateral spreading is not expected to create a substantial risk on- or off-site.

Strong ground shaking can cause settlement by allowing sediment particles to become more tightly packed, thereby reducing pore space. Unconsolidated, poorly packed alluvial deposits are especially susceptible to this phenomenon. Inadequately compacted artificial fills may also experience seismically-induced settlement. Following the 1983 Coalinga earthquake,

several damage assessment studies were initiated. Based on the settlement values reported after the 1983 event, the potential for seismic settlement and/or differential compaction within the planning area is considered minimal.

Therefore, the proposed project would not be located on a geologic or soil unit that is unstable or that would become unstable as a result of the proposed projects would result in a ***less-than-significant*** impact.

d. Juniper Ridge Industrial Park

The City of Coalinga General Plan EIR concluded that expansive soils exist in the Coalinga area. Such soils can pose a hazard to structures through shrinking and swelling induced by fluctuations in moisture content. The proposed project would include a rezone and redesignation of the Juniper Ridge project site, which would allow for development of the project site for the purposes of light manufacturing/business. It should be noted that development of the project site was already anticipated by the JRBIPAP and the City's General Plan. The United States Department Agriculture's Web Soil Survey indicates that the Juniper Ridge site is mostly underlain by excelsior sandy, loam with only two percent of the site being underlain by posochanet clay loam.<sup>6</sup> The Web Soil Survey further indicates that only the Excelsior sandy loam is not considered expansive, but the posochanet clay loam is considered somewhat expansive. However, the expansive nature of the soil would not be significantly limiting to site development, as only a small portion of the site is underlain by expansive soils and the posochanet clay loam is not considered a highly expansive soil.

In addition, future development would be required to consider geologic hazards by the City of Coalinga's General Plan policy S2-2. Therefore, potential hazards posed by the posochanet clay loam would need to be addressed prior to the approval of grading plans through a site specific geotechnical study. Because hazards due to expansive soils would most likely be minor, and would be addressed prior to the issuance of building plans, the proposed project would not locate structures on expansive soils, and a ***less-than-significant*** impact would result.

CMO Permanent Ordinance, and Claremont Property Project

Neither the CMO Permanent Ordinance nor the Claremont Property Project would involve the construction of new permanent structures. As such, neither portion of the proposed project would locate structures on expansive soils, and a ***less-than-significant*** impact would result.

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<sup>6</sup> United States Department of Agriculture, Natural Resources Conservation Service. *Web Soil Survey*. Accessible at <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>. Accessed in August 2016.

e. Juniper Ridge Industrial Park, CMO Permanent Ordinance, and Claremont Property Project

The use of septic tanks or alternative wastewater disposal systems would not be required, nor are they proposed as part of the projects. Therefore, ***no impact*** would occur regarding the capability of soil to adequately support the use of septic tanks or alternative wastewater disposal systems.

| Issues                                                                                                                            | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact        | No Impact                |
|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|-------------------------------------|--------------------------|
| <b>VII. GREENHOUSE GAS EMISSIONS.</b>                                                                                             |                                |                                                    |                                     |                          |
| <i>Would the project:</i>                                                                                                         |                                |                                                    |                                     |                          |
| a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?       | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                |                                     | <input type="checkbox"/> |
| b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

### **Discussion**

- a,b. Emissions of greenhouse gases (GHGs) contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on earth. An individual project's GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.

GHG emissions attributable to typical development are primarily associated with increases of carbon dioxide (CO<sub>2</sub>) and, to a lesser extent, other GHG pollutants, such as methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O) associated with operational sources such as mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste. Mobile sources of GHG emissions typically constitute the largest operational source of emissions for proposed projects. Additionally, construction activities associated with development emit GHG through the commute of construction workers, the operation of machinery, and the transport of construction materials, among other sources.

#### **Juniper Ridge Industrial Park**

The Juniper Ridge project site is currently undeveloped vacant land, which was anticipated for industrial development by the JRBIPAP. The City of Coalinga has also anticipated development of the site through the General Plan and zoning designations of CS. The proposed project would include a rezone and redesignation of the Juniper Ridge project site, but would not change the area of disturbance and the intensity of the development allowable for the project site would remain generally consistent between the approved commercial and proposed light manufacturing/business uses. Because the area of disturbance and intensity of land use would remain similar between the approved CS and the proposed MB/MBL designations, construction activities that would result from future development of the project site would be approximately equal between the approved and proposed land use types.

Because mobile emissions are generally the largest source of GHG emissions, the proposed project would result in an impact to GHG emissions if the project were to result in greater

vehicle trips to and from the project site during the operation of future development. As discussed in greater detail in the Transportation/Traffic section of this IS/MND a rezone and GPA for the project site to MB/MBL from CS, is estimated to reduce the amount of vehicle trips that would result from the development and operation of the Juniper Ridge Project site. In addition to the anticipated reduction in GHG emissions from reduced vehicle trips, the project would be required to abide by the SJVAPCD's Climate Change Action Plan (CCAP). In order to comply with statewide GHG emissions reduction targets, the CCAP includes requirements for GHG reductions for new development projects. The future development on the Juniper Ridge Project site would be required to comply with the minimum GHG reduction through the implementation of Best Performance Standards (BPSs). Without implementation of the CCAP's BPSs, future build out of the project site could lead to significant GHG emissions. Therefore, the Juniper Ridge Project may have a significant impact on the environment, or conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs; and impacts would be considered ***potentially significant***.

Mitigation Measure(s)

Implementation of the following mitigation measure would ensure that the impact is *less-than-significant*.

- VII-1. *Future building plans for development of the Juniper Ridge Industrial Park project site shall incorporate all applicable Best Performance Standards, consistent with guidance in the SJVAPCD's CCAP to achieve the minimum requirements for GHG emissions reductions included in the CCAP. The building plans, including the Best Performance Standards shall be submitted to the Community Development Department for review of compliance with the CCAP.*

CMO Permanent Ordinance

The CMO Permanent Ordinance involves conditionally approved uses of areas designated MB and MBL. As such, the ordinance would not directly involve development, which would result in construction emissions of GHGs. Although the CMO Permanent Ordinance may lead to applications for CMOs, such operations would occur in areas zoned MBL and designated MB, and which were therefore anticipated for use as light manufacturing and business and included in SJVAPCD's CCAP. In addition, any future development applying for use permits under the CMO would be required to undergo subsequent environmental review, which would require consideration of compliance with the CCAP. Therefore, the proposed project would not increase the amount of GHG emissions anticipated under the CCAP and would not be considered to generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs; and impacts would be considered ***less than significant***.

Claremont Property Project

The Claremont Custody Center previously housed 500 inmates and was operated by 100 employees. Because inmates were housed on site, operations would occur 24 hours per day, every day of the year. As further discussed in the Transportation/Traffic section of this

IS/MND, operation of the Claremont Custody Center would have involved employee commutes, visitors, and the delivery of goods and services. The proposed reuse of the facility would involve a CMO where 50 employees would commute to and from work, and movement of goods would also occur to and from the site. Given the reduction in employees, visitor trips, and the elimination of the need to provision 500 inmates, the proposed Claremont Property Project would most likely result in transportation demand less than what occurred during the operation of the Claremont Custody Center. The continuation or reduction in transportation trips to and from the site would ensure that mobile GHG emissions would not exceed the emissions from previous on-site activities.

Additionally, OGE would renovate portions of the existing facilities for use as a CMO. Such renovations would be required to be conducted in accordance with current state building codes, which would include the latest energy efficiency measures included in Title 24 of the California Building Code. Such enhanced energy efficiency measures would help to off-set and reduce the energy demanded by indoor cultivation activity. Additionally, as discussed in the Hydrology and Water Quality, and the Utilities and Service Systems sections of this IS/MND the proposed Claremont Property Project would most likely reduce the amount of water demanded by the project while simultaneously reducing the wastewater generated by the project as well. Such a reduction in water demand and wastewater production would help to reduce the GHG emissions of the project because the transport and treatment of water and wastewater generates direct and indirect GHG emissions. Because the project would likely reduce the transportation demand from the project site, would incorporate energy efficiency measures consistent with requirements for renovations within Title 24 of the California Building Code and would reduce the water demand and wastewater generation at the site, the proposed Claremont Property Project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs; and impacts would be considered *less than significant*.

| Issues                                                                                                                                                                                                                                                           | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|--------------------------|
| <b>VIII. HAZARDS AND HAZARDOUS MATERIALS.</b>                                                                                                                                                                                                                    |                                |                                                    |                              |                          |
| <i>Would the project:</i>                                                                                                                                                                                                                                        |                                |                                                    |                              |                          |
| a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?                                                                                                                          | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?                                                           | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?                                                                                                  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | ✗                        |
| d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                   | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?                                                                                                      | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?                                                                                                                                        | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| h. Expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?                                                       | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |

## **Discussion**

### **a-b. Juniper Ridge Industrial Park**

The Juniper Ridge project site is currently undeveloped vacant land, which was anticipated for industrial development by the JRBIPAP. The City of Coalinga has also anticipated development of the site through the General Plan and zoning designations of CS. The proposed project includes a request to redesignate and rezone the project site to MB/MBL, which would allow for light industrial, manufacturing, office, and business-oriented land uses. Although specific development plans for the project site do not currently exist, light industrial and manufacturing operations are more likely to involve the use of hazardous materials than the service oriented land uses allowed by the current CS designation. As such, by redesignating and rezoning the Juniper Ridge project site, the risk of hazard through the routine use, transport, or reasonably foreseeable upset of hazardous materials may be elevated as a result of the proposed redesignation and rezone. However, the use of hazardous materials is regulated by the City of Coalinga Planning and Zoning Code Chapter 4, Article 4, Performance Standards. The City Code requires that the use, handling, storage, and transportation of hazardous materials comply with all applicable California Hazardous Materials Regulations, California Fire and Building Code, regulations from the Department of Toxic Substances, and the Fresno County Department of Public Health. The Fresno County Department of Public Health requires that businesses that plan to handle hazardous materials, including flammable liquids or solids, in amounts equal to or exceeding 500 pounds of solids or 55 gallons of liquids, must submit a Hazardous Materials Business Plan. The Hazardous Materials Business Plan must include the type and quantity of hazardous materials, a site map, risks of using the materials, spill prevention, employee training, and emergency response plans. Such Business Plans must be resubmitted annually or within 30 days of significant changes to hazardous materials use on-site. Compliance with the aforementioned regulations would ensure that should future development at the Juniper Ridge project site involve hazardous materials, the use of such materials would be conducted in a manner acceptable under state law. Because the current project would not directly involve the use of hazardous materials, and any future development would be subject to all of the aforementioned regulations, the proposed project would not create a significant hazard to the public through the use, transport, or reasonably foreseeable upset of hazardous materials, and, as such, a ***less-than-significant*** impact would result.

### **CMO Permanent Ordinance**

The CMO Permanent Ordinance does not directly involve the use, transport or reasonably foreseeable upset of hazardous materials. However, CMOs applying for permits under the CMO Permanent Ordinance may involve the use of hazardous materials including, agricultural chemicals as well as butane and other flammable materials for use during the extraction process. The CMO Permanent Ordinance requires any CMO using flammable materials to comply with all applicable fire and building codes, and any other requirements placed upon the CMO by the Coalinga Fire Department (CFD). If a CMO is found not to be in compliance with such requirements, enforcement clauses of the CMO Permanent Ordinance can be invoked against the violating operation. Additionally, any CMOs operating under the permanent ordinance would also be required to conform to the applicable state and county regulations included in the above Juniper Ridge Industrial Park discussion. Adherence to the City, County, State and CFD requirements would ensure that any CMO activity

permitted under the CMO Permanent Ordinance would not create a significant hazard to the public through the use, transport, or reasonably foreseeable upset of hazardous materials, and, as such, a ***less-than-significant*** impact would result.

#### Claremont Property Project

As discussed throughout this document, the proposed reuse of the Claremont property would involve the cultivation and processing of commercial marijuana. During various stages of processing the proposed project would use various hazardous materials including n-butane, gaseous CO<sub>2</sub>, ethanol, combustible liquids, flammable liquids, isopropanol, methanol, formic acid, ethyl acetate, acetone, acetonitrile, and dimethyl sulfoxide. Such a CMO operation would be required to conform with the CMO Permanent Ordinance and the City's Planning and Zoning Code requirements for the use of hazardous and flammable materials discussed above. Additionally, the Claremont Property Project would be subject any applicable state laws regarding hazardous materials and the Fresno County requirements for submission of a Hazardous Materials Business Plan. Because the Claremont Property Project would be required to comply with all applicable City, County, State and CFD regulations and requirements the proposed project would not create a significant hazard to the public through the use, transport, or reasonably foreseeable upset of hazardous materials, and, as such, a ***less-than-significant*** impact would result.

#### c. Juniper Ridge Industrial Park

While future development of the Juniper Ridge project site may involve the emission or handling of hazardous materials, existing or planned schools are not located within one-quarter mile of the project site. Therefore, the Juniper Ridge Industrial Park project would not involve the emission or use of hazardous materials within one-quarter of a mile of an existing or planned school, and the project would result in a ***no impact***.

#### CMO Permanent Ordinance

CMO operations applying for use permits under the CMO Permanent Ordinance may involve the use or emission of hazardous materials. However, Section (d)(12) of the CMO Permanent Ordinance requires that CMO cannot be operated within 1,800 feet of an existing or proposed school. As such, CMOs would not be allowed within one-quarter of a mile of any existing or planned school, and emissions or use of hazardous materials would not occur in proximity to such schools. As a result, the proposed project would result in ***no impact***.

#### Claremont Property Project

While the reuse of the Claremont facility for a CMO would involve the emission or handling of hazardous materials, existing or planned schools are not located within one-quarter mile of the project site. Therefore, the Claremont Property Project would not involve the emission or use of hazardous materials within one-quarter of a mile of an existing or planned school, and the project would result in a ***no impact***.

d. Juniper Ridge Industrial Park and Claremont Property Project

Neither the Juniper Ridge Industrial Park site nor the Claremont Property Project are located on sites that are included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5,<sup>7</sup> and neither project would create a significant hazard to the public or the environment. Therefore, ***no impact*** would occur.

CMO Permanent Ordinance

The CMO Permanent Ordinance does not include specific development plans for any project sites within the City. Rather, the CMO Permanent Ordinance involves permitted uses in area already developed or designated MB/MBL. Any project applying for use permits under the CMO Permanent Ordinance would be subject to a project-specific environmental review. Such an environmental review would involve an analysis of the project site for potential inclusion on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. However, because the CMO Permanent Ordinance does not directly involve development, the proposed CMO Permanent Ordinance would not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and thus would not create a significant hazard to the public or the environment. Therefore, a ***less-than-significant*** impact would occur.

- e-f. In 1996, to address concerns about proximity to schools and associated noise hazards, the City relocated and constructed the Coalinga Municipal Airport at the corner of Phelps and Calaveras Avenues approximately four miles east-northeast of the City in the southwest portion of Fresno County. The airport is located within the Airport Master Plan Area, as described in the Land Use Element of the General Plan.

Juniper Ridge Industrial Park and Claremont Property Project

The Juniper Ridge project site and the Claremont Property are not located within an airport land use plan or within two miles of a public airport or public airport use. The closest airport to the project site is the new Coalinga Municipal Airport, which is approximately three miles to the east of the Claremont Property and two miles northeast of the Juniper Ridge Project site. Because proposed project site is not within the vicinity of a private airstrip, and the project would not result in a safety hazard for people residing or working in the project area, the proposed project would result in ***no impact***.

CMO Permanent Ordinance

The proposed CMO Permanent Ordinance would not directly involve development within an airport land use zone or within two-miles of an existing airport. Rather, the proposed permanent ordinance would involve permitted uses within areas zoned and designated MBL or MB. Because the CMO Permanent Ordinance would not directly involve development the permanent ordinance would not place additional structures within the vicinity of an airport. Similarly, where CMOs are permitted within two-miles of the Coalinga Municipal Airport, such CMOs would occur in areas zoned and designated by the City for business or light

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<sup>7</sup> California Department of Toxic Substances Control. *EnviroStor*. Available at: <http://www.envirostor.dtsc.ca.gov>. Accessed June 2016.

manufacturing activities, and the conditionally permitted CMOs would expose workers to similar risk as any business or light manufacturing activity. However, because CMOs would be conditionally approved, such applications would be subject to project-specific environmental reviews, which would consider potential hazards posed by locating such activities in an airport land use zone or within two-miles of an airport. Because the project would not involve the construction of new structures within to-miles of an existing airport, would not directly place workers within to-miles of an existing airport, and future development under the permanent ordinance would be required to undergo subsequent environmental review, the CMO Permanent Ordinance would not result in a safety hazard for people residing or working in the project area, the proposed project would result in a ***less-than-significant*** impact.

g. Juniper Ridge Industrial Park

Development of the Juniper Ridge Industrial Park was planned through the JRBIPAP. The JRBIPAP anticipated that the project sites under current review would be developed for MBL/MB uses, and the site access, and area circulation was designed with such uses in mind. The proposed project would only involve the rezone and redesignation of the Juniper Ridge Project site from CS to MBL/MB, which would establish consistency between the JRBIPAP and the General Plan as well as the City's Zoning designation, but the project would not include the direct development of the project site. Future development of the site under the proposed zoning and General Plan designation of MBL/MB would have similar effects on the area's circulation system as development under the currently approved CS designations. Such effects would be limited to expanding the site access to accommodate development, and would not be anticipated to include the construction of any barriers or the alteration of surrounding circulation infrastructure, which could impede emergency response. As such, the proposed project would not impair or physically interfere with an adopted emergency response plan and a ***less-than-significant*** impact would occur.

CMO Permanent Ordinance

The CMO Permanent Ordinance does not include any development proposals. Instead, the CMO Permanent Ordinance would conditionally allow CMOs to operate in areas designated MBL/MB. If such CMO applications involved development of currently undeveloped sites, the conditional nature of the allowed use under the CMO Permanent Ordinance would require that project-specific environmental reviews be conducted, which would analyze the new development's impact on emergency response plans. However, if such activities were to be permitted within existing structures, the operation of a CMO would result in similar impacts to emergency response as other light industrial or manufacturing uses allowed under MBL/MB. Because the proposed CMO Permanent Ordinance does not involve development, the proposed project would not construct barriers that would impede the implementation of an emergency response plan or physically interfere with an adopted emergency response plan and a ***less-than-significant*** impact would occur.

Claremont Property Project

The Claremont facility was previously used as the Claremont Custody Center where 500 inmates were housed and 100 employees worked. The Claremont Property Project would involve the reuse of the Claremont facility as a CMO, and would include interior renovations

to the Claremont facility to accommodate such operations. However, the Claremont Property Project does not include any physical alterations to the existing circulation system of the property, which could lead to the construction of barriers that would impede the implementation of an emergency response plan. Therefore, the proposed project would not impair or physically interfere with an adopted emergency response plan and **less-than-significant** impact would occur.

h. Juniper Ridge Industrial Park and

Within the City of Coalinga, wildland fires primarily pose potential hazards in the hilly areas where chaparral and other vegetation are present. The Juniper Ridge project site is not located in a hilly area with chaparral or other dense vegetation. However, the California Department of Forestry and Fire Protection's (CAL FIRE) *Draft Fire Hazard Severity Zones in LRA* for Fresno County depicts the project site as being within an area of high fire hazard.<sup>8</sup> The *Draft Fire Hazard* map further indicates that the Juniper Ridge project site is within a local responsibility area (LRA) meaning that the project site is under the fire protection jurisdiction of the Coalinga Fire Department. As discussed in further detail in the Public Services section of this IS/MND the Coalinga Fire Department can provide fire protection to the Juniper Ridge project site. Therefore, while the Juniper Ridge project site is within a high fire hazard zone, fire protection provided by the Coalinga Fire Department would ensure that the risk of impacts from fire hazards would be **less than significant**.

CMO Permanent Ordinance

The proposed CMO Permanent Ordinance would not directly involve the development of structures. Rather, the CMO Permanent Ordinance involve the use of structures within areas zoned as MB or MBL. Because the CMO Permanent Ordinance does not involve the construction of new structures, the proposed permanent ordinance would not expose people or structures to the risk of loss, injury or death due to wildfires, and **no impact** would result.

Claremont Property Project

Within the City of Coalinga, wildland fires pose potential hazards in the hilly areas where chaparral and other vegetation are present. The Claremont Property is not located in a hilly area with chaparral or other dense vegetation. Fire protection for the site is provided by the Coalinga Fire Department, and fire service would continue with the implementation of the Claremont Property Project. Therefore, **no impact** would result with regard to the exposure of people or structures to risk of loss, injury or damage due to wildfire.

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<sup>8</sup> California Department of Forestry and Fire Protection. *Draft Fire Hazard Severity Zones in LRA*. September 2007.

Commercial Marijuana Permanent Ordinance, Juniper Ridge Industrial Park City-Initiated Rezone and  
General Plan Amendment, and the Claremont Property Project Initial Study/Mitigated Negative Declaration

| Issues                                                                                                                                                                                                                                                                                                                                                                                        | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less-Than-<br>Significant<br>Impact | No<br>Impact             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|----------------------------------------------------------------|-------------------------------------|--------------------------|
| <b>IX. HYDROLOGY AND WATER QUALITY.</b>                                                                                                                                                                                                                                                                                                                                                       |                                      |                                                                |                                     |                          |
| <i>Would the project:</i>                                                                                                                                                                                                                                                                                                                                                                     |                                      |                                                                |                                     |                          |
| a. Violate any water quality standards or waste discharge requirements?                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/>             | <input type="checkbox"/>                                       | ✗                                   | <input type="checkbox"/> |
| b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (i.e., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/>             | <input type="checkbox"/>                                       | ✗                                   | <input type="checkbox"/> |
| c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?                                                                                                                                                            | <input type="checkbox"/>             | <input type="checkbox"/>                                       | ✗                                   | <input type="checkbox"/> |
| d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?                                                                                                                     | <input type="checkbox"/>             | <input type="checkbox"/>                                       | ✗                                   | <input type="checkbox"/> |
| e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?                                                                                                                                                                                                         | <input type="checkbox"/>             | <input type="checkbox"/>                                       | ✗                                   | <input type="checkbox"/> |
| f. Otherwise substantially degrade water quality?                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/>             | <input type="checkbox"/>                                       | ✗                                   | <input type="checkbox"/> |
| g. Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?                                                                                                                                                                                                                                | <input type="checkbox"/>             | <input type="checkbox"/>                                       | ✗                                   | <input type="checkbox"/> |
| h. Place within a 100-year floodplain structures which would impede or redirect flood flows?                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/>             | <input type="checkbox"/>                                       | ✗                                   | <input type="checkbox"/> |
| i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.                                                                                                                                                                                                                            | <input type="checkbox"/>             | <input type="checkbox"/>                                       | ✗                                   | <input type="checkbox"/> |
| j. Inundation by seiche, tsunami, or mudflow?                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/>             | <input type="checkbox"/>                                       | ✗                                   | <input type="checkbox"/> |

## **Discussion**

- a,f. In California, the State Water Resources Control Board (SWRCB) issued a statewide General Permit to regulate runoff from construction sites involving grading and earth moving in areas over one acre. The SWRCB is acting to enforce requirements of the federal Clean Water Act, pursuant to regulations issued by the U.S. EPA for the National Pollutant Discharge Elimination System (NPDES). Although the NPDES program is established by the federal Clean Water Act, the permits are prepared and enforced by the regional water boards through program delegation to California and implementing authority in the California Water Code. This State Order (Water Quality Order 99-08-DWQ) requires construction projects covered under the General Permit to use the “best available technology economically achievable,” and the “best conventional pollution control technology.” Each construction project in the City of Coalinga that is subject to the permit is required to have a Storm Water Pollution Prevention Plan (SWPPP) prepared, which identifies likely sources of sediment and pollution and incorporates measures to minimize sediment and pollution in runoff water. The objectives are established based on the designated beneficial uses (e.g., water supply, recreation, and habitat) for a particular surface water or groundwater.

The City of Coalinga is a permittee under the NPDES General Permit for Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (Order No. 2013-0001-DWQ), also known as the Small MS4 General Permit. The Order prohibits polluted stormwater and non-stormwater discharges into the storm drain system, identifies receiving water limitations on constituent loading, and requires preparation of a Storm Water Quality Management Plan (SWQMP). The SWQMP is required for all MS4 permits to address prohibited discharges from construction, industrial and commercial, municipal operations through structural mechanisms and programs addressing illicit connections and discharges, public outreach and education, and land use planning to be measured against performance and effectiveness indicators during the mandatory annual review.

### **Juniper Ridge Industrial Park**

The Juniper Ridge Project site was anticipated for development by the JRBIPAP, the City’s General Plan and the City’s Zoning. The proposed project would not alter the area of disturbance, but instead would alter the types of land uses permitted on for buildout of the site by rezoning and redesignating the site from CS to MBL/MB. Although the CS and MBL/MB allow different types of land uses, the intensity and scale of permitted structures is generally similar between the designations. Additionally, because the area of disturbance would not change, the potential for construction related erosion to lead to sedimentation and pollution would not be increased by the proposed project. Similarly, as the scale and intensity of permitted structures is similar between the MBL/MB and CS designations, future development of the site as MBL or MB would create a similar amount of impervious surfaces on the project site. Impervious surfaces would create greater runoff from the project site; however, because development of the site was planned by the JRBIPAP, the nearby JRBIPAP stormwater detention basin located to the south of the project site would be sized adequately to accommodate runoff from the project site.

Because the proposed Juniper Ridge Project would not change the area of disturbance or the amount of stormwater runoff anticipated by the General Plan, the General Plan EIR, and the JRBIPAP, the proposed Juniper Ridge Project would not violate water quality standards, waste discharge standards, or substantially degrade water quality in excess of what would be expected for development of the site under the currently approved CS designations. Therefore, the proposed project would result in a ***less-than-significant*** impact.

#### CMO Permanent Ordinance

The proposed CMO Permanent Ordinance would allow for permitted CMOs to operate in areas designated as MB/MBL. Because marijuana is an agricultural product, the operation of CMOs would involve generally similar wastewater generation as typical agricultural activities. However, CMOs permitted under the proposed ordinance would differ from typical agricultural wastewater generation in a number of ways. Because the CMO Permanent Ordinance requires that CMOs be located within solid structures in areas designated MB/MBL, CMOs would operate as indoor cultivation operations. Indoor cultivation would not involve the disturbance of land, and thus would not lead to erosion or the discharge of sediment polluted water. Additionally, indoor cultivation would be expected to use less water than outdoor cultivation, as indoor cultivation would rely on precision irrigation and would be able to reclaim water used for irrigation. However, wastewater discharges from CMOs would most likely contain fertilizers, pesticides and other agricultural chemicals, similar to traditional agricultural activities.

Section (d)(14)(f) of the CMO Permanent Ordinance requires all CMOs to comply with applicable environmental regulations, and “use best practices to avoid environmental harm.” Relevant environmental regulations applied by section (d)(14)(f) include a recent order related to waste discharge requirements for medicinal cannabis cultivation activities issued by the Central Valley Regional Water Quality Control Board, Best Management Practices for Cannabis Cultivation required by the State Water Resources Control Board, and recommendations related to the use of agricultural chemicals, and requirements related to pesticide use in marijuana cultivation released by the California Department of Pesticide Regulation.<sup>9,10,11</sup> Because CMOs operating under the CMO Permanent Ordinance would be subject to all applicable state regulations relating to wastewater discharge, and specifically to those regulations related agricultural and cannabis cultivation related discharge, the future activity permitted under the CMO Permanent Ordinance would not be anticipated to violate water quality standards, waste discharge standards, or substantially degrade water quality. Therefore, the CMO Permanent Ordinance would be expected to result in a ***less-than-significant*** impact.

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<sup>9</sup> California Regional Water Quality Control Board, Central Valley Region. *Order R5-2015-0113, Waste Discharge Requirements General Order for Discharges of Waste Associated with Medicinal Cannabis Cultivation Activities*. Adopted October 2, 2015

<sup>10</sup> California State Water Resources Control Board. *Cannabis Cultivation Best Management Practices*. Posted July 15, 2015.

<sup>11</sup> California Department of Pesticide Regulation. *Pesticide Use on Marijuana*. 2015.

### Claremont Property Project

The Claremont Property Project involves the reuse of the existing Claremont facility for a CMO. While the project would include interior renovations to the Claremont facility, exterior renovations or ground disturbing activities are not included in the proposed Claremont Property Project. As such, the proposed Claremont Property Project would not alter the amount or composition of stormwater runoff leaving the site, and thus would not result in the degradation of water quality due to stormwater runoff.

The Claremont Property Project would involve marijuana cultivation and processing activities, which could result in the discharge of water containing fertilizers, pesticides, or chemicals related to processing and packaging to the City's wastewater system. Similar to the above discussion regarding the CMO Permanent Ordinance's effect on water quality, the proposed Claremont Property Project would be subject to all applicable state regulations relating to wastewater discharge, and specifically to those regulations related agricultural and cannabis cultivation related discharge. Because the Claremont Property Project would be subject to such regulations the proposed project would not be anticipated to violate water quality standards, waste discharge standards, or substantially degrade water quality, and as such would be anticipated to result in a *less-than-significant* impact.

b. Juniper Ridge Industrial Park, CMO Permanent Ordinance, and Claremont Property Project

The Bureau of Reclamation provides domestic water service to Coalinga. The major source of water is the Central Valley Project by way of the Coalinga Canal. The City's General Plan EIR concluded that groundwater in the area is unsuitable for domestic water use and is only marginally suitable for agricultural uses given the elevated concentrations of total dissolved solids. Therefore, the proposed project would not increase the use of groundwater, which could lead to a deficit in groundwater recharge.

The development at the Juniper Ridge project site could impact recharge of groundwater given the potential for increased impervious surfaces. However, the site is relatively small in comparison to the amount of undeveloped or agricultural land surrounding the areas, and landscaping requirements within the JRIBPAP would ensure that some impervious surfaces remained where water would be allowed to infiltrate the soil at the Juniper Ridge site.

The Claremont Property Project would occur within the Claremont facility and thus would not involve the construction of new impervious surfaces. If CMO activities are expanded in the future at the Claremont Property site, such activities would be the subject to project-specific environmental review, which would assess potential impacts to groundwater in the area.

The CMO Permanent Ordinance would not directly involve development which would involve construction of new impervious surfaces, and thus would not affect groundwater recharge.

Because the City of Coalinga uses surface water for domestic water resources, and the proposed projects are not anticipated to significantly alter groundwater recharge patterns in

the area, the proposed projects would not be anticipated to substantially deplete groundwater resources or interfere with groundwater recharge. Therefore, overall, a ***less-than-significant*** impact would result.

c-e. Juniper Ridge Industrial Park

The Juniper Ridge project site is currently undeveloped vacant land, which was anticipated for industrial development by the JRBIPAP. The City of Coalinga has also anticipated development of the site through the General Plan and zoning designations of CS. The proposed project would include a rezone and redesignation of the Juniper Ridge project site, but would not change the area of disturbance. Additionally, the intensity of allowable development under the proposed MB and MBL designations would be generally consistent with the currently approved commercial land use. The JRBIPAP also included plans for a centralized drainage basin that would serve the entire JRBIPAP area. Because development of the project site was anticipated by the JRBIPAP for light manufacturing/business uses, the runoff that would result from development of the site as MB or MBL was included in the sizing of the JRBIPAP drainage infrastructure. Therefore, adequate capacity exists to accommodate future runoff that would result from site buildout. Additionally, future development of the project site would be subject to Goal S3 of the City's General Plan, which seeks to prevent unnecessary drainage, erosion and sedimentation, as well as General Plan Implementation Measures S3-1.1 through S3 1.4. Such local regulations would ensure that future site development would not result in the alteration of drainage patterns that would cause substantial erosion or siltation on or off-site. Because sufficient drainage infrastructure exists to accommodate development of the project site as MB or MBL, and future development would be subject to local regulations related to drainage, the proposed project would not substantially alter the existing drainage pattern leading to on or off-site erosion nor would the project exceed the capacity of existing or planned stormwater drainage systems. As such, a ***less-than-significant*** impact would result.

CMO Permanent Ordinance

The CMO Permanent Ordinance does not involve ground disturbing activities. Rather, the ordinance concerns the conditionally allowed uses within areas designated and zoned for MBL or MB. As such, the CMO Permanent Ordinance would not directly involve land disturbance, which would lead to changes in drainage patterns or the exceedance of stormwater drainage systems. As such, the proposed project would not substantially alter existing drainage patterns leading to on or off-site erosion nor would the project exceed the capacity of existing or planned stormwater drainage systems, and a ***less-than-significant*** impact would result.

Claremont Property Project

The Claremont Property has been previously developed for use as the Claremont Custody Center. The existing development on the project site includes large amounts of paved areas and structures. The proposed project would involve CMO activities, which would occur completely within the existing structures. Because project activity would not involve outdoor disturbances the proposed project would not substantially alter existing drainage patterns leading to on or off-site erosion nor would the project exceed the capacity of existing or planned stormwater drainage systems, and a ***less-than-significant*** impact would result.

g-i. Juniper Ridge Industrial Park

Based on the FEMA Flood Insurance Rate Map (FIRM), (Map Number ID: 06019C3214H), the project site is within Zone X, which is described by FEMA as an area determined to be outside the 0.2 percent annual chance floodplain. In addition, dams or levees are not located upstream of the proposed project site; thus, flooding due to dam or levee failure would not occur. Because the project site is not within a 100-year floodplain, the proposed project would not place housing or structures within a 100-year floodplain or expose people or structures to risks involving flooding. Therefore, impacts would be *less than significant*.

CMO Permanent Ordinance

The CMO Permanent Ordinance does not involve ground disturbing activities. Rather, the ordinance concerns the conditionally allowed uses within areas designated and zoned for MBL or MB. As such, the CMO Permanent Ordinance would not directly involve the placement of housing or structures within a 100-year floodplain, or within an area at risk of loss, injury or death involving flooding due to a levee or dam failure. Therefore, impacts would be *less than significant*.

Claremont Property Project

Based on the FEMA Flood Insurance Rate Map (FIRM), (Map Number ID: 06019C3211H), the majority of the site is within Zone X, however a portion of the project site is in Zone A. The proposed project involves the reuse of the Claremont Custody Center for a CMO. Reuse of the site as a CMO would involve approximately 50 employees and would not include any on-site residents. In contrast, operation of the facility as the Claremont Custody Center included 500 inmates and 100 employees. Therefore, the proposed project would expose fewer people to risk from flooding. Additionally, the indoor CMO activity proposed as part of the project would not involve the construction of any new structures, which would redirect flood flows. As such, the Claremont Property Project would not directly involve the placement of housing or structures within a 100-year floodplain, or within an area at risk of loss, injury or death involving flooding due to a levee or dam failure. Therefore, impacts would be *less than significant*.

j. Juniper Ridge Industrial Park, CMO Permanent Ordinance, and Claremont Property Project

Tsunamis are defined as sea waves created by undersea fault movement. A tsunami poses little danger away from shorelines. As Coalinga is not near a coastline, the project sites would not be exposed to flooding risks from tsunamis and adverse impacts would not result.

A seiche is a long-wavelength, large-scale wave action set up in a closed body of water such as a lake or reservoir, whose destructive capacity is not as great as that of tsunamis. The project is not located near a closed body of water. Therefore, risks from seiches and adverse impacts would not result.

Mudflows typically occur in mountainous or hilly terrain. Given the existing and proposed flat topography of the project sites, risks from mudflows and adverse impacts would not

Commercial Marijuana Permanent Ordinance, Juniper Ridge Industrial Park City-Initiated Rezone and General Plan Amendment, and the Claremont Property Project Initial Study/Mitigated Negative Declaration result. Therefore, potential impacts resulting from tsunamis, seiches, or mudslides would be *less than significant*.

| Issues                                                                                                                                                                                                                                                                                                          | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|--------------------------|
| <b>X. LAND USE AND PLANNING.</b>                                                                                                                                                                                                                                                                                |                                |                                                    |                              |                          |
| <i>Would the project:</i>                                                                                                                                                                                                                                                                                       |                                |                                                    |                              |                          |
| a. Physically divide an established community?                                                                                                                                                                                                                                                                  | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| b. Conflict with any applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating on environmental effect? | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| c. Conflict with any applicable habitat conservation plan or natural communities conservation plan?                                                                                                                                                                                                             | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |

### **Discussion**

#### a. Juniper Ridge Industrial Park

The Juniper Ridge project site is currently undeveloped vacant land, which was anticipated for development by the JRBIPAP. The project site is currently surrounded by predominantly vacant land with an existing industrial development along Mercantile Lane, to the southeast of the project site. Residential developments also exist to the west of the JRBIPAP area; however, development of the project would not impact the circulation system of the nearby residential development. Because substantial development does not exist surrounding the project site, and development of the site was anticipated by the JRBIPAP, and the General Plan, the project would not physically divide an established community and a ***less-than-significant*** impact would result.

#### CMO Permanent Ordinance

The CMO Permanent Ordinance does not involve construction activities. Rather, the ordinance concerns the conditionally allowed uses within areas designated and zoned for MBL or MB. As such, the CMO Permanent Ordinance would not directly involve development which could divide an established community, resulting in a ***less-than-significant*** impact.

#### Claremont Property Project

The Claremont Facility exists to the north of most development in the City and is bordered by existing MBL and public facility development. The Claremont Property Project does not involve the development of undeveloped land, rather the project would reuse the existing Claremont facility for a CMO. As such, the Claremont Property Project would not divide an established community, and would result in a ***less-than-significant*** impact.

b. Juniper Ridge Industrial Park

Currently, the City's General Plan and zoning designations for the Juniper Ridge project site are inconsistent with the sites' anticipated uses within the JRBIPAP. The project would re-establish consistency within the three documents through a GPA and rezone to MB and MBL. Currently, the Juniper Ridge project site is zoned Service Commercial and designated Commercial Service, which allows uses such as repair facilities, building material sales, auto dealers, light manufacturing and distributing. Meanwhile the proposed designation of MB and zoning of MBL would allow for large and small-scale businesses involving manufacturing, distribution, wholesale outlets, and office space. As such, the allowable land uses for the CS, MB, and MBL are generally similar and would be anticipated to have similar environmental impacts. Should the GPA and rezone be approved the proposed project would be consistent with the plans and policies in the Coalinga General Plan, Zoning Code, and JRBIPAP resulting in a *less-than-significant* impact.

CMO Permanent Ordinance

On July 7, 2016 the City of Coalinga City Council adopted a CMO Urgency Ordinance, which allowed CMOs to operate within the City. The CMO Permanent Ordinance supersedes the CMO Urgency Ordinance, and further codifies conditionally allowed uses within areas designated and zoned for MB or MBL. The CMO Permanent Ordinance would include specific guidelines and requirements to ensure that any operations would not result in additional environmental impacts than what would be expected with currently approved uses for MB or MBL sites. As such, should the CMO Permanent Ordinance be adopted, the proposed project would be consistent with the plans and policies in the Coalinga General Plan and Zoning Code resulting in a *less-than-significant* impact.

Claremont Property Project

The Claremont Property Project includes a request for a rezone and GPA to redesignate the site from PF to MB and MBL. The project site was formerly used as the Claremont Custody Center, however, the Center has been vacant since 2011. The California Department of Corrections and Rehabilitations indicated, in 2014, that the Claremont facility would not be contracted for future use as a custody center. Because the facility would not be used as a public facility, as the facility had been in the past, the existing PF designation is now inappropriate. As such, OGE would reuse the project site for a CMO. Use of MBL or MB sites for the cultivation of commercial marijuana was allowed by the interim CMO Urgency Ordinance. As such, should the City approve the redesignation and rezone of the Claremont facility the proposed project would be consistent with the plans and policies in the Coalinga General Plan and Zoning Code resulting in a *less-than-significant* impact.

c. Juniper Ridge Industrial Park, CMO Permanent Ordinance, and Claremont Property Project

The City of Coalinga is not located within a Natural Community Conservation Plan (NCCP). According to the General Plan Master EIR, the City is located within the boundaries of the Pacific Gas and Electric Company (PG&E) San Joaquin Valley Operation and Maintenance Habitat Conservation Plan (HCP). The San Joaquin Valley Operation and Maintenance HCP

addresses small-scale temporary effects due to operation and maintenance of the service area that are dispersed over a large geographic area. The activities covered in the HCP include two categories of activities for which PG&E requests take authorization conducted in accordance with CPUC requirements – operation and maintenance activities and minor construction activities. Although the City is located within the HCP boundary, the HCP covers only PG&E-related operation and maintenance and construction activities and does not cover any other facilities or activities. Therefore, implementation of the proposed project would not conflict with the intent of the HCP and a *less-than-significant* impact would result.

| Issues | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact |
|--------|--------------------------------|----------------------------------------------------|------------------------------|-----------|
|--------|--------------------------------|----------------------------------------------------|------------------------------|-----------|

## XI. MINERAL RESOURCES.

*Would the project:*

- |    |                                                                                                                                                                    |                          |                          |                                     |                          |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. | Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. | Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

### Discussion

- a,b. Two active surface mines exist adjacent to the City of Coalinga. The mines are bounded on the north by Gale Avenue, on the east by SR 198, on the west by Monterey Street, and on the south by the former airport property and the City limits. The operations include both extraction and processing of the materials into construction aggregates, concrete, and asphalt. According to the General Plan Master EIR, the California Division of Mines and Geology (CDMG) has not performed a comprehensive survey of all potential mineral resource locations or classified other locations within Fresno County into Mineral Resource Zones (MRZ). Regardless of the status of mineral resources at a particular site, a potentially significant impact would only occur if known mineral resources were present and could be extracted through standard mining practices without intrusion by incompatible uses.

#### Juniper Ridge Industrial Park

The Juniper Ridge project would involve a GPA and rezone to designate the project site MB and MBL. The project site was anticipated for development in the JRBIPAP, the City's General Plan, and the zoning map for uses other than mineral extraction. Although the Juniper Ridge project site is immediately surrounded by vacant land or industrial uses, residential uses exist approximately 300 feet to the southwest. Due to the proximity to existing residential developments, mineral resource extraction on the Juniper Ridge project site would be considered an incompatible use. Additionally, mineral resources are not known to exist at the Juniper Ridge Project site. Because mineral resources are not known to occur at the site, and extraction could not occur on the project site due to nearby incompatible uses, the Juniper Ridge project would result in a ***less-than-significant*** impact.

#### CMO Permanent Ordinance

The CMO Permanent Ordinance concerns the conditionally allowed uses within areas designated and zoned for MB or MBL. As such the CMO Permanent Ordinance does not involve new development or the intrusion of incompatible uses into areas used for mineral resource extraction. Therefore, the CMO Permanent Ordinance would not result in the loss of availability of a known mineral resource and a ***less-than-significant*** impact would result.

Claremont Property Project

The Claremont property has been previously developed for use as the Claremont Custody Center, and mineral extraction activity currently occurs 0.25-mile to the west and south of the project site. The Claremont Property Project would involve the repurposing of existing structures for the cultivation of marijuana. Because the Claremont Property Project would occur on a previously developed site, the project would not involve the loss of availability of a known mineral resource and a ***less-than-significant*** impact would occur.

Commercial Marijuana Permanent Ordinance, Juniper Ridge Industrial Park City-Initiated Rezone and General Plan Amendment, and the Claremont Property Project Initial Study/Mitigated Negative Declaration

| Issues                                                                                                                                                                                                                                                              | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|--------------------------|
| <b>XII. NOISE.</b>                                                                                                                                                                                                                                                  |                                |                                                    |                              |                          |
| <i>Would the project result in:</i>                                                                                                                                                                                                                                 |                                |                                                    |                              |                          |
| a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?                                                                                 | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?                                                                                                                                                             | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?                                                                                                                                      | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?                                                                                                                          | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | ✗                        |
| f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?                                                                                                      | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | ✗                        |

### **Discussion**

a, c, d. Juniper Ridge Industrial Park

The Juniper Ridge project site is currently undeveloped vacant land, which was anticipated for industrial development by the JRBIPAP. The City of Coalinga has also anticipated development of the site through the General Plan and zoning designations of CS. The proposed project would include a rezone and redesignation of the Juniper Ridge project site, but would not change the area of disturbance. Additionally, the intensity of allowable development under the proposed MB and MBL designations would be generally consistent with the currently approved commercial and proposed light manufacturing/business uses. Under the current CS land designations uses such as repair facilities, industrial suppliers, light manufacturing/distributing, and wholesale outlets would be allowed. The Light Manufacturing and Business designation allows similar uses which include secondary

offices, bulk retail, warehouses, light industrial and service uses. Because the allowed uses under CS and Light Manufacturing and Business are generally consistent, the development and operation of the project site for Light Manufacturing and Business would not be expected to generate levels of noise in excess of what would be expected from development of the site under the approved CS designation. The City's General Plan EIR concluded that noise from buildout of the General Plan would not result in the exposure of noise-sensitive land uses to excess noise sources because General Plan Policies and Implementation Measures N1-1 and N1-2 would sufficiently mitigate any excess noise created near noise receptors. As such, development under MB and MBL that would be allowed by the proposed project would not subject the nearest residential development, located approximately 300 feet to the southwest, to a substantial increase in ambient noise levels from development that could currently occur under the CS designation.

Additionally, any subsequent projects seeking to develop the project site for noise producing uses would be subject to the City of Coalinga's Planning and Zoning Code Section 9-4.405, which requires a noise or acoustic study for any new projects that would create noise. The requirement of future projects to a noise study would ensure that future projects would be forced to mitigate noise production to the extent feasible and would avoid exposure of nearby residents to noise levels in excess of levels prescribed in the Safety, Air Quality and Noise Element of the General Plan.

Given the above discussion, the proposed rezone and GPA of the Juniper Ridge project site would not be anticipated to lead to the exposure of persons to or the generation of noise in excess of City standards or a substantial increase in ambient noise levels as compared to development that could occur under the current CS designation. As such, the proposed project would result in a ***less-than-significant*** impact.

#### CMO Permanent Ordinance

The CMO Permanent Ordinance involves conditionally allowed uses within areas designated and zoned MB or MBL. Any operations applying to begin a CMO would be subject to project-specific environmental review. In accordance with the City of Coalinga's Planning and Zoning Code Section 9-4.405, if the CMO was deemed to be a noise creating activity, the subsequent projects would be subject to acoustical studies to determine if the operations would subject nearby sensitive receptors to increased ambient noise levels or noise levels in excess of City standards. However, CMOs would not be anticipated to generate significantly more noise than would be expected to be generated by other MB/MBL uses. Because the CMO Permanent Ordinance itself would not be a noise generating project, and subsequent CMOs applying for approval under the permanent ordinance would be subject to project-specific environmental reviews, the proposed project would not result in an increase in ambient noise levels or the generation of noise in excess of City standards. Therefore, the proposed project would result in a ***less-than-significant*** impact.

#### Claremont Property Project

The Claremont facility was previously used for the Claremont Custody Center. The proposed project would include the reuse of the Claremont facility for a CMO, which would require a

rezone of the project site from PF to MBL. The Claremont Property Project would involve alterations to the interior of the Claremont facility and in the future OGE may expand their CMO to other areas of the project site. The project site is surrounded by mostly industrial uses, and residential developments do not exist in the project area. As such any increase in noise levels at the project site would not expose residential land uses to increased noise levels in excess of City standards or an increase in ambient noise levels. However, project operations would be unlikely to substantially increase noise generation from the project site as compared to noise that would have been generated by the previous use of the site as the Claremont Custody Center, which involved up to 500 inmates and 100 employees. OGE's operation would only include 50 employees, which would reduce the amount of noise generated from employee commutes and inmate activity. Therefore, the proposed project would not result in an increase in ambient noise levels or the generation of noise in excess of City standards. As a result, the proposed project would result in a ***less-than-significant*** impact.

b. Juniper Ridge Industrial Site

The Juniper Ridge project site is currently undeveloped vacant land, which was anticipated for industrial development by the JRBIPAP. The City of Coalinga has also anticipated development of the site through the General Plan and zoning designations of CS. The proposed project would include a rezone and redesignation of the Juniper Ridge project site, but would not change the area of disturbance. Groundborne vibrations would be generated during construction activities regardless of the project site's zoning or land use designation and the level of groundborne vibrations created by future construction would likely be of comparable magnitude between projects built under CS or MB and MBL. Commercial, office, and retail land uses that would be allowed under the CS and MB/MBL designations are not typically considered to be vibration generating activities. Heavy industrial land uses may, in some cases, be considered vibration generating activities; however, industrial activity that would cause excess amounts of groundborne vibrations, would not be allowed in areas other than those designated as Heavy Manufacturing/Business (MBH). Because the proposed Juniper Ridge Project would not designate any new lands MBH, and land uses associated with CS and MB/MBL would generate similar amounts of groundborne vibrations during construction and operation, the proposed project would not involve the exposure of people to or the generation of excessive groundborne vibrations. Therefore, the proposed project would result in a ***less-than-significant*** impact.

CMO Permanent Ordinance

The CMO Permanent Ordinance does not directly involve construction activities. Rather, the ordinance concerns the conditionally allowed uses within areas designated and zoned MB or MBL. Therefore, the project would not be anticipated to cause groundborne vibrations due to construction activities. Any future project applying for a permit under the CMO Permanent Ordinance would be subject to subsequent environmental analysis. Such analysis would include an analysis of possible sources of groundborne vibrations from future projects. However, in general, CMOs would not be expected to generate excessive amounts of groundborne vibrations as such operations do not rely on heavy machinery and the processing portion of such operations would not be considered a heavy manufacturing

process. Because future uses would be subject to environmental review, and CMOs in general would not be expected to generate excess amounts of groundborne vibrations through the use of heavy machinery, the proposed project would not result in the generation of excess amounts of groundborne vibrations and a ***less-than-significant*** impact would result.

#### Claremont Property Project

The Claremont Property Project involves the redesignation and rezone of the Claremont project site to MB/MBL and the reuse of the facility as a CMO. The project site is not located near any land uses sensitive to groundborne vibrations. Additionally, the proposed project does not involve land disturbance or the construction of new structures, which could create excessive groundborne vibrations to nearby structures. While OGE anticipates that processing would occur on-site, the processing activities would not be expected to create significant amounts of vibrations. Because the Claremont Property Project would not involve construction or operational sources of vibration the proposed project would not result in the generation of excess amounts of groundborne vibrations and a ***less-than-significant*** impact would result.

e, f. Juniper Ridge Industrial Park, CMO Permanent Ordinance, Claremont Property Project

According to the General Plan Master EIR, airport noise within the City was assessed through the use of established noise contours found in the Airport Master Plan. Airport noise contours (as shown in Figure 7 of the Initial Study prepared for the Airport Master Plan) indicate that the 50 dBA through 65 dBA CNEL noise contours do not extend beyond the airport boundaries. The nearest air strip to the proposed project sites is the New Coalinga Municipal Airport. Neither the Juniper Ridge project site or the Claremont Property are within two-miles of the project site. Because the project sites are outside of the 65 dBA CNEL noise contours for the New Coalinga Municipal Airport, the proposed project would result in ***no impact*** related to exposing people residing or working in the project area to excessive noise levels for a project located within an airport land use plan and would not expose people residing or working in the project area to excessive noise.

| Issues                                                                                                                                                                                                                       | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|--------------------------|
| <b>XIII. POPULATION AND HOUSING.</b>                                                                                                                                                                                         |                                |                                                    |                              |                          |
| <i>Would the project:</i>                                                                                                                                                                                                    |                                |                                                    |                              |                          |
| a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?                                                                                                        | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | ✗                        |
| c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?                                                                                                                  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | ✗                        |

### **Discussion**

#### **a. Juniper Ridge Industrial Park**

The Juniper Ridge project site was anticipated for development by the JRBIPAP, and the City's zoning and General Plan designations. Redesignating the site to MB and MBL would result in a slight change in the acceptable uses of the project site; however, the redesignation would not include new areas for development that have not been previously approved. Therefore, the Juniper Ridge project would not lead to additional indirect population growth because development of the project site was previously anticipated. As such, a ***less-than-significant*** impact would result.

#### **CMO Permanent Ordinance**

The CMO Permanent Ordinance involves allowing new conditional uses within areas designated as MB or MBL. As such, the CMO Permanent Ordinance does not directly involve new development. Any future projects involving CMO would be required to conduct environmental reviews, which would consider the growth inducing impacts of subsequent CMOs. However, because the CMO Permanent Ordinance itself does not involve new development the proposed project would not lead to population growth and would be considered to have a ***less-than-significant*** impact.

#### **Claremont Property Project**

The Claremont facility was previously used as the Claremont Custody Center with a maximum capacity of 500 inmates and 100 employees. The proposed project would involve the reuse of the project site for a CMO, which would not involve residents and only 50 employees. Because the closing of the Claremont Custody Center eliminated 100 jobs in the community, the population of Coalinga could meet the staffing needs of OGE's Claremont CMO without population growth. As such, the proposed project would not lead to population growth and would thus result in a ***less-than-significant*** impact.

b,c. Juniper Ridge Industrial Park, CMO Permanent Ordinance, and Claremont Property Project

The Juniper Ridge Industrial Park project area and the Claremont Property do not currently contain housing units. Therefore, development or reuse of the Juniper Ridge project site or the Claremont Property would not displace existing housing or populations of people. Additionally, the CMO Permanent Ordinance would only address uses within areas designated or zoned as MB/MBL, and thus would not involve areas approved for housing or the development of housing. Because the proposed projects would not involve the displacement of housing or population, the proposed project would result in ***no impact***.

| Issues                                                                                                                                                                                                                                                                                                                                                                                                                          | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|--------------------------|
| <b>XIV. PUBLIC SERVICES.</b>                                                                                                                                                                                                                                                                                                                                                                                                    |                                |                                                    |                              |                          |
| <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i> |                                |                                                    |                              |                          |
| a. Fire protection?                                                                                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| b. Police protection?                                                                                                                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| c. Schools?                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | ✗                        |
| d. Parks?                                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |

## **Discussion**

### a. Juniper Ridge Industrial Park

Development of the Juniper Ridge Industrial Park was anticipated by the JRBIPAP, the City's General Plan, and the City's Zoning. While the proposed redesignation of the project site from CS to MB/MBL would allow development for slightly different land uses than anticipated by the zoning and General Plan designations, development under the proposed MB/MBL designation would continue to be required to comply with the California Building Code and the California Fire Code. Furthermore, the City of Coalinga's General Plan EIR concluded that buildout of the General Plan could be served by adequate fire services, and although the project would include a rezone and GPA, the changes the General Plan and City Zoning would not be anticipated to significantly increase the demand for fire protection in the City beyond what was anticipated by the City's General Plan or General Plan EIR. Because the proposed project would not create new areas of growth within the City's planning area, the proposed project would not require the physical expansion or alteration of fire protection facilities beyond what was anticipated by the General Plan. As such, the proposed project would have a ***less-than-significant*** impact related to fire protection.

### CMO Permanent Ordinance

The proposed CMO Permanent Ordinance does not directly involve development that would cause an increase in fire protection demand. Rather, the proposed ordinance would involve conditionally approved uses in areas and structures already zoned MBL. Such areas would have already been anticipated for development by the General Plan, and would be provided with adequate fire protection service as concluded by the General Plan EIR. In addition to existing regulations regarding fire prevention and preparedness within the City's Planning and Zoning Code, section (d)(14)(c) of the proposed CMO Permanent Ordinance includes

further requirements for CMOs using flammable materials to comply with all applicable fire codes and allows for additional requirements to be established by the Coalinga Fire Department. Because the proposed project would include development that was previously anticipated by the City's General Plan, and includes requirements regarding fire code compliance and Coalinga Fire Department input, the proposed project would not require the physical expansion or alteration of fire protection facilities beyond what was anticipated by the General Plan. Additionally, the City would charge CMOs an annual licensing fee, which would be used to defray any potential costs resulting from monitoring or compliance of CMOs. Therefore, the proposed project would have a ***less-than-significant*** impact related to fire protection.

#### Claremont Property Project

The Claremont facility was previously used as the Claremont Custody Center where up to 500 inmates were housed and up to 100 employees worked. The proposed project would reduce the number of people on site to approximately 50 employees, and would not place any residents at the facility. The proposed Claremont Property Project would involve the reuse of the Claremont facility, and would use the existing fire suppression infrastructure within the facility. Additionally, section (d)(14)(c) of the proposed CMO Permanent Ordinance would allow the Coalinga Fire Department would be able to apply additional requirements to ensure the safe operation of extraction and processing activities, which involve flammable materials. Because the project site was previously served by the Coalinga Fire Department, and would be required by the Coalinga Fire Department to make any necessary safety improvements prior to operation, the proposed Claremont Property Project would not be anticipated to require the physical expansion or alteration of fire protection facilities, and the project would have a ***less-than-significant*** impact related to fire protection.

#### b. Juniper Ridge Industrial Park

Development of the Juniper Ridge Industrial Park was anticipated by the JRBIPAP, the City's General Plan, and the City's Zoning. While the proposed redesignation of the project site from CS to MB/MBL would allow development for slightly different land uses than anticipated by the zoning and General Plan designations, development under the proposed MB/MBL designation would be provided protection by the Coalinga Police Department. Additionally, the rezone and redesignation would not allow for the development of residential housing units, which would alter the officer to resident ratio of the City. The City of Coalinga's General Plan EIR concluded that buildout of the General Plan could be served by adequate police protection services, and although the Juniper Ridge project would include a rezone and GPA, the changes the General Plan and City Zoning would not be anticipated to significantly increase the demand for police protection in the City beyond what was anticipated by the City's General Plan or General Plan EIR. Because the proposed Juniper Ridge project would not create new areas of growth within the City's planning area, the proposed Juniper Ridge project would not require the physical expansion or alteration of police protection facilities beyond what was anticipated by the General Plan. As such, the proposed Juniper Ridge project would have a ***less-than-significant*** impact related to police protection.

### CMO Permanent Ordinance

The CMO Permanent Ordinance involves the conditional permitting of CMOs in compliance with Proposition 215, the Compassionate Use Act (approved by voters in 1996), Senate Bill 240, and the MMRSA, which was signed in 2015. The City of Coalinga recognizes, through the CMO Permanent Ordinance, that the previous approaches to medical marijuana in the State and City has led to significant health and safety consequences associated with procuring medical marijuana on the black market. The proposed CMO Permanent Ordinance would allow for the legal, permitted and regulated production of commercial marijuana and associated products within the City. However, given the continuing illegality of recreational marijuana, the CMO Permanent Ordinance has identified the need for the production of marijuana to be highly regulated to ensure that illegal activity would not be supported by the legal, permitted CMOs that would be allowed under the proposed CMO Permanent Ordinance. As such, the CMO Permanent Ordinance includes a plethora of requirements relating to employees, building security, documentation, and overall operations. Included in such regulations are strict requirements for background checks of potential employees, building security features such as camera systems and drive gates, 24-hour armed security patrols, and allowance of complete facility access to the Coalinga Police Department, among other regulations.

The Coalinga Police Department would be involved in the approval process of all future CMOs to ensure compliance with the CMO Permanent Ordinance and sufficient security. Because the Coalinga Police Department would be involved with future permitting processes under the CMO Permanent Ordinance for all new CMOs, the Coalinga Police Department would be able to assess the Department's ability to provide adequate police services on a case-by-case basis. As approvals occur on a case-by-case basis, the Coalinga Police Department anticipates the ability to hire one additional officer to handle any potential increase in workload. The costs of hiring a new officer would be partially off-set through payment of annual licensing fees by CMOs in the City. However, the requirements for building security features and 24-hour security patrols would be expected to maintain significant amounts of operational security responsibilities on the applicant and the CMO. Therefore, while the CMO Permanent Ordinance involves the cultivation of marijuana, the strict permit requirements prior to and during operations would ensure that demand on police protection by the CMOs would not be significantly greater than other uses approved for MB/MBL designated areas, which would not include such employee background checks or building security features.

If the applications under the proposed CMO Permanent Ordinance result in the need for a new officer to be hired by the Coalinga Police Department, this new officer could be accommodated by existing facilities, and the increased staffing cost would be off-set through the collection of licensing fees. Thus, although a new officer may be hired, the addition of one officer would not require the construction or physical expansion of any police facilities. As a result, the proposed CMO Permanent Ordinance would not increase the demand for police protection in a manner that would require new or physically expanded police facilities, and as such the CMO Permanent Ordinance would have a ***less-than-significant*** impact related to police protection.

Claremont Property Project

The Claremont Custody Center was previously operated with 500 inmates, which would have posed a significant safety concern for the Coalinga Police Department. Since the facility was closed, the City has been responsible for the property, which would have included Police protection services to deter vandalism and other threats to the facility. The Claremont Property Project would reuse the facility as a CMO, and leverage the existing security infrastructure to provide building security for the contained CMO. Additionally, OGE would employ multiple security personnel and work with the Coalinga Police Department in regards to any needed improvements to on-site security features. In addition to the project's location in a highly secure facility, the project would significantly reduce potential demand on the Coalinga Police Department by integrating existing and expanded security features in a similar manner as that discussed above. Because the Claremont Property Project would comply with all relevant state, local, and Coalinga Police Department regulations, the project would not be anticipated to increase the demand for police protection in such a manner that new or physically expanded police facilities would be required. As such, the Claremont Property Project would have a ***less-than-significant*** impact related to police protection.

c. Juniper Ridge Industrial Park, CMO Permanent Ordinance, and Claremont Property Project

The proposed projects would involve MBL/MB development. Such development would not add students to the City's current population, and thus would not increase demand on the City's school system. Where development may occur, for instance at the Juniper Ridge project site, such future development would be required to pay development fees under Senate Bill 50. Because future developments would pay development fees, and would not lead to direct student population growth in the area, the project would have ***no impact*** related to schools in the area

d. Juniper Ridge Industrial Park, CMO Permanent Ordinance, and Claremont Property Project

The proposed project involved development and site uses within MBL and MB designated areas. The City of Coalinga does not require industrial developments to pay impact fees as industrial development does not lead an increase in City residents who would require more park space under state regulations. However, the Coalinga-Huron Parks & Recreation District does require new industrial development to pay impact fees. The Claremont Property Project does not involve new development, and therefore would not be required to pay the Coalinga-Huron Parks & Recreation impact fee. Concurrently, any development related to future buildout of the Juniper Ridge Industrial Park or development related to the CMO Permanent Ordinance would be subject to park fees. However, because the proposed Juniper Ridge rezone and redesignation and the CMO Permanent Ordinance projects would not result in population growth, the proposed projects would not result in the need for new park facilities. Because the proposed projects would not require the construction of new park facilities, and future development related to the Juniper Ridge Industrial Park and CMO Permanent Ordinance would pay the required fees, the proposed project would have a ***less-than-significant*** impact related to public parks.

| Issues                                                                                                                                                                                                         | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact        | No Impact                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|-------------------------------------|--------------------------|
| <b>XV. RECREATION.</b>                                                                                                                                                                                         |                                |                                                    |                                     |                          |
| <i>Would the project:</i>                                                                                                                                                                                      |                                |                                                    |                                     |                          |
| a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?                        | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

### **Discussion**

#### **a,b. Juniper Ridge Industrial Park**

The proposed project involves the rezone and redesignation of the Juniper Ridge project site from CS to MB and MBL. The Coalinga-Huron Parks & Recreation District collects development impact fees based on the impacts to demand on parks that would result from land use developments. For instance, a residential development would generate more residents in an area, who would use existing recreation facilities or increase the demand for such facilities. Meanwhile a commercial development would not directly generate more residents; however, the increased economic activity may induce greater activity in the area, thus, resulting in a less severe impact on demand for recreation facilities. For development occurring in the City of Coalinga, an industrial development would be subject to a \$0.09 per sf Coalinga-Huron Parks & Recreation District Impact Fee. Because the proposed project involves redesignation of the project site from CS to MB and MBL, future development of the site for MB or MBL uses would be subject to the development fee. Payment of the development fee would defray any impacts caused by increased demand or deterioration of recreation facilities, but because the project would not add any new residents to the project area, the proposed project would be unlikely to require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Given the payment of development fees as a requirement of future development, the proposed project would have a ***less-than-significant*** impact related to the increased use of existing recreation facilities and the accelerated deterioration of recreation facilities.

#### **CMO Permanent Ordinance**

The CMO Permanent Ordinance involves conditionally allowed uses within areas designated and zoned MB or MBL. The Coalinga-Huron Parks & Recreation District assesses development fees on development projects to mitigate potential impacts due to increased use of existing parks and recreation facilities. Because the CMO Permanent Ordinance does not directly involve development, the ordinance would not be subject to Parks & Recreation development fees. Future development seeking approval of a CMO under the permanent ordinance would be subject to subsequent environmental review, which would require an

analysis of the need for development impacts on a project-specific basis. Because the proposed project would not result in development and subsequent projects undertaken under the CMO Permanent Ordinance would be subject to environmental review, the proposed project would result in a ***less-than-significant*** impact related to the increased use of existing recreation facilities and the accelerated deterioration of recreation facilities.

#### Claremont Property Project

The Claremont Property Project involves the reuse of an existing structure for a CMO. OGE would develop indoor cultivation and processing facilities, and may expand to other areas of the project site in the future. Such expanded CMO activity would be subject to a separate project-specific environmental review process, which would include the analysis of potential impacts on recreation facilities. Because the Claremont Property Project would involve the reuse of the Claremont facility, rather than the development of new facilities, the project would not be subject to Coalinga-Huron Parks & Recreation development fees. As such, the proposed project would result in a ***less-than-significant*** impact related to the increased use of existing recreation facilities and the accelerated deterioration of recreation facilities.

| Issues                                                                                                                                                                                                                                                                                                                                                                                                                        | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|--------------------------|
| <b>XVI. TRANSPORTATION/TRAFFIC.</b>                                                                                                                                                                                                                                                                                                                                                                                           |                                |                                                    |                              |                          |
| <i>Would the project:</i>                                                                                                                                                                                                                                                                                                                                                                                                     |                                |                                                    |                              |                          |
| a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?                                                                                                                                                                | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?                                                                                                                                                                                                                                                               | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | ✗                        |
| d. Substantially increase hazards due to a design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?                                                                                                                                                                                                                                                                       | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| e. Result in inadequate emergency access?                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?                                                                                                                                                                                                                                        | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |

### **Discussion**

#### **a,b. Juniper Ridge Industrial Park**

The Juniper Ridge project site is currently undeveloped vacant land, which was anticipated for commercial and industrial development by the JRBIPAP. The City of Coalinga has also anticipated development of the site through the General Plan and zoning designations of CS. The proposed project would include a rezone and redesignation of the Juniper Ridge project site to MBL and MB. The Circulation Element of the City of Coalinga's General Plan indicates that future development within the City should seek to maintain a level of service (LOS) grade of "C" or better. LOS is a commonly used metric to qualitatively measure traffic operating conditions where a letter grade of "A" corresponds to low traffic volumes, with unimpeded vehicle flow while a grade of "F" corresponds to stop and go traffic with highly

impeded vehicle flow. Therefore, the proposed project would conflict with the applicable plan if the project would result in a deterioration of the LOS within the project vicinity to below C.

To determine the effect that the GPA and rezone could have on the LOS of the surrounding circulation network, the Institute of Traffic Engineer's (ITE) *Trip Generation Handbook* was used to estimate the amount of traffic induced by development typical of a CS or a MB/MBL land use.<sup>12</sup> Because specific development plans do not yet exist for the site, general land use categories were used to estimate possible vehicle trip generation rates that could result from build out of the project site under the CS or MB/MBL land use. To that end, development of the project site under the current CS designation was assumed to be a shopping center, while the development under the proposed MB/MBL designations was assumed to be a business park.

It should be noted that the generation rate for business park was assumed, rather than for light industrial, as the trip generation rate for business park is higher than for light industrial. Accordingly, use of a business park trip generation rate provides for a conservative comparison by maximizing the estimated traffic generation associated with site development. Additionally, for a uniform comparison, the entire site was assumed to be built-out for the same use, either as one large shopping center or one large business park, and the land area of 405,100 sf was used for both scenarios. The results of the ITE trip generation estimates are presented below in Table 1.

| <b>Table 1</b>                                                                                                  |                    |                     |                     |
|-----------------------------------------------------------------------------------------------------------------|--------------------|---------------------|---------------------|
| <b>Trip Generation Comparison</b>                                                                               |                    |                     |                     |
| <b>Land Use</b>                                                                                                 | <b>Daily Trips</b> | <b>AM Peak Hour</b> | <b>PM Peak Hour</b> |
| Shopping Center                                                                                                 | 17,298             | 389                 | 1,503               |
| Business Park                                                                                                   | 5,039              | 567                 | 510                 |
| Difference                                                                                                      | -12,259            | +178                | -993                |
| <i>Source: Institute of Traffic Engineers. Trip Generation Handbook 9<sup>th</sup> Edition. Published 2012.</i> |                    |                     |                     |

As shown in Table 1 above, development of a business park, representative of development under the MB/MBL designation, instead of a CS designation, would result in an estimated 12,259 fewer trips per day. In addition to the reduction in total daily trips, the proposed project would also result in a 993 daily vehicle trip reduction during the PM peak traffic hour. However, because shopping centers typically become busier in the afternoon and evening, while employment areas like business parks typically induce morning commuter traffic, the proposed project would lead to a 178 trip increase during the AM peak traffic hour.

The City's General Plan EIR indicates that under current buildout assumptions of the City's planning area, the portion of Jayne Avenue (SR 33) from the City to the project site would operate at LOS C. Because the proposed project's redesignation and rezone of the project site from CS to MB/MBL would reduce the total number of daily vehicle trips and PM peak hour trips, the proposed project would not be expected to cause the LOS on Jayne Avenue to deteriorate beyond what was anticipated by the General Plan EIR. Additionally, future development of the proposed project site would be subject to the Fresno Council of

<sup>12</sup> Institute of Traffic Engineers. *Trip Generation Handbook 9<sup>th</sup> Edition*. Published 2012.

Governments' Transportation Impact Fee, which assesses fees based on land-use types to help defray potential impacts to area congestion. The Transportation Impact Fee would be determined depending on the type of development proposed for the project site under the MB/MBL designation and zoning, and fee payment would be required as part of the development approval process of future site development under Section 8-1.A.01 of the City's Planning and Zoning Code. Therefore, the proposed project would not be considered to conflict with any applicable regulations regarding the effectiveness of the transportation system, and the proposed project would result in a ***less-than-significant*** impact.

#### CMO Permanent Ordinance

The CMO Permanent Ordinance does not directly involve development. Rather, the ordinance concerns the conditionally allowed uses within areas designated and zoned MB or MBL. CMOs involve employee trips, as well as goods delivery and distribution to a similar degree as many other approved MB or MBL land uses. As such, new CMOs would not be anticipated to generate a substantially different impact related to traffic than currently approved MB or MBL land uses. Additionally, because CMOs would be conditionally permitted uses, individual future CMO projects would be subject to project-specific environmental review, which would require analysis and appropriate mitigation, if necessary, of potential traffic impacts. Therefore, the proposed project does not directly involve changes in activities that would conflict with applicable plans related to performance of nearby circulation networks or that would conflict with an applicable congestion management plan, and a ***less-than-significant*** impact would occur.

#### Claremont Property Project

As discussed throughout this IS/MND the Claremont Custody Center previously operated with 100 employees and a maximum of 500 inmates. Such operations included vehicle trips for employees, inmate transfers, the transportation of goods and equipment, and visitation. The proposed project would use the same facility for 77,000 sf of indoor commercial marijuana cultivation, testing, and manufacturing. Such an operation would involve approximately 50 employees commuting to the site as well as the transportation of cultivation equipment/supplies, and the distribution of finished products by third party distributors.

The ITE's *Trip Generation Handbook* includes a trip generation rate for prisons, which would be generally similar to the past operation of the Claremont Custody Center. Using the prison trip generation rate and assuming that the operational area of the Claremont Custody Center was identical to the area proposed for use as a CMO, the associated daily trips during operation of the Claremont Custody Center are estimated to be 780. Given the relatively recent nature of the marijuana industry, the ITE does not currently publish a trip rate for CMOs; however, given that the proposed CMO would involve 50 employees commuting to work, assumptions could be made for the maximum amount of likely trips. If every employee at the CMO was to drive to work separately in single-passenger vehicles, employee commutes would result in 100 daily trips. In addition to the 100 daily commute trips, some employees would likely leave the facility and return during the workday ( assume 50 additional trips for this analysis), and additional trips would be created by the movement of goods to and from the project site (conservatively assume 50 additional vehicle trips for this analysis), which would encompass single-passenger equivalents for any heavy-duty semi-

truck trips. Based on the aforementioned assumptions, the number of daily trips to the Claremont property during operation of a CMO are estimated to be approximately 200 daily vehicle trips. Because the project would result in 580 fewer daily trips than what has occurred on the project site during operation of the Claremont Custody Center, the proposed project would not be expected to conflict with applicable plans related to performance of nearby circulation networks, and thus the proposed project would be anticipated to result in a ***less-than-significant*** impact.

c. Juniper Ridge Industrial Park, CMO Permanent Ordinance, and Claremont Property Project

The proposed project would not require any changes to existing regional air traffic activity. In addition, the nearest airport, the New Coalinga Municipal Airport, is located approximately two miles northeast of the Juniper Ridge project site and three miles from the Claremont Property Project site. Therefore, ***no impact*** would occur.

d, e. Juniper Ridge Industrial Park

The Juniper Ridge Industrial Park area was planned for development in the JRBIPAP, and during the planning stages for the site, a transportation system was planned and developed to service the development area. The proposed project involves a rezone and redesignation of the Juniper Ridge project site from CS to MB/MBL. The rezone and redesignation of the Juniper Ridge project site would not have a direct effect on the existing JRBIPAP circulation. Furthermore, the only circulation infrastructure needed to serve future development under the MB/MBL zoning and General Plan designation would be direct site access and parking. Such features would be unlikely to increase hazards or result in inadequate emergency access to the project site. Additionally, site access and parking would be required to comply with all applicable regulations within the City's Planning and Zoning Code, which would ensure that proper design considerations are given to emergency access. Finally, development of the project site would be subject to project-specific review by the City, which would include consideration of emergency access to the project site. The project-specific environmental review process would ensure that the project would not result in an increase in hazards or inadequate emergency access. Because the project site would not include major alterations to the existing circulation network, and the City would review any proposed development plans for the project site, the proposed project would result in a ***less-than-significant*** impact related to the creation of hazards or inadequate emergency access.

CMO Permanent Ordinance

The CMO Permanent Ordinance does not directly involve development. Rather, the CMO ordinance concerns the conditionally allowed uses within areas designated and zoned MB or MBL. As such, the CMO ordinance would not directly involve alterations to circulation networks or emergency access. Any future development projects involving applications for use permits under the CMO Permanent Ordinance would be subject to project-specific environmental review, which would require analysis of potential hazards or inadequate emergency access. Because the CMO Permanent Ordinance itself would not involve physical development, nor would the ordinance directly affect the City's circulation system or emergency access to any site in the City, the proposed project would result in a ***less-than-significant*** impact related to the creation of hazards or inadequate emergency access.

Claremont Property Project

The Claremont Facility was previously designed to allow for adequate emergency access and to avoid the creation of any hazards. Because the proposed Claremont Property Project would only involve interior renovations of the existing facilities, the proposed project would not result in the creation of hazards nor would the project result in inadequate emergency access. As such, the proposed Claremont Property Project would result in a ***less-than-significant*** related to the creation of hazards or inadequate emergency access.

f. Juniper Ridge Industrial Park, CMO Permanent Ordinance, and Claremont Property Project

The proposed projects would not result in the physical alteration of the existing circulation infrastructure in the City of Coalinga. The City has not formally adopted any plans or programs addressing public transit, pedestrian, or bicycle facilities. However, the City's General Plan includes goals and policies that encourage a safe and efficient circulation system that includes alternative means of transportation. Because the proposed projects would not involve the direct alteration of the City's circulation, transit, pedestrian, or bicycle systems or infrastructure, the proposed projects would not be expected to result in a decrease in performance or safety of any such infrastructure. Therefore, the proposed projects would have a ***less-than-significant*** impact on alternative transportation.

| Issues                                                                                                                                                                                                                            | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|--------------------------|
| <b>XVII. UTILITIES AND SERVICE SYSTEMS.</b>                                                                                                                                                                                       |                                |                                                    |                              |                          |
| <i>Would the project:</i>                                                                                                                                                                                                         |                                |                                                    |                              |                          |
| a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?                                                                                                                               | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                            | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                     | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?                                                                            | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?                                                                                                            | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| g. Comply with federal, state, and local statutes and regulations related to solid waste?                                                                                                                                         | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |

### **Discussion**

#### **a, b, e. Juniper Ridge Industrial Park**

Buildout of the Juniper Ridge Industrial Park has been anticipated by the City of Coalinga General Plan and the JRBIPAP. The proposed project includes the redesignation and rezone of the Juniper Ridge Project site from CS to MB/MBL. While the rezone and GPA would allow for slightly different land uses to be developed on the project site, the overall scale and intensity of site development would remain generally similar. Unlike rezoning or designating the site for heavy industrial or traditional agricultural uses, which may create large amounts of wastewater, the light manufacturing and business centered uses of MB/MBL would likely

generate wastewater to a similar degree as the currently allowed CS land uses. Because the allowable development of the site would produce generally similar amounts of wastewater as compared to buildout under the CS designation, future development would not be expected to exceed the wastewater treatment demand that would have been assumed for General Plan buildout of the site. As such, the proposed rezone and GPA would not be anticipated to exceed wastewater treatment requirements, or capacity, thereby necessitating the need for new or expanded wastewater treatment facilities, and the proposed Juniper Ridge Project would result in a ***less-than-significant*** impact.

#### CMO Permanent Ordinance

The proposed CMO Permanent Ordinance would allow new conditional uses within areas designated as MB/MBL, but would not directly involve new development. Permitted CMOs would occur in previously developed structures, which would already be generating wastewater, or in areas anticipated by the General Plan for future development. Because CMOs would be conditionally permitted uses under the proposed CMO Permanent Ordinance, CMOs would be subject to project-specific-environmental review prior to approval of the individual projects. Such environmental review would include consideration of General Plan policy PFS8-2, which directs that any development may only be permitted if adequate wastewater utility service exists. Therefore, wastewater capacity and impacts related to the induced need for the construction of new wastewater infrastructure would be analyzed on a project-specific basis. Because the proposed CMO Permanent Ordinance would not result directly in the creation or discharge of wastewater, and future development under the CMO Permanent Ordinance would be subject to project-specific environmental review, which would ensure adequate wastewater utility service exists, the proposed project would not be anticipated to exceed wastewater treatment requirements, or capacity, thereby necessitating the need for new or expanded wastewater treatment facilities, and the proposed CMO Permanent Ordinance would result in a ***less-than-significant*** impact.

#### Claremont Property Project

The Claremont Custody Center previously operated with 500 inmates and 100 employees, which had an associated water demand of approximately 7,075 gallons per day.<sup>13</sup> As discussed in further detail in question “d.” of this section, the proposed project would result in an approximately 75 percent reduction in water demand. The reduced water demand would translate to reduced wastewater generation, as wastewater is generated from used water. Additionally, 50 employees are anticipated to work on site as opposed to the 100 employees that previously worked on site. Thus, the amount of wastewater generated by humans would be reduced as a result of the proposed project. Because wastewater generation would be reduced from previous operations, the existing wastewater infrastructure would have sufficient capacity to accommodate the wastewater generation associated with the proposed Claremont Property Project. As such, the proposed project would not be anticipated to exceed wastewater treatment requirements, or capacity, thereby necessitating the need for new or expanded wastewater treatment facilities, and a ***less-than-significant*** impact would result.

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<sup>13</sup> City of Coalinga. *Claremont Custody Center Operations*. Data on file at City.

c. Juniper Ridge Industrial Park

Development of the entire Juniper Ridge Industrial Park was planned by the JRBIPAP. The JRBIPAP anticipated that the project area would be built out for MB/MBL land uses, which would include the construction of impervious surfaces such as pavement and buildings. Such impervious surfaces would increase the amount of stormwater runoff created on the project site. The JRBIPAP planned for such runoff through the design of stormwater infrastructure to accommodate site buildout and the construction of a drainage basin hydraulically sized to accommodate runoff from the entire project area. The proposed rezone and GPA would establish consistency between the JRBIPAP's anticipated buildout and the General Plan and zoning designations for the project site. Rezoning and redesignating the Juniper Ridge Project site from CS to MBL/MB would not change the area of planned disturbance or increase the amount of impervious surfaces anticipated for buildout of the project site. Rather, development of the project site as MBL/MB was anticipated by the JRBIPAP, and the drainage basin was designed accordingly to accommodate future runoff from site buildout. Because the proposed Juniper Ridge Project would not change the area of disturbance or the amount of anticipated impervious surfaces planned for the site, and adequate capacity would be available in the drainage basin designed per the JRBIPAP, the proposed rezone and redesignation would not require the construction of new or expanded storm drainage infrastructure. Therefore, a ***less-than-significant*** impact would result.

CMO Permanent Ordinance

The proposed CMO Permanent Ordinance does not directly involve development, which would lead to the creation of stormwater runoff. Rather, the proposed CMO Permanent Ordinance would involve new permitted uses for areas designated as MB/MBL. If the CMO Permanent Ordinance is adopted, applications for CMOs within previously developed areas may be filed. Operations occurring within existing structures would not involve any changes to stormwater drainage or runoff that would require the construction of new or expanded infrastructure. Additionally, if applications are filed for CMOs that would require the construction of new structures, such structures would be built in areas already designated or zoned as MB/MBL, which, given their land use designations, would have been anticipated for development by the City's General Plan and analyzed in the City's General Plan EIR. The General Plan EIR concluded that application of General Plan policies and implementation measures PFS8-1, PFS8-2, S2-3, and S3-1, would ensure that General Plan buildout would not exceed the capacity of existing or planned stormwater drainage systems. Because the CMO Permanent Ordinance would allow new uses in previously developed areas, which would not alter stormwater drainage, or may indirectly lead to development in areas planned for development by the City's General Plan, the proposed project would not lead to development in excess of what was anticipated by the City's General Plan, that could therefore require new or expanded stormwater drainage infrastructure not previously anticipated. In addition, the application process for a CMO CUP and RP would require subsequent project-specific environmental review under CEQA. The project-specific environmental review would ensure compliance with the aforementioned General Plan policies. As such the proposed CMO Permanent Ordinance would not require new or expanded stormwater infrastructure and a ***less-than-significant*** impact would result.

#### Claremont Property Project

The Claremont property was previously developed for operation of the Claremont Custody Center, and, thus, drainage infrastructure currently exists on the project site. The reuse of the project site for a CMO would involve renovations to the interior of the facility; however, changes to the exterior of the facility that could increase stormwater runoff associated with the project site are not currently proposed. Because the proposed Claremont Property Project would not alter the amount of stormwater runoff associated with the project site, the proposed Claremont Property Project would not require new or expanded stormwater infrastructure, and a ***less-than-significant*** impact would result.

d. Juniper Ridge Industrial Park

The Juniper Ridge Industrial Park was anticipated for development by the JRBIPAP, the City's General Plan, and the City's Zoning. The proposed rezone and GPA would establish consistency between the JRBIPAP, the City's General Plan, and the City's Zoning. Although the types of land uses allowed under the CS and MB/MBL designations differ, the general intensity of land use would be comparable. Additionally, the business-oriented and light manufacturing land uses permitted under the proposed MB/MBL designations would likely create similar water demand as the retail and commercial developments what would be expected for development under the existing CS designations. Because development under the proposed MB/MBL designations would result in similar water use patterns as development under the current CS designation, future buildout of the site after the proposed rezone and GPA would not result in a drastic increase in water demand from what has been anticipated for the project site. The Juniper Ridge Project would not require new or expanded water resources or entitlements, and thus would result in a ***less-than-significant*** impact.

#### CMO Permanent Ordinance

The CMO Permanent Ordinance would not directly involve water use. Instead, the CMO Permanent Ordinance would involve conditionally approved uses within areas already designated for development under the MB/MBL designations. Although marijuana cultivation is an agricultural process, the indoor cultivation of marijuana allows for the strict control of water usage and precision application of irrigation water. Therefore, CMOs would not be expected to generate water demand in excess of what would be anticipated for currently approved light industrial or manufacturing processes. Additionally, because CMOs would be conditionally approved under the CMO Permanent Ordinance, CMOs would be subject to project-specific environmental review. The project-specific environmental review would include analysis of consistency with General Plan policies, specifically, PFS8-2, which requires that any development may only be permitted if adequate utility service exists, and PFS8-3, which requires reductions in per capita water consumption. Compliance with the aforementioned General Plan policies would ensure adequate water supply exists to serve the future CMOs, and would encourage water conservation in permitted CMOs. As such, future CMOs permitted under the CMO Permanent Ordinance would be served by adequate water supplies given the application of relevant General Plan policies, and new or expanded water entitlements would not be necessary. Therefore, the proposed project would result in a ***less-than-significant*** impact related to water supply.

Claremont Property Project

Previous operation of the Claremont facility as the Claremont Custody Center required 7,075 gallons of water per day to serve the 500 inmates and 100 employees. OGE's plans include 3,520 plants using 0.5-gallon of water per day per plant, with 50 percent of the water being reclaimed. As such, OGE anticipates that the proposed cultivation activity would require 880 gallons per day of water. OGE further expected that employee requirements, such as restroom use and drinking water, and cleaning would require an equivalent amount, bringing the total operational water demand to 1,760 gallons per day. The demand associated with previous operations of 7,075 gallons per day was met by existing water supplies. Given that the proposed Claremont Property Project would reduce water demand by 5,315 gallons per day, adequate water supply exists to accommodate the proposed project (see Attachment). Therefore, the proposed Claremont Property Project would not require new or expanded water entitlements, and a ***less-than-significant*** impact would result.

f,g. Juniper Ridge Industrial Park, CMO Permanent Ordinance, and Claremont Property Project

Solid waste collection in the City of Coalinga is provided by Mid Valley Disposal. Once collected, solid waste is transported to the Coalinga Disposal Site. The Coalinga Disposal Site is operated by Fresno County, and has a maximum daily permitted capacity of 100 tons per day. Currently, the landfill receives approximately 50 tons per day and is anticipated to be capable of serving the region for the next 28 to 33 years. Given the remaining daily capacity of the Coalinga Disposal Site, the City of Coalinga has adequate solid waste capacity to accommodate the proposed projects. Additionally, any solid waste generated by the proposed projects would be subject to all relevant requirements for construction and operational waste diversion and disposal. As such, the proposed projects would have a ***less-than-significant*** impact related to solid waste.

| Issues                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|--------------------------|
| <b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</b>                                                                                                                                                                                                                                                                                                                                                                                                        |                                |                                                    |                              |                          |
| a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?                                                                                                           | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |
| c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/>       | <input type="checkbox"/>                           | ✗                            | <input type="checkbox"/> |

### **Discussion**

#### a. Juniper Ridge Industrial Park and CMO Permanent Ordinance

Although unlikely, the possibility exists that the project sites may contain special-status species and/or serve as foraging habitat for such species. This IS/MND includes mitigation measures that would reduce any potential impacts to a less-than-significant level. Furthermore, mitigation measures are included within this IS/MND to ensure that implementation of the proposed project would not eliminate important examples of California's history or prehistory. Therefore, the proposed rezone and redesignation of the project site and the proposed CMO Permanent Ordinance would have a ***less-than-significant*** impact to special-status species, sensitive natural communities, and/or California's history.

#### Claremont Property Project

The proposed Claremont Property Project would involve the reuse of an existing facility. Currently, plans to use the Claremont property for CMO activity outside of the existing structures has not been submitted, and any potential expansion of the

currently proposed CMO activities would be subject to future project-specific environmental analyses. Because the Claremont Property Project does not include any plans to alter the exterior of the facility, and any potential future plans for expanded CMO activities would be analyzed separately, the proposed Claremont Property Project would result in ***no impact*** related to special-status species, sensitive natural communities, and/or California's history.

b. Juniper Ridge Industrial Park and CMO Permanent Ordinance

Development that converts rural areas to urban/suburban uses may be regarded as achieving short-term goals to the disadvantage of long-term environmental goals. However, the inevitable impacts resulting from population and economic growth are mitigated by long-range planning to establish policies, programs, and measures for the efficient and economical use of resources. Long-term environmental goals, both broad and specific, have been addressed previously in several regulatory documents, such as the City's General Plan and General Plan EIR. As discussed throughout this document, the rezone and GPA of the Juniper Ridge Project site would establish consistency with the City's General Plan, Planning and Zoning Code, and the JRBIPAP. Additionally, future development related to buildout of the Juniper Ridge Project site or development indirectly induced by the CMO Permanent Ordinance would be required to undergo project-specific environmental review and comply with all relevant General Plan goals, policies, implementation measures, and sections of the Planning and Zoning Code. In addition, the project does not involve any direct development. Therefore, the impact is ***less than significant***.

Claremont Property Project

The proposed Claremont Property Project would reuse an existing facility for a CMO. Reusing the Claremont facility would avoid the need for development of vacant land elsewhere, which could create significant environmental impacts. Therefore, the reuse of the Claremont facility would not have impacts that are individually limited but cumulatively considerable, and the proposed Claremont Property Project would result in a ***less-than-significant*** impact.

c. Juniper Ridge Industrial Park

The Juniper Ridge Industrial Park was anticipated for development by the JRBIPAP, the City's General Plan, and the City's Planning and Zoning Code. The project site is not known to pose significant threats to human health or well-being, and the proposed rezone and GPA of the project site would not allow for development that could pose significant threats to human health. In addition, future development of the site would be designed in accordance with all applicable building standards and codes to ensure adequate safety is provided for the future residents of the proposed project. Therefore, impacts related to environmental effects that could cause adverse effects on human beings would be ***less than significant***.

CMO Permanent Ordinance, and Claremont Property Project

Substantial adverse effects on human beings are not anticipated with approval of the CMO Permanent Ordinance or the Claremont Property Project. Both projects would involve strict oversight by the Community Development Department, as well as the Coalinga Fire Department, and the Coalinga Police Department. Such oversight would ensure that future CMOs and the reuse of the Claremont Property would not result in significant adverse effects on human beings, and, thus, the proposed projects would result in a ***less-than-significant*** impact.

# **Appendix**

Ocean Grown Extract, LLC.  
Claremont Property Project  
Operation Plan

**Ocean Grown Extract, LLC. Claremont Property Project Operation Plan**  
**August 2016**

**I. Project Overview**

- Ocean Grown Extracts is in contract to acquire the Claremont Custody Center (77K Square Feet for Indoor Cultivation and additional ~20 acres for potential outdoor cultivation over time)
- Ocean Grown plans to leverage the exiting security of the building and build out the facility in phases
- OGE plans on hiring ~50 employees from the local Coalinga area to support our immediate operational needs

**II. Introduction to Ocean Grown Extracts**

- Ocean Grown Extracts (OGE) is a premium medical cannabis brand from CA with experience in Washington State focused on the rapidly expanding medicinal cannabis extract market
- Above all, we prioritize safety, legality and ethics are looking to base our California operation in a forward-thinking municipality like Coalinga that shares our values
- We have developed a reputation for high-quality, strict adherence to consistent process and premium branding
- Our team is comprised of experienced professionals who are experts in their functional areas

**III. Legal Information**

- Ocean Grown Extracts was incorporated in CA in 2015 as a California Co-Op

**IV. Intended Uses of Facilities**

- Ocean Grown Extracts intends to perform the following business-to-business functions within the medical cannabis supply chain:
  - Cultivation & Processing –
    - Cannabis can be grown indoors in a soil-like medium under artificial light, adding fertilizer when the plants are given water. Cultivating cannabis indoors allows the cultivator complete control over the growing environment. Plants of any type can be grown faster indoors than out due to 24-hour light, additional atmospheric CO<sub>2</sub>, and controlled humidity, which allows freer CO<sub>2</sub> respiration.
    - To grow plants indoors, a growing medium (e.g. soil or growing substrate), water, nutrients, light and air need to be supplied to the plant (with the exception of aeroponic cultivation, in which case a growing medium is not required).
  - Extraction/Testing
    - The extraction process kills bacteria, mold and fungi present in the vegetable material it is extracted from, making it a safer medical use product than black market cannabis

- Extracts provide a way to create a standardized medicinal product, which leads to consistent and repeatable medical experiences.
- Packaging
  - This is the act of placing finished goods into transportation and retail packaging
  - Ocean Grown Extracts has invested considerable time and effort create well-designed branding and packaging consistent with our high-quality product
- Distribution
  - Delivery of finished goods to 3<sup>rd</sup> party distribution company who will deliver to dispensaries
  - We have no intention to act as a retailer/dispensary

## V. Staffing Overview

- Current Team - The OGE team currently consists of functional experts in the following areas:
  - Co-Founder and CEO – Casey Dalton
  - Co-Founder and Head of Product Development – Kelly Dalton
  - CFO – Outside CPA and Advisors
  - COO – Operations and IT
  - Business Development
  - Marketing & Design
  - Legal Team
    - Intellectual Property
    - Real Estate
    - Corporate Law
- Planned Hires – Over the next 3 months, OGE plans to hire approximately 50 individuals across the following functions
  - Cultivation Operator
  - Extraction Operator
  - Packagers
  - Operations Supervisor
  - Facilities Management/Site Engineer
  - Security
  - Senior Scientist
  - Junior Scientist
  - Lab Operations
  - Admin Staff

■ Detail on Expected Hiring Effort

| Job Roles                                            | Annual           | Year 1     | Year 2    | Year 3     | Year 1             | Year 2             | Year 3             | 3 Year Period       |
|------------------------------------------------------|------------------|------------|-----------|------------|--------------------|--------------------|--------------------|---------------------|
| <b>Lab Operations - (~5k square feet)</b>            | <b>Salary</b>    | <b>Qty</b> |           |            | <b>Salaries</b>    |                    |                    |                     |
| General Manager                                      | \$115,000        | 1          | 1         | 1          | \$115,000          | \$117,300          | \$120,750          | \$353,050           |
| Scientific Director                                  | \$105,000        | 1          | 1         | 1          | \$105,000          | \$107,100          | \$110,250          | \$322,350           |
| Senior Scientist                                     | \$80,000         | 1          | 2         | 2          | \$80,000           | \$163,200          | \$168,000          | \$411,200           |
| Junior Scientist                                     | \$70,000         | 2          | 3         | 4          | \$140,000          | \$214,200          | \$294,000          | \$648,200           |
| Senior Admin Staff                                   | \$60,000         | 1          | 1         | 1          | \$60,000           | \$61,200           | \$63,000           | \$184,200           |
| Admin Staff                                          | \$50,000         | 1          | 2         | 3          | \$50,000           | \$102,000          | \$157,500          | \$309,500           |
| Operator                                             | \$60,000         | 6          | 12        | 16         | \$360,000          | \$734,400          | \$1,008,000        | \$2,102,400         |
| Packaging                                            | \$40,000         | 10         | 12        | 16         | \$400,000          | \$489,600          | \$672,000          | \$1,561,600         |
|                                                      | <b>\$580,000</b> | <b>23</b>  | <b>34</b> | <b>44</b>  | <b>\$1,310,000</b> | <b>\$1,989,000</b> | <b>\$2,593,500</b> | <b>\$5,892,500</b>  |
| <b>Ocean Grown (~20k Square feet)</b>                |                  |            |           |            |                    |                    |                    |                     |
| General Manager                                      | \$115,000        | 1          | 1         | 1          | \$115,000          | \$117,300          | \$120,750          | \$353,050           |
| Head of Operations                                   | \$85,000         | 1          | 1         | 1          | \$85,000           | \$86,700           | \$89,250           | \$260,950           |
| Operations Supervisor                                | \$65,000         | 2          | 3         | 4          | \$130,000          | \$198,900          | \$273,000          | \$601,900           |
| Packaging                                            | \$40,000         | 4          | 6         | 8          | \$160,000          | \$244,800          | \$336,000          | \$740,800           |
| Cultivation Operators (Trimmers/Potters)             | \$35,000         | 10         | 12        | 16         | \$350,000          | \$428,400          | \$588,000          | \$1,366,400         |
| Extraction Operators                                 | \$35,000         | 2          | 4         | 6          | \$70,000           | \$142,800          | \$220,500          | \$433,300           |
| Facilities Manager                                   | \$95,000         | 1          | 1         | 1          | \$95,000           | \$96,900           | \$99,750           | \$291,650           |
| Drivers                                              | \$75,000         | 2          | 3         | 4          | \$150,000          | \$229,500          | \$315,000          | \$694,500           |
| Security Lead                                        | \$75,000         | 1          | 1         | 1          | \$75,000           | \$76,500           | \$78,750           | \$230,250           |
| Janitorial                                           | \$30,000         | 4          | 6         | 8          | \$120,000          | \$183,600          | \$252,000          | \$555,600           |
| Daily Cleaning/Rubbish                               | \$30,000         | 1          | 2         | 2          | \$30,000           | \$61,200           | \$63,000           | \$154,200           |
| Security                                             | \$35,000         | 2          | 3         | 4          | \$70,000           | \$107,100          | \$147,000          | \$324,100           |
| Engineer/Maintenance                                 | \$65,000         | 1          | 2         | 3          | \$65,000           | \$132,600          | \$204,750          | \$402,350           |
|                                                      | <b>\$780,000</b> | <b>32</b>  | <b>45</b> | <b>59</b>  | <b>\$1,515,000</b> | <b>\$2,106,300</b> | <b>\$2,787,750</b> | <b>\$6,409,050</b>  |
| * excludes build-out costs (using local contractors) |                  |            |           |            |                    |                    |                    |                     |
| <b>Total Jobs Required &amp; Related Salaries</b>    |                  | <b>55</b>  | <b>79</b> | <b>103</b> | <b>\$2,825,000</b> | <b>\$4,095,300</b> | <b>\$5,381,250</b> | <b>\$12,301,550</b> |

## VI. Proposed Project Phasing

- Phase I – Initial Build out of Manufacturing Facility
  - ~2,000 square feet for processing and packaging operation
- Phase II – Initial Build out of 37,000 square feet
  - 22,000 cultivation
  - 10,000 cultivation
  - 5,000 – manufacturing and processing
- Phase III – To Be Determined

## VII. Environmental Stewardship

- Water - OGE will consume 25-33% the water of CCC at full occupancy (prison)
  - Claremont Usage from May-August 2010 was 849k gallons (7,075 per day)
  - OGE projects 1,760 gallons per day based on following assumptions
  - 16 lights per room X 44 rooms x 80 plants per room = 3520 plants (22k sq. feet)
  - 3520 plants X 0.5 Gallons/Plant/Day = 1760 Gallons/Day X 50% reclaimed water
  - Assume an equivalent amount for employee water requirements & cleaning
- Electricity - OGE projects usage of 20 kWh less than 1 Megawatt per month
- Solid waste
  - Composting
  - Recycling

### Overall Processing Flow

The facility will convert clients' bulk cannabis plant material into high purity cannabis oil extract and other formulations in exchange for a service fee. The active ingredient will be extracted, activated, purified, refined, and packaged within the facility.

| Function                                    | Description                                                                                                                                                                                                              | Hazardous Materials                                         | Engineering Controls                                                                                                            |
|---------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Intake                                      | Cannabis plant material is unloaded, labeled, inventoried, and entered into tracking database.                                                                                                                           | n/a                                                         | n/a                                                                                                                             |
| Grind                                       | Cannabis plant material is dried, then ground into coarse particles for storage and extraction.                                                                                                                          | n/a                                                         | Particulate filter in room or in exhaust ducting                                                                                |
| Extraction (Hydrocarbon)                    | Ground plant material undergoes the extraction process with liquid n-butane as the solvent. Equipment is run at modest pressure (under 75 psi) and temperature (under 40°C and 98%+ of the charged solvent is recovered. | n-butane (100 lbs)                                          | -Hydrocarbon Sensor wired to sight & sound alarm<br>-High ventilation rate<br>-Fire-rated construction                          |
| Extraction (Supercritical CO <sub>2</sub> ) | Ground plant material extracted with nonflammable high purity CO <sub>2</sub> in its supercritical state. Closed loop extraction recovers majority of charged CO <sub>2</sub> .                                          | Gaseous CO <sub>2</sub> (500 lbs)                           | -CO <sub>2</sub> monitors<br>-Increased ventilation                                                                             |
| Decarboxylation                             | THC-A converted to psychoactive THC by thermal conversion under vacuum. Process releases small amounts of CO <sub>2</sub> as it is released from the THC-A.                                                              | n/a                                                         | Odor control with activated carbon filter in exhaust ducting                                                                    |
| Clarification                               | Lipids removed from crude THC extract by using precipitation from ethanol under cryogenic temperatures. 99.9%+ ethanol used in this process is recovered in a closed-loop recovery.                                      | Ethanol (20 gallons)                                        | n/a                                                                                                                             |
| Refinement                                  | High temperature refinement of THC to its purest form. No solvents are used here.                                                                                                                                        | n/a                                                         | n/a                                                                                                                             |
| Infusion                                    | Terpene infusion blends are comprised of combustible liquids with moderately high flash points. These blends are mixed with the pure THC oil to produce infused blends with beneficial properties and taste.             | Combustible Liquids (500 lbs)<br>Flammable Liquids (80 lbs) | Odor control with activated carbon filter in exhaust ducting.<br>HazMats stored in safety cabinet and dispensed in a fume hood. |
| Packaging                                   | Finished oils are filled into their final containers and packaged for final point of sale.                                                                                                                               | n/a                                                         | n/a                                                                                                                             |

|                       |                                                                                                                                                                                                                                                    |                                                                                                                                                                                              |                                  |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Finished Products     | Storage of finished products after final packaging – awaiting pickup from client.                                                                                                                                                                  | n/a                                                                                                                                                                                          | n/a                              |
| Cleaning              | Glass, stainless steel, and HDPE is cleaned using hot water and sterilization baths. Isopropanol is used on oils throughout the facility.                                                                                                          | Isopropanol throughout the facility                                                                                                                                                          |                                  |
| Analytical Laboratory | Samples are tested for potency, microbiological contamination, and terpenoid profile. Testing instrumentation requires standard laboratory solvents. All dispensing is done in a fume hood and all storage will be in flammables storage cabinets. | Isopropanol (10 gallons)<br>Methanol (5 gallons)<br>Formic Acid (1 gallon)<br>Ethyl Acetate (10 gallons)<br>Acetone (10 gallons)<br>Acetonitrile (1 gallon)<br>Dimethyl Sulfoxide (1 gallon) | Fume hood with hazardous exhaust |



# CITY OF COALINGA

*The Sunny Side of the Valley*

## CITY OF COALINGA

### PUBLIC NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

- PROJECT NAME:** Commercial Marijuana Permanent Ordinance, Juniper Ridge Industrial Park City-Initiated Rezone and General Plan Amendment, and Claremont Property Project
- LEAD AGENCY:** City of Coalinga  
Community Development Department  
155 West Durian Avenue  
Coalinga, CA 93210
- CONTACT PERSON:** Sean Brewer  
Community Development Director  
(559) 935-1533
- PROJECT LOCATION:** The Juniper Ridge Industrial Park is located at the intersection of Jayne Avenue and Enterprise Parkway, in the City of Coalinga. The Commercial Marijuana Permanent Ordinance involves conditionally-approved land uses within areas of the City designated as Manufacturing Business by the City's General Plan and zoned Light Manufacturing/Business by the City's Zoning Code. The Claremont Property Project is located at 185 West Gale Avenue, the former site of the Claremont Custody Center, in the City of Coalinga.
- PROJECT APPLICANT:** City of Coalinga  
155 West Durian Avenue  
Coalinga, CA 93210
- PROJECT DESCRIPTION:** The proposed project consists of the following three components: 1) City of Coalinga-initiated rezone and General Plan Amendment (GPA) of four properties, in the existing Juniper Ridge Industrial Park. The rezone and GPA would amend the Service Commercial (CS) zoning district to Light Manufacturing/Business (MBL) and Commercial Service (CS) land use

designation to Manufacturing/Business (MB) respectively. The rezone and GPA would create consistency between the General Plan Land Use Map, Zoning Map, and the adopted Juniper Ridge Business/Industrial Park Master Area Plan. 2) The Commercial Marijuana Operations (CMO) Permanent Ordinance, which would supersede the current interim CMO Urgency Ordinance providing permanent standards for commercial marijuana facilities and establish consistency with the Medical Marijuana Regulations and Safety Act (MMRSA). 3) Analysis of a rezone and GPA for the former Claremont Custody Center property located at 185 West Gale Avenue, identified as APN 070-041-17ST, and analysis of proposed reuse of the Claremont facility as a CMO. The rezone would amend the existing Public Facilities (PF) zoning district to MBL and Public Facilities (PF) land use designation to MB.

#### **INITIAL STUDY:**

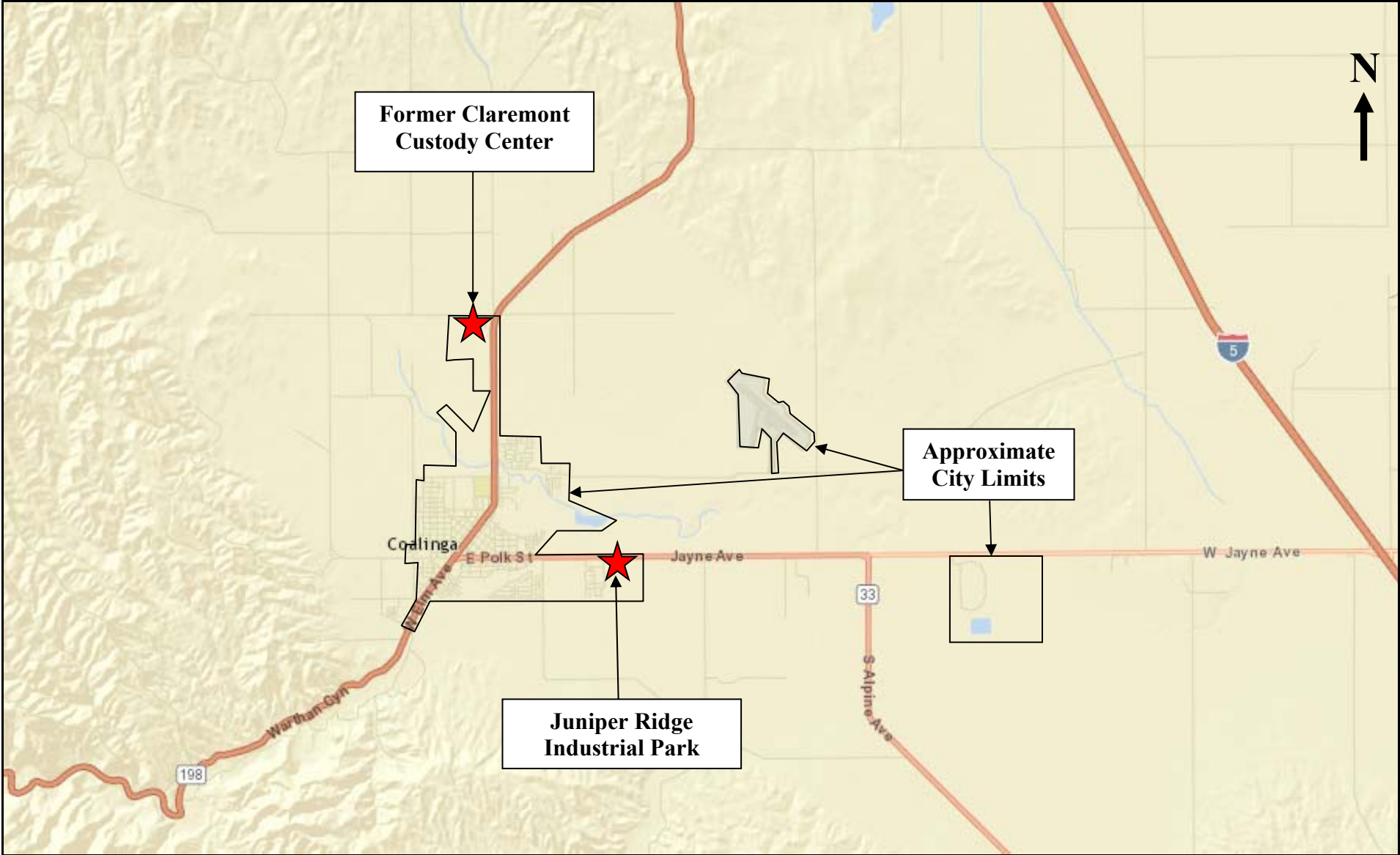
The Initial Study and proposed Mitigated Negative Declaration can be reviewed at the following locations in the City of Coalinga: the City of Coalinga Community Development Department located at 155 West Durian Avenue (open 8:00 AM to 5:00 PM, Monday-Friday); the Coalinga Library located at 305 North 4th Street (open 10:00 AM to 8:00 PM, Monday-Friday and 10:00 AM to 5:00 PM (Saturday); and the Coalinga Chamber of Commerce located at 265 West Elm Avenue (open 10:00 AM to 5:00 PM, Monday-Friday). This environmental review process and Mitigated Negative Declaration filing is pursuant to Title 14, Division 6, Chapter 3, Article 6, sections 15070, 15071, and 15072 of the California Administrative Code.

#### **PUBLIC REVIEW:**

A 30-day public comment period on this Initial Study/Mitigated Negative Declaration begins on **September 2, 2016** and ends on **October 3, 2016**. **Written comments regarding this project, addressing the findings of the proposed Negative Declaration and/or accuracy or completeness of the Initial Study, may be submitted to the City of Coalinga Department of Community Development (at the below address) during this comment period. A public hearing before the City of Coalinga Planning Commission will be held for the proposed project on October 11, 2016. A final public hearing before the City of Coalinga City Council will be scheduled for a later date, to be determined and noticed separately. All hearings and meetings will be located in the City Hall Chambers, 155 West Durian Avenue, Coalinga, California 93210.**

Sean Brewer, Community Development Director  
City of Coalinga Community Development Department  
155 West Durian Avenue, Coalinga, California 93210  
(559) 935-1533  
[sbrewer@coalinga.com](mailto:sbrewer@coalinga.com)

**Regional Project Location**



**ORDINANCE NO. \_\_\_\_**  
**COMMERCIAL MARIJUANA OPERATIONS**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA: (1) AMENDING TITLE 5, CHAPTER 15, PERTAINING TO MEDICAL MARIJUANA TO ADD A NEW SECTION 5.15.07 REMOVING THE CURRENT BAN ON COMMERCIAL MARIJUANA CULTIVATION IN THE CITY; (2) AMENDING THE DEFINITIONS SECTION OF TITLE 9, CHAPTER 1, ARTICLE 2 TO ADDRESS COMMERCIAL MARIJUANA OPERATIONS IN THE CONTEXT OF CROP CULTIVATION AND INDUSTRY, LIMITED; AND (3) AMENDING TITLE 9, CHAPTER 5, ARTICLE 1 OF THE CITY'S DEVELOPMENT CODE TO ADD A NEW SECTION 9-5.128 PERTAINING TO THE STANDARDS FOR COMMERCIAL MARIJUANA OPERATIONS IN THE CITY

THE CITY COUNCIL OF THE CITY OF COALINGA DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

1. State Law Findings.

a. In 1996, with the adoption of Proposition 215, the California voters approved the Compassionate Use Act (Health and Safety Code § 11362.5) to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician, without fear of criminal prosecution under limited, specified circumstances.

b. In 2004, the State Legislature enacted SB 420 to clarify the scope of the Compassionate Use Act and provide additional statutory guidance regarding medical marijuana use. These statutes are codified at Health and Safety Code § 11362.7 et seq. and allow cities and counties to adopt supplemental rules and regulations.

c. On October 9, 2015, almost 20 years after passage of the Compassionate Use Act, the Governor signed the Medical Marijuana Regulation and Safety Act ("Act"), comprised of California legislative bills AB 243, AB 266, and SB 643. The Act creates a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis, all subject to local control. One of the purposes of the Act is to ensure uniformity among jurisdictions that wished to allow commercial marijuana operations.

d. On June 27, 2016, the Governor signed SB 837, effective immediately, changing the terms in the Act from "medical marijuana" or "marijuana" to "medical cannabis" or "cannabis", and making other technical changes to the Act. SB 837 also adopted regulations relating to the use and diversion of water in connection with the cultivation of cannabis.

e. Pending before the voter this November is the Adult Use of Marijuana Act ("AUMA"). The purpose of AUMA is to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing, and sale of

nonmedical marijuana, including marijuana products. Adults, age 21 and older, will be allowed to possess marijuana and grow certain amounts at home for personal use.

2. City of Coalinga Marijuana Regulatory History.

a. In 2010, the City adopted Title 5, Chapter 15, of the Coalinga Municipal Code pertaining to Medical Marijuana (2010 Ordinance). The 2010 ordinance placed a complete ban on commercial marijuana cultivation and dispensaries in the City based in part upon the fact that there were no State regulatory controls. The City was concerned that without adequate uniform State wide regulatory controls in place, commercial marijuana cultivation and dispensaries would become a nuisance.

b. The 2010 Ordinance provided for personal use cultivation under limited circumstances.

c. The City exempted from the dispensary ban State licensed health care clinics and residential care facilities distributing marijuana to their patients, as further described in the 2010 Ordinance.

d. At the time the City adopted the commercial cultivation ban, the issue of other commercial marijuana operations, such as manufacturing, testing and distribution, were not considered an area of concern in need of regulation. Now, with the adoption of MMRSA, these other commercial marijuana operations are imminent. The Council specifically finds that these other commercial marijuana operations fall into the definitions of Crop Cultivation or Industry, Limited, as set forth in the City's Development Code (Title 9) and are allowed in the same zone districts those uses are allowed.

e. The Council specifically finds that commercial cultivation falls into the definition of Crop Cultivation as set forth in the City's Development Code (Title 9) and once this prior allowable use is restored by lifting the ban, commercial cultivation operations will be allowed in the same zone districts that use is allowed.

f. To avoid possible ambiguity created through the development of laws relating to commercial marijuana operations, it is necessary to amend the definitions of Crop Cultivation and Industry, Limited, as set forth in the City's Development Code (Title 9)

g. In removing the commercial cultivation ban for the reasons set forth below, which will restore previously allowed uses, and in light of other commercial marijuana operations being imminent, there is a need to impose regulatory requirements on commercial marijuana operations to protect the public health, safety and welfare.

3. Failure to Have Regulations: Health and Safety Consequences.

a. As noted, on October 9, 2015, the State adopted MMRSA, which took effect January 1, 2016. MMRSA mandated a comprehensive state licensure and regulatory framework for cultivation, manufacturing, distribution, transportation, testing, and dispensing of medical marijuana on a commercial basis, but implementing regulations have yet to be written and state licenses may not be available until as late as 2018.

b. Since the adoption of MMRSA there have been numerous inquiries from individuals and entities, both from within and outside the City of Coalinga, seeking to start a commercial marijuana operation in the City. The qualifications, expertise, and backgrounds of most of these individuals and entities are unknown. In the absence of a formal regulatory framework, there are potential serious

adverse consequences to the community. There are numerous well publicized studies and reports, as well as numerous documented incidents in Fresno County and throughout the State, which show that unregulated marijuana operations have a significant adverse effect on the community.

c. The numerous health, safety, and welfare concerns associated with unregulated marijuana operations include, among others, home drug labs, offensive odors, trespassing, theft, violent encounters between growers and persons attempting to steal plants, fire hazards, problems associated with mold, fungus, and pests, and environmental contamination. These concerns have been exemplified throughout Fresno County and the State as evidenced by numerous area agency police reports and news articles and stories.

d. The City finds that in the absence of a formal regulatory framework the adverse impacts frequently associated with commercial marijuana operations will occur, resulting in an unregulated and potentially significant negative impact upon the environment and upon the public health, safety, and welfare of the community.

#### 4. Inability to Open: Health and Safety Consequences.

a. There is a large black market run by criminal organizations in the Coalinga area, and State wide, where medical marijuana patients have to acquire their marijuana. Every time a patient purchases marijuana from the black market they not only have no idea as to the quality and dosage of the product, they are dealing with dangerous criminals, often hardened gang members. Purchasing on the black market is directly associated with criminal activity and is harmful to the surrounding neighborhoods. There are very limited options in the Coalinga area, and none in Fresno County, where patients can acquire marijuana through a local dispensary. But even those local dispensaries are unregulated as to quality of product and dosage. While it may be safer to purchase from the one known facility in Goshen, or in the Bay Area, the same product can be, and is, purchased more conveniently on the black market locally. Purchasing marijuana in this way is a significant health and safety risk to the patient, and the neighborhood where these transactions take place, that must be must be addressed now that there is a mechanism to address the problem with MMRSA.

b. If AUMA is approved by the voters, this problem will be magnified. AUMA specifically recognizes that currently the adult use of marijuana is only accessed through an illegal and unregulated market. In order for law enforcement to crackdown on the underground black market that currently benefits drug cartels and gangs, it will be necessary to have a facility processing a safe product. If safe facilities are not in place after AUMA passes, users will continue to use the dangerous black market.

#### SECTION 2. ADOPTION OF SECTION 5-15.07.

Section 5-15.07, of Chapter 15, of Title 5, of the Coalinga Municipal Code is hereby adopted to read as follows:

##### **Sec. 5-15.07 - Commercial Operations.**

Notwithstanding anything to the contrary in this chapter, Commercial Marijuana Operations may occur as allowed by the applicable zoning and pursuant to Title 9, Chapter 5, Article 1, Standards for Specific Uses and Activities, Section 9-5.128 Marijuana Cultivation, Manufacturing, Testing, Transportation and Distribution.

#### SECTION 3. AMENDMENT OF DEFINITIONS SECTION OF TITLE 9.

The Definitions of Crop Cultivation and Industry, Limited in Article 2, of Chapter 1, of Title 9, of the Coalinga Municipal Code are hereby amended to read as follows:

**Article 2. - Definitions.**

*Crop cultivation.* The cultivation of tree, vine, field, forage, and other plant crops intended to provide food or fibers. The classification excludes wholesale or retail nurseries, vineyards and ancillary wineries and distilleries. This classification includes the indoor cultivation of cannabis.

*Industry, limited.* Establishments engaged in light industrial activities taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. This classification includes operations such as manufacturing finished parts or products primarily from previously prepared materials; commercial laundries and dry cleaning plants; mobile home manufacturing; monument works; printing, engraving and publishing; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services. This classification includes the cultivation, processing, extraction, manufacturing, testing, distribution, and transportation of cannabis and cannabis products.

**SECTION 4. ADOPTION OF SECTION 9-5.128.**

Section 9-5.128, of Article 1, of Chapter 5, of Title 9, of the Coalinga Municipal Code is hereby adopted to read as follows:

**Section 9-5.128. - Marijuana Cultivation, Manufacturing, Testing, Transportation and Distribution.**

(a) *Purpose.* The purpose of this section is to adopt local regulations applicable to commercial marijuana operations as may be permitted under the California Medical Marijuana Regulation and Safety Act, adopted on October 9, 2015, with legislative bills AB 243, AB 266, and SB 643, or subsequently enacted State law pertaining to the same or similar uses for recreational cannabis. The Medical Marijuana Regulation and Safety Act has been retitled as the Medical Cannabis Regulation and Safety Act, and is hereinafter referred to as the "Act".

(b) *Definitions.* Except as set forth herein, or where a different meaning is clearly intended by the language, the definitions set forth in the Act shall apply to interpretations under this section.

“*Act*” means the Medical Marijuana Regulation and Safety Act, now called the Medical Cannabis Regulation and Safety Act. Both names may be used interchangeably, but shall have the same meaning.

“*Applicant*” means a person who is required to file an application for a permit under this section.

“*Business Owner*” means the owner(s) of the Marijuana Operations. For corporations and limited liability companies, Business Owner means the President, Vice President, and any shareholder

owning a 10% or greater share of the corporation or company. For partnerships, Business Owner means all general partners and managing partners.

*“Cannabis”* or *“marijuana”* shall have the meaning set forth in California Business and Professions Code section 19300.5(f). Cannabis and marijuana may be used interchangeably, but shall have the same meaning.

*“City”* means the City of Coalinga.

*“Commercial Marijuana Operation”* or *“Marijuana Operation”* means any commercial marijuana activity allowed under the Act and the implementing regulations, as the Act and the implementing regulations may be amended from time to time, and all uses permitted under any subsequently enacted State law pertaining to the same or similar uses for recreational cannabis.

*“Commercial Marijuana Regulatory Permit”* or *“Regulatory Permit”* means the permit required under this section to have a Commercial Marijuana Operation, and any prior permit granted by the City under Urgency Ordinance No. 791 pursuant to the Registration process.

*“Employee Permit”* means the permit required under this section for every employee or independent contractor working at a Commercial Marijuana Operation or involved in transportation/delivery related services for a Commercial Marijuana Operation.

*“Non-Commercial and Recreational Marijuana Activity”* means all uses not included within the definition of Commercial Marijuana Operation, including the personal use, cultivation, or consumption of marijuana, whether medical or recreational.

*“Operator”* means the Business Owner and any other person designated by the Business Owner as responsible for the day to day Marijuana Operations.

*“Ordinance”* means the ordinance adopting this section, and including the terms of this section, which may be commonly referred to as the City’s *“Commercial Marijuana Ordinance”*.

*“Police Chief”* means the Police Chief of the City of Coalinga or his or her designee.

*“Premises”* or *“Site”* means the actual building(s), and/or designated units/suites, as well as any accessory structures, parking areas, or other immediate surroundings, and includes the entire parcel of property used by the Business Owner in connection with the Marijuana Operations.

*“Premises Owner”* means the fee owner(s) of the Premises where Marijuana Operations are occurring.

*“Responsible Party”* shall mean the Business Owner, Operator, manager(s), and any employee having significant control over the Marijuana Operations.

(c) *Permitted Uses and Zoning.* Business Owners meeting the requirements of this section shall be allowed to conduct the following Commercial Marijuana Operations in the MBL - Light Manufacturing/Business zone district of the City:

- Cultivation.
- Processing.
- Extraction.
- Manufacturing.
- Testing.
- Distribution.
- Transportation.

The Commercial Marijuana Operation shall at all times be in compliance with this section as it may be amended from time to time or repealed and replaced by another section governing the Commercial Marijuana Operation.

Dispensaries are expressly prohibited unless approved by the voters of the City of Coalinga.

(d) *Minimum Operational Requirements and Restrictions.* The following operational requirements and restrictions shall apply to all Commercial Marijuana Operations:

(1) *The Act and Other State Laws.* The Marijuana Operations shall at all times be in compliance with the Act and the implementing regulations, as they may be amended from time to time, as well as all required State license(s) under the Act, and any other applicable State law. The Operator shall obtain required licenses under the Act prior to opening for business, or if the State is not ready to issue licenses under the Act prior to the time of opening, within twelve (12) months of the State being ready to issue the required license(s). Provided, however, that the Operator shall at all times be in compliance with all other requirements of the Act and implementing regulations, and any other applicable State law, regardless of the timing of the issuance of a license under the Act.

If recreational cannabis becomes lawful in California, and the Operator uses the approved Marijuana Operations for commercial recreational cannabis, the Operator shall meet or exceed the health and safety requirements of the Act in any operations relating to recreational marijuana.

(2) *Register of Employees.* The Operator shall maintain a current register of the names of persons required to have Employee Permits. The register shall be available to the Police Chief at all times immediately upon request.

(3) *Signage.* There shall be no signage or markings on the Premises, or off-site, which in any way evidences that Marijuana Operations are occurring on the property. Interior building signage is permissible provided the signage is not visible outside of the building.

(4) *Marijuana Consumption.* No marijuana shall be smoked, ingested or otherwise consumed on the Premises. Adequate signage of this prohibition shall be displayed throughout the facility.

(5) *Alcoholic Beverages.* No Marijuana Operation shall hold or maintain a retail license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol for personal consumption shall not be provided, stored, kept, located, sold, dispensed, or used on the Premises.

(6) *Transportation.* Transportation shall only be conducted according to activity permitted by State law.

(7) *Deliveries.* There shall be no deliveries from the Premises of cannabis or cannabis containing products except to another State or local licensed or permitted cannabis business.

(8) *Non-Commercial Marijuana Activity.* No Non-Commercial or Recreational Marijuana Activity shall occur on the Premises.

(9) *Retail Sales.* The retail sale of marijuana is expressly prohibited.

(10) *Public Access.* There shall be no public access to the Premises.

(11) *Minors.* It shall be unlawful for any Operator to employ any person who is not at least eighteen (18) years of age, or any older age if set by the State.

(12) *Distance separation from schools.* Marijuana Operations shall comply with the distance separation requirements from schools as required by State law. In addition, a Commercial Marijuana Operation shall not be located within 1800 feet from any existing school or proposed school site as identified in the General Plan. Measurements shall be from property boundary to property boundary. For purposes of this section, school means any public or private school providing instruction in kindergarten or grades 1-12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

(13) *Hours of Operation.* Commercial Marijuana Operations shall be allowed to operate per the requirements of the underlying zone district and subject to the City's noise and nuisance ordinances.

(14) *Building and Related Codes.* The Marijuana Operation shall be subject to the following requirements:

a. The Premises in which the Marijuana Operations occur shall comply with all applicable local, state and federal laws, rules, and regulations including, but not limited to, building codes and the Americans with Disabilities Act, as certified by the Building Official of the City. The Operator shall obtain all required building permits and comply with all applicable City standards.

b. The Responsible Party shall ensure that the Premises has sufficient electrical load for the Marijuana Operations.

c. Butane and other flammable materials are permitted to be used for extraction and processing provided the Operator complies with all applicable fire and building codes, and any other laws and regulations relating to the use of those products, to ensure the safety of that operation. The Coalinga Fire Department shall inspect and approve the Premises for use of the products prior to City's issuance of a certificate of occupancy, or otherwise prior to opening for business, to ensure compliance with this requirement.

e. The Operator shall comply with all laws and regulations pertaining to use of commercial kitchen facilities for the Marijuana Operations.

f. The Operator shall comply with all environmental laws and regulations pertaining to the Marijuana Operations, including the use and disposal of water and pesticides, and shall otherwise use best practices to avoid environmental harm.

(15) *Odor control.* Marijuana Operations shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the facility that is distinctive to its operation is not detected outside the outside the Premises, outside the building housing the Marijuana Operations, or anywhere on adjacent property or public rights-of-way. As such, Marijuana Operations must install and maintain the following equipment or any other equipment which the City's Building Official determines has the same or better effectiveness:

- a. An exhaust air filtration system with odor control that prevents internal odors and pollen from being emitted externally; or
- b. An air system that creates negative air pressure between the cannabis facility's interior and exterior so that the odors generated inside the cannabis facility are not detectable outside the cannabis facility.

(16) *Consumable Products.* Marijuana Operations that manufacture products in the form of food or other comestibles shall obtain and maintain the appropriate approvals from the State Department of Public Health for the provision of food or other comestibles, unless otherwise governed by the Act and licensed by the State.

(17) *Secure Building.* All Marijuana Operations shall occur entirely inside of a building that shall be secure, locked, and fully enclosed, with a ceiling, roof or top, and entirely opaque. The building shall include a burglar alarm monitored by an alarm company or private security company. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for industrial structures (including, without limitation, commercial greenhouse structures), and include material strong enough to prevent entry except through an open door. Notwithstanding the foregoing, the roof may be of solid non-opaque material provided other security measures exist to ensure that the Marijuana Operation cannot be seen, heard or smelled beyond the property line. The precise building construction and material to be used shall be identified and provided to the City prior to construction and provided with the application.

- (18) *Premises Security*. The following security conditions shall apply:
- a. Alarm System (both perimeter, fire and panic).
  - b. Remote monitoring of alarm systems.
  - c. Perimeter lighting systems (motion sensor) for after-hours security.
  - d. Perimeter security and lighting as approved by the Police Chief and Community Development Director.
  - e. Use of drive gates with card key access or similar to access the facility.
  - f. Entrance areas to be locked at all times areas, and under the control of a designated Responsible Party.
  - g. Use of access control systems to limit access to grow and processing areas.
  - h. Exterior and interior camera systems approved by the Police Chief. The camera systems shall meet the minimum requirements of the Act, include interior monitoring of all access points of the site from the interior, and be of a minimum 5 mega pixel in resolution.
  - i. All security systems at the site are attached to an uninterruptable power supply that provide 24 hour of power.
  - j. 24 hour security patrols by a recognized security company licensed by the California Department of Consumer Affairs or otherwise acceptable to the Police Chief.
  - k. All current contact information regarding the security company shall be provided to the Police Chief.
  - l. Coalinga Police Department or Department designee shall have access to all security systems.
  - m. Subject to the provisions below regarding the use and handling of Confidential Information, IP access for remote monitoring of security cameras by the Coalinga Police Department or Department designee.
  - n. Subject to the provisions below regarding the use and handling of Confidential Information, any and all video or audio tape recordings made for security or other purposes shall be marked with the date and time made and shall be kept, in an unaltered state, for a period of thirty (30) days and must be made available to the Coalinga Police Department or Department designee for duplication upon demand. In addition, upon request by the Coalinga Police Department the Responsible Party shall duplicate the records for the Coalinga Police Department or Department designee.

- o. Hardened bullet resistant windows for exterior windows as part of any new or existing construction.
- p. Accounting software systems need to be in place to provide audit trails of both product and cash, where applicable.
- q. Electronic track and trace systems for cannabis products as approved by the Police Chief.
- r. Premises may be inspected and records of the Business Owner audited by the City for compliance on a quarterly basis.
- s. State of the art network security protocols and equipment need to be in place to protect computer information.
- t. The foregoing requirements shall be approved by the Police Chief prior to commencing operations. The Police Chief may supplement these security requirements once operations begin, subject to review by the City Council if requested by the Business Owner.

#### *Confidentiality Statement*

The City, Police Chief, Police Department employees, and any other law enforcement official acting under the direction of the Police Chief who access the Premises and video and/or audio feeds or recordings of the Premises ("Recipients") may receive or be provided with confidential information relating to the Marijuana Operations, which may include the following: data, records, plans, and matters relating to customers, vendors, tenants, agreements, and business records (collectively "Confidential Information").

To the extent Confidential Information is acquired without a warrant from access to the Premises and video and/or audio feeds or recordings as authorized under this section, the Recipients shall, to the maximum extent possible, keep such Confidential Information confidential and not disclose the Confidential Information to any third parties. Provided, however, that the Recipients may disclose Confidential Information to the State or Federal courts in California in connection with any criminal law enforcement action against the Business Owner or Operator, (including its employees, contractors and agents conducting business within the Premises) arising from or related to the Marijuana Operations, but only to the extent it is necessary and relevant to such criminal prosecution, and the Recipients shall file any such documents under seal to the extent they contain any Confidential Information.

Notwithstanding the foregoing, City may disclose Confidential Information:

1. As may be required by the California Public Records Act or pursuant to a civil subpoena, provided however, the City shall notify the Operator and provide the Operator with a reasonable opportunity to obtain a protective order before disclosing the Confidential Information.

2. In connection with any City enforcement proceeding relating to compliance with City's Municipal Code and this section, but only to the extent the Confidential Information is relevant to the proceeding.

(19) *Deliveries of Supplies and Transportation of Product.* The following rules apply to the deliveries and transportation:

- a. Deliveries to the Premises of supplies shall only occur as provided for in diagram and floor plan on file with the City as part of the application process. Delivery vehicles shall not have any markings indicating that deliveries are being made to a Marijuana Operation.

- b. The transportation of marijuana samples and product to and from the Premises shall be in unmarked vehicles with no indication that the vehicles are transporting marijuana samples and products. The Responsible Party shall stagger transportation times, vary routes from the facility, and take other security measures as requested by the Police Chief.

(20) *Premises Maintenance.* The Business Owner, Operator, and all Responsible Parties shall continually maintain the Premises and its infrastructure so that it is visually attractive and not dangerous to the health, safety and general welfare of employees, patrons, surrounding properties, and the general public. The Premises or Commercial Marijuana Operation shall not be maintained in a manner that causes a public or private nuisance.

(21) *Location of Uses.* The Commercial Marijuana Operation permitted by this section shall only be allowed in the locations designated on the diagram and floor plan of the Premises submitted with the application for a Regulatory Permit. The Commercial Marijuana Operation shall not operate at any place other than the address of the Marijuana Operation stated in the Regulatory Permit.

- (e) *Commercial Marijuana Regulatory Permit.* No person or entity shall operate a Commercial Marijuana Operation within the City of Coalinga without first obtaining a Commercial Marijuana Regulatory Permit from the City. The Regulatory Permit shall be site specific and shall specifically identify the commercial marijuana activity that will be allowed at that site. No commercial marijuana activity will be allowed unless specifically identified in the Regulatory Permit.

- (f) *Conditional Use Permit.* Prior to, or concurrently with, applying for a Regulatory Permit, the Applicant shall process a Conditional Use Permit as required by the City's Land Use Regulations. Information that may be duplicative in the two applications can be incorporated by reference. The Conditional Use Permit shall run with the Regulatory Permit and not the land.

- (g) *Applications for Regulatory Permits and Responsible Party Designation.*

- (1) *Application.* Applications for Regulatory Permits shall be filed by the proposed Business Owner(s) with the Police Chief and include the information set forth herein. The Police Chief may request such information he or she deems necessary to determine who the applicant is. The applicant shall certify under penalty of perjury that all of the information contained in the

application is true and correct. The application shall contain the following items for the Business Owner, Operator and all Responsible Parties known at the time (if different than the Business Owner), and any other party designated below, to the extent the same shall apply:

- a. The full name, present address, and telephone number, including such information to the Premises Owner.
- b. Date of birth.
- c. Tax identification number.
- d. The address to which notices relating to the application is to be mailed.
- e. Previous addresses for the five (5) years immediately preceding the present.
- f. The height, weight, color of eyes and hair.
- g. Photographs for identification purposes (photographs shall be taken by the Police Department).
- h. All business, occupation, or employment for the five (5) years immediately preceding the date of submittal of the application form.
- i. The Marijuana Operation business history, including whether the Business Owner and Responsible Parties while previously operating in this or another city, county or state has had a marijuana related license revoked or suspended, the reason therefore, and the business or activity or occupation subsequent to such action of suspension or revocation.
- j. Complete property ownership and lease details, where applicable. If the Business Owner is not the Premises Owner, the application form must be accompanied with a notarized acknowledgment from the Premises Owner that Marijuana Operations will occur on its property.
- k. A descriptive business plan for the Marijuana Operation, including a detailed list of all Marijuana Operations proposed to occur on the Premises.
- l. A diagram and floor plan of the entire Premises, denoting all the use of areas proposed for Marijuana Operations, including, but not necessarily limited to, cultivation, processing, manufacturing, testing, transportation, deliveries, and storage. The diagram and floor plan need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the Premises to an accuracy of plus or minus six (6) inches.
- m. The name or names of the Operator. The Operator shall designate one or more Responsible Parties, one of which shall at all times be available as a point of contact for the City, 24 hours per day. The contact information and schedule of the Operator and Responsible Parties shall be provided to the Police Chief and updated within twenty-four (24) hours of any changes.

n. The proposed security arrangements for insuring the safety of persons and to protect the Premises from theft.

o. An accurate straight-line drawing prepared within thirty (30) days prior to the application depicting the building and the portion thereof to be occupied by the Marijuana Operation and the property line of any school as set forth in the Operational Requirements.

p. Authorization for the City, its agents and employees to seek verification of the information submitted.

(2) *Improper or Incomplete Application.* If the applicant has completed the application improperly, or if the application is incomplete, the Police Chief shall, within thirty (30) days of receipt of the original application, notify the applicant of such fact.

(3) *Changes in Information.* Except as may otherwise be provided, the information provided in this subsection shall be updated to the Police Chief upon any change within ten (10) days.

(4) *Other Permits or Licenses.* The fact that an applicant possesses other types of State or City permits or licenses does not exempt the applicant from the requirement of obtaining a Regulatory Permit.

(h) *Employee Permits.*

(1) *Permit Required.* Every employee or independent contractor working at a Commercial Marijuana Operation or involved in transportation/delivery related services for a Marijuana Operation shall obtain an Employee Permit. It shall be the duty of the Operator to ensure that Employee Permits are obtained from the Police Department prior to the employee or independent contractor commencing work. Persons who are listed as a Business Owner on a Regulatory Permit shall not be required to obtain an Employee Permit if such person also serves as an employee or contractor. All Responsible Parties, except the Business Owner, shall be required to obtain an Employee Permit.

(2) *Application.* Each employee and independent contractor shall be required to provide the following information under penalty of perjury, so that the Police Department can perform a background check:

- a. Name, current resident address, and telephone number.
- b. Date of birth.
- c. Tax identification number.
- d. Height, weight, color of eyes, and hair.

- e. Photographs for identification purposes (photographs shall be taken by the Police Department).
- f. Be fingerprinted by the Police Department.
- g. Such other identification and information as deemed necessary by the Police Chief and pertinent to the Employee Permit.
- h. Authorization for the City, its agents and employees to seek verification of the information contained within the application.
- i. The name of the Business Owner holding the Regulatory Permit and the Operator for which such person is proposed to work.

(i) *Application Fees.*

Every application for a Regulatory Permit, Employee Permit, or renewal shall be accompanied by a nonrefundable fee, as established by resolution of City Council. This fee shall be in addition to any other business license fee or permit fee imposed by this Code or other governmental agencies. The fee shall include an amount to cover the costs of fingerprinting, photographing, background checks as well as general review and processing of the application.

(j) *Investigation and Action on Application.*

(1) Upon the filing of a properly completed application and the payment of the fee, the Police Chief shall conduct an investigation of the application, including a background check of the applicant and all employees and independent contractors. All applicants for a Regulatory Permit and Employee Permit shall be required to submit to a fingerprint-based criminal history records check conducted by the Coalinga Police Department.

(2) For Regulatory Permits, after the background checks and investigation are complete, and in no case later than ninety (90) days after receipt of a properly completed application, the Police Chief shall issue a recommendation that the City Council approve or deny a Regulatory Permit in accordance with the provisions of this section. The recommendation for approval shall include conditions the Police Chief deems reasonable under the circumstances to protect the public health, safety, and welfare of the community. The recommendation shall be forwarded to the City Council for action following any required noticing and public hearings, and may be processed concurrently with any other entitlements necessary for the Marijuana Operation.

(3) For Employee Permits, after the background checks and investigation are complete, and in no case later than thirty (30) days after receipt of a properly completed application, the Police Chief shall either approve or deny an Employee Permit. At the discretion of the Police Chief, Employee Permits may be conditionally approved pending the background investigation.

(k) *Term of Permits and Renewals.*

Regulatory Permits issued under this Chapter shall expire one (1) year following the date of issuance. Applications for renewal shall be made at least forty-five (45) days prior to the expiration date of the permit and shall be accompanied by the nonrefundable fee referenced in this section. When made less than forty-five (45) days before the expiration date, the expiration of the permit will not be stayed. Applications for renewal shall be acted on similar to applications for permits except that the Police Chief shall renew annual permits for additional one year periods if the circumstances and information provided with the initial application have not materially changed.

(l) *Grounds for Denial of Regulatory Permit.*

The grounds for denial of a Regulatory Permit shall be one or more of the following:

(1) The business or conduct of the business at a particular location is prohibited by any local or State law, statute, rule or regulation.

(2) The Business Owner or Operator has been issued a local or state permit related to Marijuana Operations at any other location in California, or another state, and that permit was suspended or revoked, or the Business Owner or Operator has had disciplinary action relating to the permit.

(3) The Business Owner or Operator has knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application.

(4) Consistent with the Act or other applicable State law, the Business Owner or Operator, or any Responsible Person, has been:

- a. Convicted of a serious or violent offense as listed under California Penal Code sections 667.5 and 1192.7(c); or
- b. Convicted of any of the offenses listed in Business and Professions Code section 19323; or.
- c. Convicted of a misdemeanor involving moral turpitude as defined under State law (generally crimes relating to theft and dishonesty) within the five (5) years preceding the date of the application; or
- d. Convicted of a crime involving the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act; or
- e. Has engaged in misconduct related to the qualifications, functions or duties of a permittee, such as lying on an application, falsifying legal documents, or anything

that would otherwise ban the permittee from obtaining a State license under the Act.

A conviction within the meaning of this subsection means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

(5) Consistent with the Act or other applicable State law, the Business Owner or Operator has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

(6) The Business Owner or Operator is under eighteen (18) years of age, or any older other age set by the State.

(7) The Marijuana Operation does not comply with the zoning ordinance standards of the City of Coalinga or the development standards set forth in this Title.

(8) The required annual business license fee, annual regulatory fee or revenue raising fee has not been paid.

(m) *Grounds for Denial of Employee Permit.* The grounds for denial of an Employee Permit shall be one or more of the following:

(1) The applicant has been issued a local or state permit related to Marijuana Operations at any other location in California, or another state, and that permit was suspended or revoked, or the applicant has had disciplinary action relating to the permit.

(2) Consistent with the Act or other applicable State law, the applicant has been:

- a. Convicted of a serious or violent offense as listed under California Penal Code sections 667.5 and 1192.7(c); or
- b. Convicted of any of the offenses listed in Business and Professions Code section 19323; or.
- c. Convicted of a misdemeanor involving moral turpitude as defined under State law (generally crimes relating to theft and dishonesty) within the five (5) years preceding the date of the application; or
- d. Convicted of a crime involving the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act; or
- e. Has engaged in misconduct related to the qualifications, functions or duties of a permittee.

(3) Consistent with the Act or other applicable State law, the applicant has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

(4) The applicant has committed any act, which, if done by a permittee, would be grounds for suspension or revocation of a permit.

(5) An applicant is under eighteen (18) years of age, or any older age set by the State.

(n) *Notice of Decision and Final Action.*

(1) *Regulatory Permit.* Action on the Regulatory Permit shall be as follows:

- a. The Police Chief shall cause a written notice of his or her recommendation on the issuance or denial of a Regulatory Permit, and the date and time when the City Council will consider action on the Regulatory Permit, to be personally delivered or mailed to the applicant by certified U.S. mail, postage prepaid.
- b. Following a public hearing before the City Council, the Council may grant the Regulatory Permit subject to such conditions as it deems reasonable under the circumstances to protect the public health, safety, and welfare of the community, or it may deny the issuance of the Regulatory Permit for any of the grounds specified in this section. The decision of the Council shall be final, subject to judicial review below.

(2) *Employee Permit.* Action on the Employee Permit shall be as follows:

- a. The Police Chief shall cause a written notice of his or her determination on the issuance or denial of an Employee Permit to be personally delivered or mailed to the applicant by certified U.S. mail, postage prepaid. The Police Chief's decision on an Employee permit shall be final.

(o) *Suspension and Revocation of Regulatory Permit or Employee Permit.*

(1) *Regulatory Permit.* The City Council may suspend or revoke the Regulatory Permit of a Commercial Marijuana Operation when any of the following occur:

- a. The Marijuana Operation is conducted in violation of any provision of this section, the Act, or any other applicable law.
- b. The Marijuana Operation is conducted in such a manner as to create a public or private nuisance.
- c. A failure to pay the Regulatory Fee or Revenue Raising Fee required by this section.
- d. A failure to take reasonable measures to control patron conduct, where applicable, resulting in disturbances, vandalism, or crowd control problems occurring inside of or outside the Premises, traffic control problems, or obstruction of the operation of another business.

- e. A failure to comply with the terms and conditions of the Regulatory Permit or any conditional use permit issued in connection therewith.
- f. Any act which would be considered grounds for denial of the Regulatory Permit in the first instance.

(2) *Employee Permit.* The Police Chief may suspend or revoke an Employee Permit when the permittee or the employee has committed any one or more of the following acts:

- a. Any act which would be considered a ground for denial of the permit in the first instance.
- b. Violates any provision of this section, the Act, or any other applicable law relating to the Marijuana Operation.
- c. Violates or fails to comply with the terms and conditions of the Employee Permit.

(3) *Procedures for Revoking Regulatory Permits.* For Regulatory Permits, the procedures for revoking conditional use permits shall be utilized except that the matter shall be heard by the City Council in the first instance.

(4) *Procedures for Revoking Employee Permits.* Prior to suspension or revocation of an Employee Permit, the Police Chief shall conduct a hearing. Written notice of the time and place of such hearing shall be served upon the permittee at least five (5) calendar days prior to the date set for such hearing. The notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending the permit. Notice may be given either by personal delivery or by certified U.S. mail, postage prepaid. Any permittee aggrieved by the decision of the Police Chief in suspending or revoking an Employee Permit shall have no appeal rights and the Police Chief's decision shall be final, subject to judicial review as set forth in this section.

(5) *Immediate Suspension.* The Police Chief may immediately suspend or revoke a Regulatory Permit and an Employee Permit without notice or a hearing, subject to the appeal rights set forth herein, under the following circumstances:

- a. The Business Owner or Operator is convicted of a public offense in any court for the violation of any law which relates to the Marijuana Operation, or in the case of an Employee Permit, the employee is convicted of a public offense in any court for the violation of any law which relates to the permit.
- b. The Police Chief determines that immediate suspension is necessary to protect the public health, safety, and welfare of the community. The Police Chief shall articulate the grounds for the immediate suspension in writing and the suspension shall only be for as long as necessary to address the circumstances which led to the immediate suspension.

(p) *Effect of Denial or Revocation.* When the City Council shall have denied a Regulatory Permit or revoked a Regulatory Permit, or the Police Chief shall have denied or revoked an Employee Permit, no new application for a Regulatory Permit and no new application for an Employee Permit shall be accepted and no Regulatory Permit or Employee Permit shall be issued to such person or to any corporation in which he or she shall have any beneficial interest for a period of one (1) year after the action denying or revoking the Regulatory Permit or Employee Permit.

(q) *Abandonment.* In addition to the suspension or revocation of a Regulatory Permit, a Regulatory Permit shall be deemed abandoned if Marijuana Operations cease for a period of more than ninety (90) consecutive days. Before restarting operations, a new Regulatory Permit shall be secured. The 90 day period shall be tolled during periods of force majeure, which shall be defined as follows: war; insurrection; strikes; lock-outs; riots; floods; earthquakes; fires; casualties; supernatural causes; acts of the “public enemy”; epidemics; quarantine restrictions; freight embargoes; lack of transportation; unusually severe weather; inability to secure necessary labor, materials or tools; delays of any contractor, subcontractor or supplier; or any other causes beyond the reasonable control of the permittee.

(r) *Water Availability.* As a condition of opening for business, the Premises Owner, Business Owner, Operator, and all Responsible Parties shall be deemed to have acknowledged and agreed to the following if the Marijuana Operation is connected to the City’s water system.

The City's source of water comes through a contract with the Bureau of Reclamation ("Bureau"). The Bureau has indicated that it will report the use of City water for Marijuana Operations to the Department of Justice. While the City believes that supplying water to the site does not impair the Bureau contract, should the Bureau, Department of Justice, or other governing agency take actions affecting the City's Bureau contract because of the Marijuana Operation, the City may be forced to curtail or commingle water supply to the Site. Under those circumstances, the Marijuana Operation may be required to find alternative sources of water supply. If that happens, the City agrees to work with the Premises Owner, Business Owner, and Operator to find an alternative water source, which may include the commingling of water, accessing a well, or having water delivered to the Site by separate contract, but the City cannot provide any guarantees. The Premises Owner, Business Owner, and Operator assume all risk associated with water supply to the Site, including all costs associated therewith. The Premises Owner, Business Owner, Operator, and all Responsible Parties shall hold harmless, release, indemnify, and defend the City, its officers, employees, and agents, from any liability associated with the curtailment of water because of the foregoing. This release includes any damages to the Premises Owner, Business Owner, Operator, and all Responsible Parties, its employees and contractors, and third parties, and includes the risk of lost revenue, profits and consequential damages.

(s) *Fees and taxes.* All Marijuana Operations shall pay applicable fees and taxes, which may include one or more of the following.

(1) *Business License Fee.* The Business Owner shall at all times maintain a current and valid business certificate and pay all business taxes required by Title 3, Chapter 1, of the Coalinga Municipal Code pertaining to Business Licensing.

(2) *Regulatory License Fee.* The Business Owner shall pay an annual regulatory license fee (“Regulatory Fee”) to cover the costs of anticipated enforcement relating to the Marijuana Operation. The amount of the fee shall be set by Resolution of the City Council and be supported by the estimated additional costs of enforcement and monitoring associated with the Marijuana Operation. The Regulatory Fee shall be due and payable prior to opening for business and thereafter on or before the anniversary date. The Regulatory Fee may be amended from time to time based upon actual costs.

(3) *Revenue Raising Fee.* An annual revenue raising fee (“Revenue Fee”) for the privilege of having the right to operate in the City.

#### Revenue Fee Finding

The City Council specifically finds that it is approving this Ordinance allowing Commercial Marijuana Operations to open in the City on the express understanding that the business will pay the Revenue Fee to the City as set forth herein, and that without the Revenue Fee, the City Council would not have adopted this Ordinance allowing Commercial Marijuana Operations to open in the City. By opening a Commercial Marijuana Operation in the City, the Premise Owner, Business Owner, Operator, and all Responsible Parties agree that if the Revenue Fee is challenged by any one of them or a third party and set aside, the business must cease operations.

a. *Amount of Fee and Terms of Payment.* The Revenue Fee shall be an annual fee of twenty-five (\$25.00) per square foot for the first 3,000 square feet and ten dollars (\$10.00) per square foot for the remaining space utilized in connection with each Commercial Marijuana Operation. The square footage calculation shall be determined by including all portions of the Premises under the control of the Business Owner and deducting therefrom driveways, sidewalks, landscaping, vacant unused space, areas used exclusively for office space, employee break rooms, restrooms, and storage space unrelated to the Commercial Marijuana Operation (such as a janitorial closet).

In addition to the foregoing, for cultivation operations the total under canopy square footage shall be included in the square footage calculation.

If more than one Commercial Marijuana Operation operates on the Premises, whether within a single building or multiple buildings, each Regulatory Permit holder shall be responsible for paying the Fee. The Fee shall be payable in advance, in not less than quarterly installments, with the first quarterly payment due prior to issuance of a certificate of occupancy. The first payment shall be prorated so that future payments coincide with calendar year quarters, but in no event shall the first payment be less than the equivalent of one full quarterly payment. Except for the first quarterly payment, all quarterly payments shall be received by the City before the end of the quarter.

b. *Alternative Voter Approved Tax.* If the voters of the City approve a tax rate which is equivalent to the Revenue Fee, the Business Owner shall pay the tax in lieu of the Revenue Fee, or portion thereof, once the City begins to collect the tax revenue. In no event shall the Business Owner be required to pay more than the Revenue Fee.

(t) *Record Keeping.* The Responsible Party shall make and maintain complete, accurate and legible records of the permitted Marijuana Operations evidencing compliance with the requirements of this section. Those records shall be maintained for a minimum of five (5) years.

(u) *Inspection.* Marijuana Operations shall be open for inspection by any City law enforcement officer or City code enforcement officer at any time the Marijuana Operation is operating, at any other time upon responding to a call for service related to the property where the Marijuana Operations is occurring, or otherwise upon reasonable notice. Recordings made by security cameras at any Marijuana Operation shall be made immediately available to the Police Chief upon verbal request. No search warrant or subpoena shall be needed to view the recorded materials.

(v) *Indemnification.* In authorizing Commercial Marijuana Operations under this section, the City makes no guarantees or promises as to the lawfulness of the approved activity under State or Federal law, and the Business Owner, Operator and all Responsible Parties are obligated to comply with all applicable laws. To the fullest extent permitted by law, the City shall not assume any liability whatsoever with respect to the adoption of this Ordinance or the operation of any Commercial Marijuana Operation approved pursuant to this Ordinance or under State or federal law. The Business Owner, Operator and all Responsible Parties shall defend, hold harmless, release, and indemnify the City, its agents, officers, and employees, from any liability associated with the approved use or adverse determinations made by the State or Federal government. An adverse determination could include cessation of operations.

The Business Owner agrees to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge related to Commercial Marijuana Operations operating under the authority of this Ordinance. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the permittee of its obligation hereunder.

If requested by the City Attorney, the Business Owner shall execute an agreement memorializing the requirements of this subsection.

(w) *Insurance.* The Business Owner shall at all times carry a comprehensive general liability policy in the minimum amount of Five Million Dollars (\$5,000,000) combined single limit policy, and for automobiles, a comprehensive automobile liability policy in the minimum amount of Two Million Dollars (\$2,000,000), combined single limit, as shall protect the Business Owner and City from claims for such damages, and which policy shall be issued by an "A" rated insurance carrier. Such policy or policies shall be written on an occurrence form. The City Manager, in consultation with City's Risk Manager, may allow the Business Owner to obtain

lesser amounts of insurance where multiple Business Owners are operating on the Premises, provided at all times the minimum insurance set forth herein is applicable to the Marijuana Operations.

The Business Owner shall furnish a notarized certificate of insurance countersigned by an authorized agent of the insurance carrier on a form approved by City setting forth the general provisions of the insurance coverage. This countersigned certificate shall name City and its respective officers, agents, employees, and volunteers, as additionally insured parties under the policy, and the certificate shall be accompanied by a duly executed endorsement evidencing such additional insured status. The certificate and endorsement by the insurance carrier shall contain a statement of obligation on the part of the carrier to notify City of any material change, cancellation or termination of the coverage at least thirty (30) days in advance of the effective date of any such material change, cancellation or termination.

Coverage provided hereunder by the Business Owner shall be primary insurance and not be contributing with any insurance maintained by City, and the policy shall contain such an endorsement. The insurance policy or the endorsement shall contain a waiver of subrogation for the benefit of City.

(x) *Violations: Enforcement.*

(1) Any person that violates any provision of this section shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly.

(2) Any use or condition caused or permitted to exist in violation of any of the provisions of this section shall be and is hereby declared a public nuisance and may be summarily abated by the City pursuant to the City of Coalinga Municipal Code.

(3) Any person who violates, causes, or permits another person to violate any provision of this section commits a misdemeanor.

(4) The violation of any provision of this section shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of City, create a cause of action for injunctive relief.

(5) In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this section may be subject to an administrative fine of up to one thousand dollars (\$1000.00) for each violation and for each day the violation continues to persist.

(y) *Severability.* The provisions of this section are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this section or of the Regulatory Permit issued pursuant to this section, or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this section.

(z) *Judicial review.* Judicial review of a decision made under this section or any actions taken pursuant to this section, may be had by filing a petition for a writ of mandate with the superior court in accordance with the provisions of the California Code of Civil Procedure Section 1094.5. Any such petition shall be filed within ninety (90) days after the day the decision becomes final as provided in California Code of Civil Procedure Section 1994.6, which shall be applicable for such actions.

#### SECTION 5. EFFECTIVE DATE; EXPIRATION OF URGENCY ORDINANCE 791.

This Ordinance shall take effect 30 days after its adoption. Following the Effective Date, Urgency Ordinance No. 791 covering the same topic shall be deemed to have expired. If the Effective Date of this Ordinance is for whatever reason extended, Urgency Ordinance No. 791 shall remain in effect according to its terms during the extended period.

#### SECTION 6. PUBLICATION.

The City Clerk is directed to cause this ordinance or a summary of this ordinance to be published as required

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The foregoing Ordinance was introduced by the City Council of the City of Coalinga, California, at a regularly scheduled meeting held on \_\_\_\_\_, and was passed and adopted by the City Council at a regular meeting held on \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

\_\_\_\_\_  
Mayor  
City of Coalinga

ATTEST:

\_\_\_\_\_  
City Clerk/Deputy City Clerk  
City of Coalinga

## RESOLUTION NO. 016P-005

A RESOLUTION OF THE CITY OF COALINGA PLANNING COMMISSION MAKING FINDINGS TO APPROVE A GENERAL PLAN AMENDMENT AND REZONE FOR THE FORMER CLAREMONT -CUSTODY CENTER PROPERTY AND FOUR PARCELS IN THE JUNIPER RIDGE INDUSTRIAL PARK RECOMMENDING TO THE CITY COUNCIL ADOPTION OF A COMMERCIAL MARIJUANA OPERATIONS ORDINANCE AND CERTIFICATION OF THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM

**WHEREAS**, in 1996, with the adoption of Proposition 215, the California voters approved the Compassionate Use Act (Health and Safety Code § 11362.5) to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician, without fear of criminal prosecution under limited, specified circumstances.

**WHEREAS**, in 2004, the State Legislature enacted SB 420 to clarify the scope of the Compassionate Use Act and provide additional statutory guidance regarding medical marijuana use. These statutes are codified at Health and Safety Code § 11362.7 et seq. and allow cities and counties to adopt supplemental rules and regulations.

**WHEREAS**, on October 9, 2015, almost 20 years after passage of the Compassionate Use Act, the Governor signed the Medical Marijuana Regulation and Safety Act ("Act"), comprised of California legislative bills AB 243, AB 266, and SB 643. The Act creates a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis, all subject to local control. One of the purposes of the Act is to ensure uniformity among jurisdictions that wished to allow commercial marijuana operations.

**WHEREAS**, pending before the voters this November is the Adult Use of Marijuana Act ("AUMA"). The purpose of AUMA is to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical marijuana, including marijuana products. Adults, age 21 and older, will be allowed to possess marijuana and grow certain amounts at home for personal use.

**WHEREAS**, in compliance with Government Code § 65355, the City of Coalinga Planning Commission held a duly noticed public hearing on October 11, 2016 to consider General Plan Amendment and Rezone of the Former Claremont Custody Center (APN 070-041-17ST) and four parcels at the Juniper Ridge Industrial Park (APNs 083-280-10ST, -11ST, -12ST, and -13ST), adoption of an ordinance regulating Commercial Marijuana Operations and the associated Initial Study and Mitigated Negative Declaration; and,

**WHEREAS**, an Initial Study and Mitigated Negative Declaration has been prepared, in accordance with the California Environmental Quality Act of 1970, as amended; and,

**WHEREAS**, the Initial Study Mitigated Negative Declaration has been circulated for public review through the State Clearinghouse for 30-days from September 2, 2016 to October 3, 2016 as required by Section 15073 of the California Environmental Quality Act of 1970, as amended; and,

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that Based upon the evidence in the Staff Report, Public Testimony, and Project File, the Planning Commission hereby recommends that the City Council, at their next regularly scheduled meeting adopt the General Plan Amendment and Re-Zone of the Former Claremont Custody Center Property from (PF) to (MBL) and (PF) to (MB) respectfully and four Juniper Ridge Industrial Park Parcels from (CS) to (MBL) and (CS) to (MB) respectfully, the Commercial Marijuana Operations Ordinance and Certify the Initial Study and Mitigate Negative Declaration based on the following findings:

1. Initial Study and Mitigated Negative Declaration is adequate in assessing the environmental impacts associated with the proposed General Plan Amendment, Re-Zone and Commercial Marijuana Operations Ordinance and there is no substantial evidence in the record that the proposed General Plan Amendment, Rezone, and Ordinance Adoption will result in significant impacts to the environment.
2. The proposed zoning and general plan amendment ensures and maintains internal consistency with General Plan land uses and objectives, policies, programs, and actions of all elements of the General Plan and would not create any inconsistencies.
3. The proposed amendment will not endanger, jeopardize or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working within the City of Coalinga.
4. The proposed Commercial Marijuana Ordinance provides a regulatory framework for permitting commercial cultivation, manufacturing, distribution, testing and transportation in compliance with the Medical Marijuana Regulation and Safety Act (MMRSA) and further safeguards the City of Coalinga and furthers its economic opportunities and financial strength.

PASSED AND ADOPTED, by the City of Coalinga Planning Commission at a regularly scheduled meeting held on the 11<sup>th</sup> Day of October 2016.

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Planning Commission Chairman/Vice Chairman

ATTEST:

---

City Clerk/Deputy City Clerk

Figure 4  
Juniper Ridge Industrial Park General Plan Amendment Exhibit

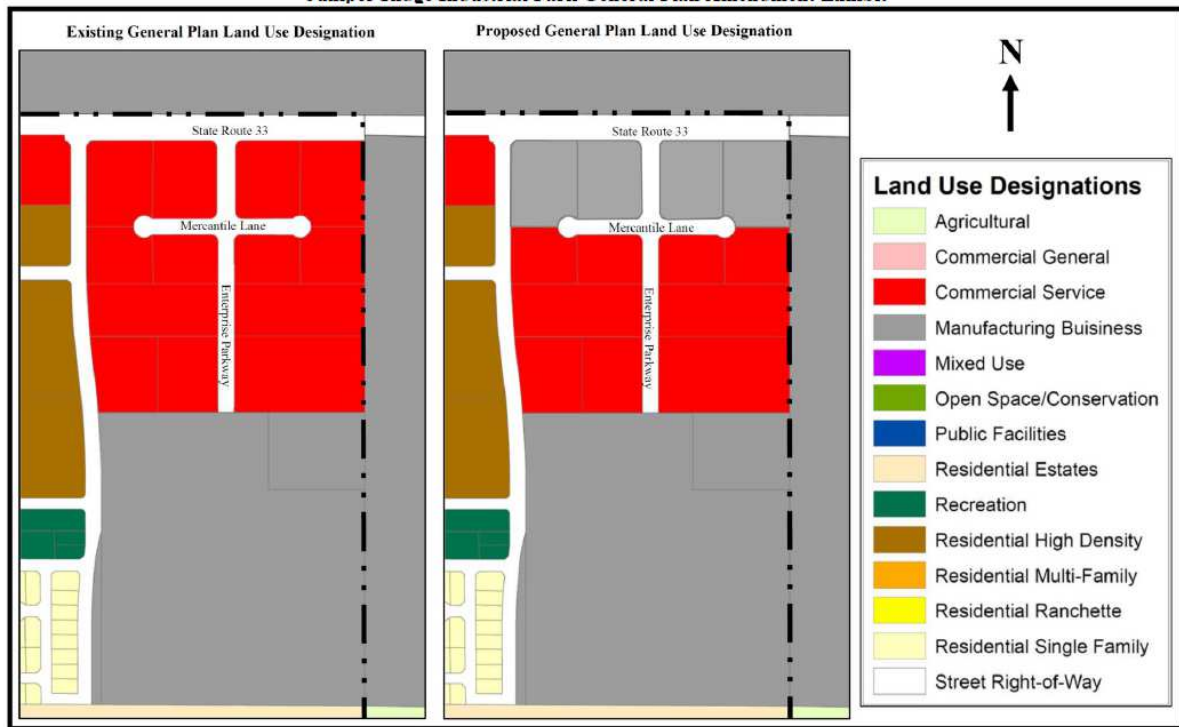
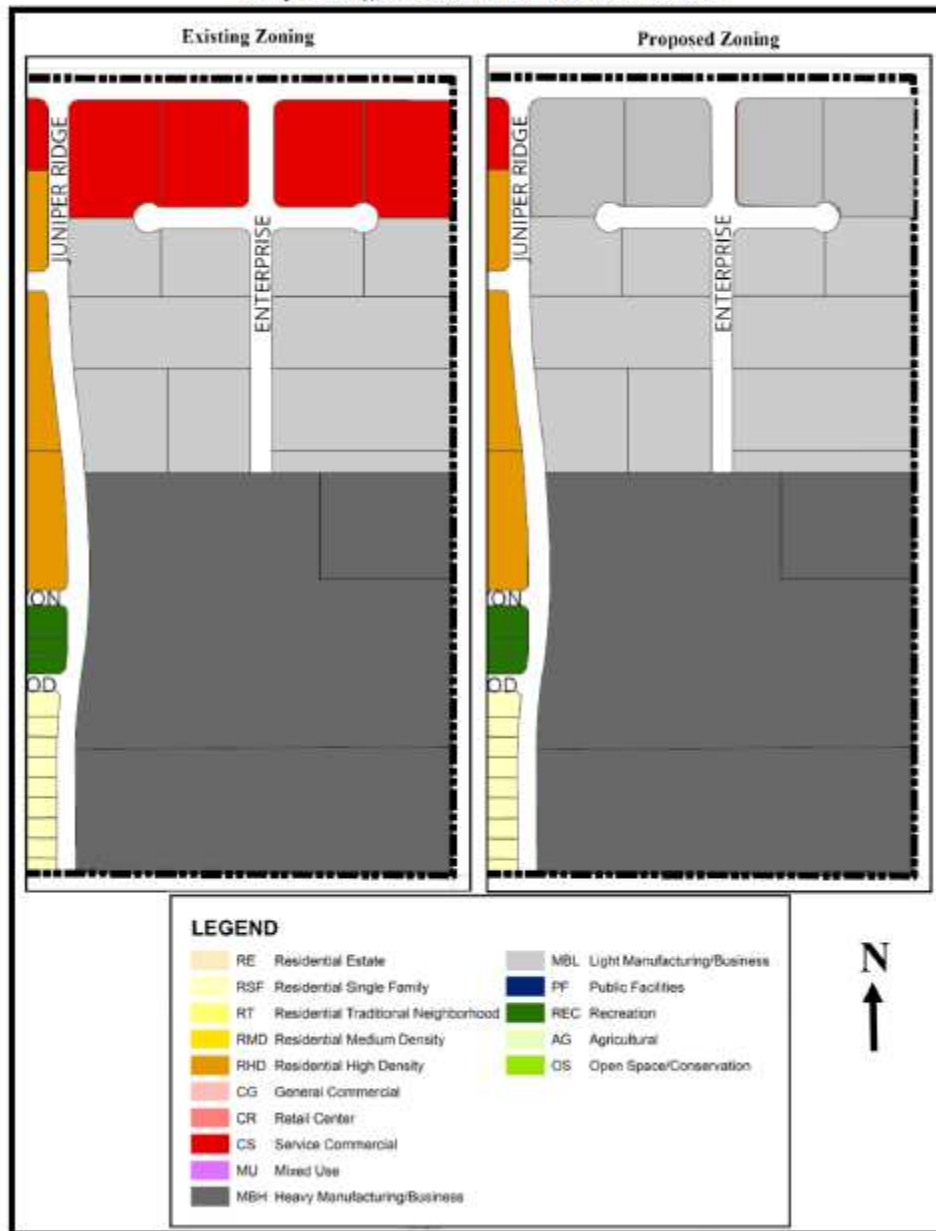
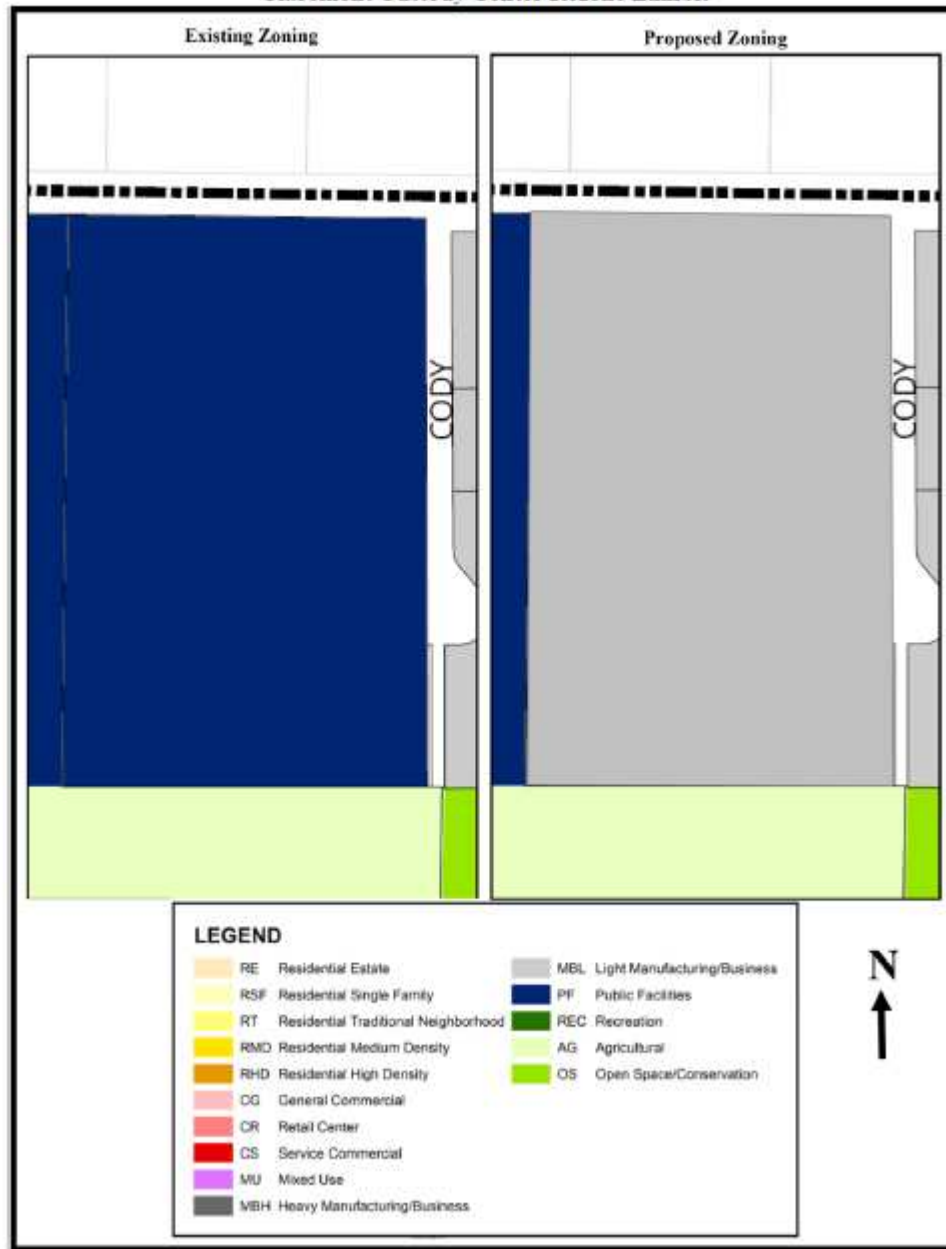


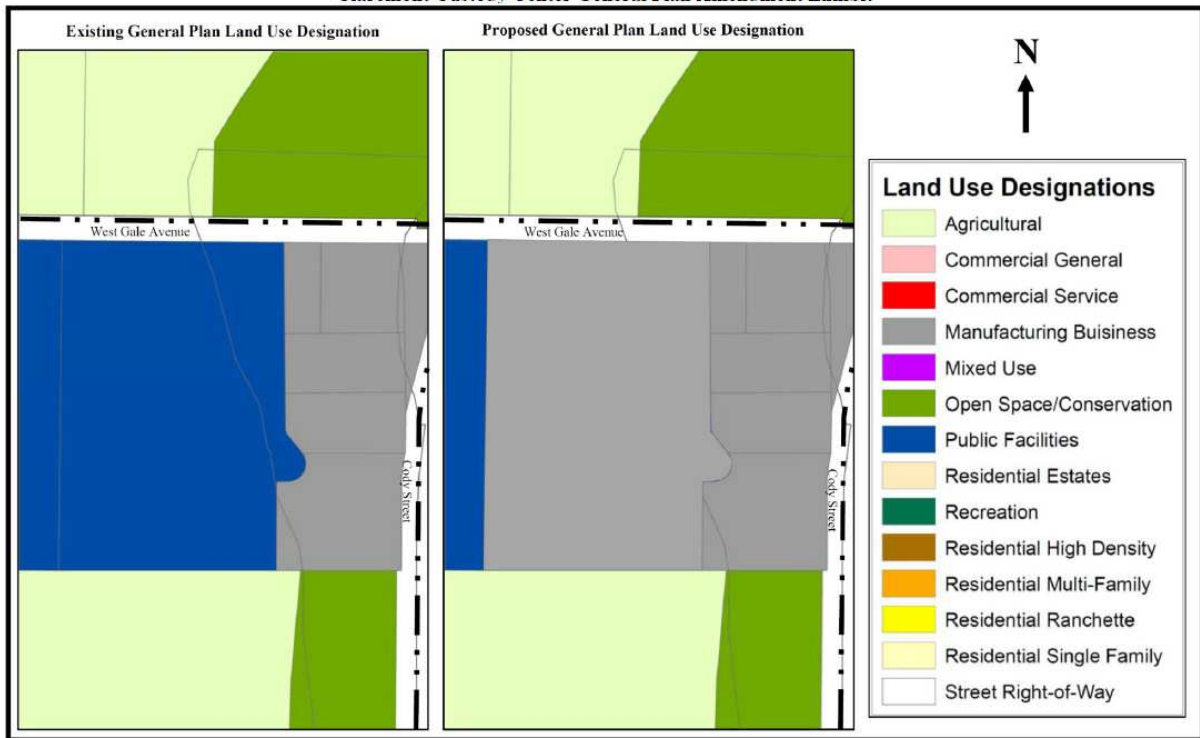
Figure 3  
Juniper Ridge Industrial Park Rezone Exhibit



**Figure 6**  
**Claremont Custody Center Rezone Exhibit**



**Figure 7**  
**Claremont Custody Center General Plan Amendment Exhibit**



## NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
Phone (916) 373-3710  
Fax (916) 373-5471  
Email: [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
Website: <http://www.nahc.ca.gov>  
Twitter: @CA\_NAHC



October 3, 2016

Sean Brewer  
City of Coalinga  
155 West Durian Avenue  
Coalinga, CA 93210

sent via e-mail:  
[sbrewer@coalinga.com](mailto:sbrewer@coalinga.com)

Re: SCH#2016091006, Commercial Marijuana Permanent Ordinance, Juniper Ridge Industrial Park City-Initiated Rezone and General Plan Amendment, and the Claremont Property Project, City of Coalinga, Fresno County, California

Dear Mr. Brewer:

The Native American Heritage Commission (NAHC) has reviewed the Mitigated Negative Declaration (MND) prepared for the project referenced above. The review included the Project Description and the Cultural Resources Section of the document prepared by Raney Planning and Management. We have the following concerns:

- A Sacred Lands File (SLF) search was documented for the Juniper Ridge project however there is no documentation of a SLF search completed for the Claremont Property. Even areas previously disturbed may still have cultural significance and need consultation.
- Mitigation Measure V-1 does not comply with Public Resources Code 5097.98 (a) which stipulates that all work will cease in the area of impact and that Most Likely Descendants named by the Native American Heritage Commission have 48 hours to inspect and make recommendations for the disposition of finds of human remains.

The California Environmental Quality Act (CEQA)<sup>1</sup>, specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.<sup>2</sup> If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.<sup>3</sup> In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. (AB 52).<sup>4</sup> **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** AB 52 created a separate category for "tribal cultural resources"<sup>5</sup>, that now includes "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment."<sup>6</sup> Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.<sup>7</sup> Your project may also be subject to **Senate Bill 18 (SB 18)** (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. **Both SB 18 and AB 52 have tribal consultation requirements.** Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966<sup>8</sup> may also apply.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you

<sup>1</sup> Pub. Resources Code § 21000 et seq.

<sup>2</sup> Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b); CEQA Guidelines Section 15064.5 (b)

<sup>3</sup> Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1); CEQA Guidelines § 15064 (a)(1)

<sup>4</sup> Government Code 65352.3

<sup>5</sup> Pub. Resources Code § 21074

<sup>6</sup> Pub. Resources Code § 21084.2

<sup>7</sup> Pub. Resources Code § 21084.3 (a)

<sup>8</sup> 154 U.S.C. 300101, 36 C.F.R. § 800 et seq.

to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>. Additional information regarding AB 52 can be found online at [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf), entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

Please contact me at [gayle.totton@nahc.ca.gov](mailto:gayle.totton@nahc.ca.gov) or call (916) 373-3710 if you have any questions.

Sincerely,



Gayle Totton, B.S., M.A., Ph.D  
Associate Governmental Project Analyst

Attachment

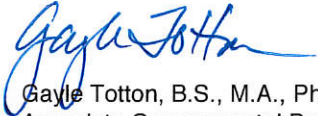
cc: State Clearinghouse

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A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

Please contact me at [gayle.totton@nahc.ca.gov](mailto:gayle.totton@nahc.ca.gov) or call (916) 373-3710 if you have any questions.

Sincerely,



Gayle Totton, B.S., M.A., Ph.D  
Associate Governmental Project Analyst

Attachment

cc: State Clearinghouse

## **Pertinent Statutory Information:**

### **Under AB 52:**

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice.

A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.<sup>9</sup> and **prior to the release of a negative declaration, mitigated negative declaration or environmental impact report.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18)."<sup>10</sup>

The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects.<sup>11</sup>

1. The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.<sup>12</sup>

With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process **shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10.** Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.<sup>13</sup>

If a project may have a significant impact on a tribal cultural resource, **the lead agency's environmental document shall discuss** both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.<sup>14</sup>

Consultation with a tribe shall be considered concluded when either of the following occurs:

- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.<sup>15</sup>

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 **shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program,** if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.<sup>16</sup>

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, **the lead agency shall consider feasible mitigation** pursuant to Public Resources Code section 21084.3 (b).<sup>17</sup>

An environmental impact report **may not be certified**, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

<sup>9</sup> Pub. Resources Code § 21080.3.1, subds. (d) and (e)

<sup>10</sup> Pub. Resources Code § 21080.3.1 (b)

<sup>11</sup> Pub. Resources Code § 21080.3.2 (a)

<sup>12</sup> Pub. Resources Code § 21080.3.2 (a)

<sup>13</sup> Pub. Resources Code § 21082.3 (c)(1)

<sup>14</sup> Pub. Resources Code § 21082.3 (b)

<sup>15</sup> Pub. Resources Code § 21080.3.2 (b)

<sup>16</sup> Pub. Resources Code § 21082.3 (a)

<sup>17</sup> Pub. Resources Code § 21082.3 (e)

- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days.<sup>18</sup>

***This process should be documented in the Tribal Cultural Resources section of your environmental document.***

**Under SB 18:**

Government Code § 65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of "preserving or mitigating impacts to places, features, and objects described § 5097.9 and § 5091.993 of the Public Resources Code that are located within the city or county's jurisdiction. Government Code § 65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

- SB 18 applies to **local governments** and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)
- **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.**<sup>19</sup>
- **There is no Statutory Time Limit on Tribal Consultation under the law.**
- **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research,<sup>20</sup> the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction.<sup>21</sup>
- **Conclusion Tribal Consultation:** Consultation should be concluded at the point in which:
  - The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.<sup>22</sup>

**NAHC Recommendations for Cultural Resources Assessments:**

- Contact the NAHC for:
  - A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
    - The request form can be found at <http://nahc.ca.gov/resources/forms/>.
- Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - If part or the entire APE has been previously surveyed for cultural resources.
  - If any known cultural resources have been already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

<sup>18</sup> Pub. Resources Code § 21082.3 (d)

<sup>19</sup> (Gov. Code § 65352.3 (a)(2)).

<sup>20</sup> pursuant to Gov. Code section 65040.2,

<sup>21</sup> (Gov. Code § 65352.3 (b)).

<sup>22</sup> (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

**Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**

- Avoidance and preservation of the resources in place, including, but not limited to:
  - Planning and construction to avoid the resources and protect the cultural and natural context.
  - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - Protecting the cultural character and integrity of the resource.
  - Protecting the traditional use of the resource.
  - Protecting the confidentiality of the resource.
- Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.<sup>23</sup>
- Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.<sup>24</sup>

The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.<sup>25</sup> In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

<sup>23</sup> (Civ. Code § 815.3 (c)).

<sup>24</sup> (Pub. Resources Code § 5097.991).

<sup>25</sup> per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).

**Commercial Marijuana Permanent Ordinance, Juniper Ridge Industrial Park City-  
Initiated Rezone and General Plan Amendment, and Claremont Property Project  
Initial Study/Mitigated Negative Declaration**

**Errata Sheet  
October 4, 2016**

**Introduction**

This errata sheet presents, in ~~strike-through~~ and double-underline format, the revisions to the Commercial Marijuana Permanent Ordinance, Juniper Ridge Industrial Park City-Initiated Rezone and General Plan Amendment, and Claremont Property Project I(proposed project) nitial Study/Mitigated Negative Declaration (IS/MND). The revisions to the IS/MND reflected in this errata sheet do not affect the adequacy of the previous environmental analysis contained in the proposed project IS/MND. Because the changes presented below would not result in any new significant impacts or increase in impact significance from what was identified in the IS/MND, recirculation of the proposed project IS/MND is not required.

**Changes to the IS/MND**

Mitigation Measure 5-2 on page 39 of the IS/MND, is been hereby revised as follows:

- V-1. During construction, in the event of the accidental discovery or recognition of any human remains further excavation or disturbance of the find or any nearby area reasonably suspected to overlie adjacent human remains shall not occur until compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) has occurred. The Guidelines specify that in the event of the discovery of human remains other than in a dedicated cemetery, no further excavation at the site or any nearby area suspected to contain human remains shall occur until the County Coroner has been notified to determine if an investigation into the cause of death is required. If the coroner determines that the remains are Native American, then, within 24 hours, the Coroner must notify the Native American Heritage Commission, which in turn per Public Resources Code 5097.98 (a), will notify the most likely descendants named by the Native American Heritage Commission and will have 48 hours to inspect and make recommendations for the disposition of finds of human remains ~~who may recommend treatment of the remains and any grave goods~~. If the Native American Heritage Commission is unable to identify a most likely descendant or most likely descendant fails to make a recommendation within 24 hours after notification by the Native American Heritage Commission, or the landowner or his authorized agent rejects the recommendation by the most likely descendant and mediation by the Native American Heritage Commission fails to provide a measure acceptable to the landowner, then the landowner or his authorized representative shall reintern the human remains and grave goods with appropriate dignity at a location on the property not subject to further disturbances. Should human*

*remains be encountered, a copy of the resulting County Coroner report noting any written consultation with the Native American Heritage Commission shall be submitted as proof of compliance to the City's Community Development Department.*

The above changes are for clarification purposes only and do not alter the analysis or conclusions of the IS/MND.

*October 2016*

## **RESPONSE TO COMMENTS**

This Response to Comments document contains comments received during the public review period of the Commercial Marijuana Permanent Ordinance, Juniper Ridge Industrial Park City-Initiated Rezone and General Plan Amendment, and Claremont Property Project (proposed project) Initial Study/Mitigated Negative Declaration (IS/MND). The proposed project consists of the following three components. 1) City of Coalinga-initiated rezone and General Plan Amendment (GPA) of four properties, identified as Fresno County Assessor Parcel Numbers (APNs) 083-280-10ST, -11ST, -12ST, and -13ST, in the existing Juniper Ridge Industrial Park. The rezone and GPA would amend the Service Commercial (CS) zoning district to Light Manufacturing/Business (MBL) and Commercial Service (CS) land use designation to Manufacturing/Business (MB) respectively. The rezone and GPA would create consistency between the General Plan Land Use Map, Zoning Map, and the adopted Juniper Ridge Business/Industrial Park Master Area Plan; 2) The Commercial Marijuana Operations (CMO) Permanent Ordinance, which would supersede the current interim CMO Urgency Ordinance providing permanent standards for commercial marijuana facilities and establish consistency with the Medical Marijuana Regulations and Safety Act (MMRSA); and 3) Analysis of a rezone and GPA for the former Claremont Custody Center property located at 185 West Gale Avenue, identified as APN 070-041-17ST, and analysis of proposed reuse of the Claremont facility as a CMO. The rezone would amend the existing Public Facilities (PF) zoning district to MBL and Public Facilities (PF) land use designation to MB.

An IS/MND was prepared in September 2016 for the proposed project pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000 *et seq.*), CEQA Guidelines (Title 14, Section 15000 *et seq.* of the California Code of Regulations). The City of Coalinga, as lead agency, released the IS/MND for public review beginning on September 2, 2016 and ending on October 3, 2016 pursuant to CEQA Guidelines Section 15105. The IS/MND and supporting documents were made available at the City of Coalinga Community Development Department located at 155 West Durian Avenue, Coalinga, CA 93210, and online at the City of Coalinga website. According to CEQA Guidelines Sections 15073 and 15074, the lead agency must consider the comments received during consultation and review periods together with the IS/MND. However, the CEQA Guidelines do not require the lead agency to send responses directly to commenters. Unlike within an Environmental Impact Report, comments received on an IS/MND are not required to be attached to the IS/MND, nor must the lead agency make specific written responses to public agencies. In addition, comments on an IS/MND are typically responded to in the Staff Report prepared for project hearings. Nevertheless, the City of Coalinga, as lead agency, has chosen to provide responses to all of the comments received during the public review process for the proposed project IS/MND.

*LIST OF COMMENTERS*

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The City of Coalinga received one comment letter on the IS/MND for the proposed project during the public comment period. The comment letter was authored by the following State agency:

Letter 1.....Gale Totton, Native American Heritage Commission

*RESPONSE TO COMMENTS*

The Response to Comments section includes responses to the comment letter submitted regarding the proposed project. The comment letter received has been numbered at the top and bracketed to indicate how the letter has been divided into individual comments. Each comment is given a number with the letter number appearing first, followed by the comment number. For example, the first comment in Letter 1 would have the following format: 1-1. To the extent that any revisions to the IS/MND text are required based on the comments received, new text is identified as double underlined and deleted text is shown as ~~struck through~~.

*Response to Comments*  
*Commercial Marijuana Permanent Ordinance, Juniper Ridge Industrial Park City-*  
*Initiated Rezone and General Plan Amendment, and Claremont Property Project*  
*October 2016*

**Letter 1**

STATE OF CALIFORNIA  
NATIVE AMERICAN HERITAGE COMMISSION  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
Phone (916) 373-3710  
Fax (916) 373-5471  
Email: [nahec@nahec.ca.gov](mailto:nahec@nahec.ca.gov)  
Website: <http://www.nahec.ca.gov>  
Twitter: @CA\_NAHC

Edmund G. Brown Jr., Governor



October 3, 2016

Sean Brewer  
City of Coalinga  
155 West Durian Avenue  
Coalinga, CA 93210

sent via e-mail:  
sbrewer@coalinga.com

Re: SCH#2016091006, Commercial Marijuana Permanent Ordinance, Juniper Ridge Industrial Park City-Initiated Rezone and General Plan Amendment, and the Claremont Property Project, City of Coalinga, Fresno County, California

Dear Mr. Brewer:

1-1

The Native American Heritage Commission (NAHC) has reviewed the Mitigated Negative Declaration (MND) prepared for the project referenced above. The review included the Project Description and the Cultural Resources Section of the document prepared by Raney Planning and Management. We have the following concerns:

1-2

- A Sacred Lands File (SLF) search was documented for the Juniper Ridge project however there is no documentation of a SLF search completed for the Claremont Property. Even areas previously disturbed may still have cultural significance and need consultation.

1-3

- Mitigation Measure V-1 does not comply with Public Resources Code 5097.98 (a) which stipulates that all work will cease in the area of impact and that Most Likely Descendants named by the Native American Heritage Commission have 48 hours to inspect and make recommendations for the disposition of finds of human remains.

1-4

The California Environmental Quality Act (CEQA)<sup>1</sup>, specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.<sup>2</sup> If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.<sup>3</sup> In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. (AB 52).<sup>4</sup> **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** AB 52 created a separate category for "tribal cultural resources"<sup>5</sup>, that now includes "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment."<sup>6</sup> Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.<sup>7</sup> Your project may also be subject to **Senate Bill 18 (SB 18)** (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. **Both SB 18 and AB 52 have tribal consultation requirements.** Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966<sup>8</sup> may also apply.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

1-5

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you

<sup>1</sup> Pub. Resources Code § 21000 et seq.

<sup>2</sup> Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b); CEQA Guidelines Section 15064.5 (b)

<sup>3</sup> Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1); CEQA Guidelines § 15064 (a)(1)

<sup>4</sup> Government Code 65352.3

<sup>5</sup> Pub. Resources Code § 21074

<sup>6</sup> Pub. Resources Code § 21084.2

<sup>7</sup> Pub. Resources Code § 21084.3 (a)

<sup>8</sup> 154 U.S.C. 300101, 36 C.F.R. § 800 et seq.

**Letter 1**

**1-5**  
**cont'd**

to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>. Additional information regarding AB 52 can be found online at [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf), entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

**1-6**

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

**1-7**

A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

Please contact me at [gayle.totton@nahc.ca.gov](mailto:gayle.totton@nahc.ca.gov) or call (916) 373-3710 if you have any questions.

Sincerely,



Gayle Totton, B.S., M.A., Ph.D  
Associate Governmental Project Analyst

Attachment

cc: State Clearinghouse

*Response to Comments  
Commercial Marijuana Permanent Ordinance, Juniper Ridge Industrial Park City-  
Initiated Rezone and General Plan Amendment, and Claremont Property Project  
October 2016*

**Letter 1**

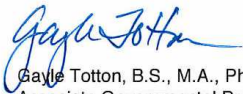
**1-8  
cont'd**

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

Please contact me at [gayle.totton@nahc.ca.gov](mailto:gayle.totton@nahc.ca.gov) or call (916) 373-3710 if you have any questions.

Sincerely,



Gayle Totton, B.S., M.A., Ph.D  
Associate Governmental Project Analyst

Attachment

cc: State Clearinghouse

## Letter 1

### Pertinent Statutory Information:

#### **Under AB 52:**

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice.

A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.<sup>9</sup> and **prior to the release of a negative declaration, mitigated negative declaration or environmental impact report.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18).<sup>10</sup>

The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects.<sup>11</sup>
1. The following topics are discretionary topics of consultation:
- a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.<sup>12</sup>

With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process **shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10.** Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.<sup>13</sup>

If a project may have a significant impact on a tribal cultural resource, **the lead agency's environmental document shall discuss** both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.<sup>14</sup>

Consultation with a tribe shall be considered concluded when either of the following occurs:

- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.<sup>15</sup>

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 **shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program,** if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.<sup>16</sup>

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, **the lead agency shall consider feasible mitigation** pursuant to Public Resources Code section 21084.3 (b).<sup>17</sup>

An environmental impact report **may not be certified,** nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

<sup>9</sup> Pub. Resources Code § 21080.3.1, subs. (d) and (e)

<sup>10</sup> Pub. Resources Code § 21080.3.1 (b)

<sup>11</sup> Pub. Resources Code § 21080.3.2 (a)

<sup>12</sup> Pub. Resources Code § 21080.3.2 (a)

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<sup>15</sup> Pub. Resources Code § 21080.3.2 (b)

<sup>16</sup> Pub. Resources Code § 21082.3 (a)

<sup>17</sup> Pub. Resources Code § 21082.3 (e)

## Letter 1

- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days.<sup>18</sup>  
***This process should be documented in the Tribal Cultural Resources section of your environmental document.***

### Under SB 18:

Government Code § 65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of "preserving or mitigating impacts to places, features, and objects described § 5097.9 and § 5091.993 of the Public Resources Code that are located within the city or county's jurisdiction. Government Code § 65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

- SB 18 applies to **local governments** and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)
- **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.**<sup>19</sup>
- **There is no Statutory Time Limit on Tribal Consultation under the law.**
- **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research,<sup>20</sup> the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction.<sup>21</sup>
- **Conclusion Tribal Consultation:** Consultation should be concluded at the point in which:
  - The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.<sup>22</sup>

### **NAHC Recommendations for Cultural Resources Assessments:**

- Contact the NAHC for:
  - A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
    - The request form can be found at <http://nahc.ca.gov/resources/forms/>.
- Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - If part or the entire APE has been previously surveyed for cultural resources.
  - If any known cultural resources have been already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

<sup>18</sup> Pub. Resources Code § 21082.3 (d)

<sup>19</sup> (Gov. Code § 65352.3 (a)(2)).

<sup>20</sup> pursuant to Gov. Code section 65040.2,

<sup>21</sup> (Gov. Code § 65352.3 (b)).

<sup>22</sup> (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

## Letter 1

1-8  
cont'd

**Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**

- Avoidance and preservation of the resources in place, including, but not limited to:
  - Planning and construction to avoid the resources and protect the cultural and natural context.
  - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - Protecting the cultural character and integrity of the resource.
  - Protecting the traditional use of the resource.
  - Protecting the confidentiality of the resource.
- Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.<sup>23</sup>
- Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.<sup>24</sup>

The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.<sup>25</sup> In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

<sup>23</sup> (Civ. Code § 815.3 (c)).

<sup>24</sup> (Pub. Resources Code § 5097.991).

<sup>25</sup> per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).

**LETTER 1: GALE TOTTON, NATIVE AMERICAN HERITAGE COMMISSION**

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**Response to Comment 1-1**

The comment is introductory in nature and does not address the adequacy of the IS/MND.

**Response to Comment 1-2**

The Claremont Custody Center property component of the proposed project consists of a rezone and GPA to allow the cultivation and testing of medical marijuana operations. A change in the use of an existing developed site would not result in cultural significance impacts or an impact to Native American tribes in the area.

**Response to Comment 1-3**

Based on the comment, Mitigation Measure V-1 on page 39 of the IS/MND, is hereby revised as follows:

- V-1. During construction, in the event of the accidental discovery or recognition of any human remains further excavation or disturbance of the find or any nearby area reasonably suspected to overlie adjacent human remains shall not occur until compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) has occurred. The Guidelines specify that in the event of the discovery of human remains other than in a dedicated cemetery, no further excavation at the site or any nearby area suspected to contain human remains shall occur until the County Coroner has been notified to determine if an investigation into the cause of death is required. If the coroner determines that the remains are Native American, then, within 24 hours, the Coroner must notify the Native American Heritage Commission, which in turn per Public Resources Code 5097.98 (a), will notify the most likely descendants named by the Native American Heritage Commission and will have 48 hours to inspect and make recommendations for the disposition of finds of human remains ~~who may recommend treatment of the remains and any grave goods~~. If the Native American Heritage Commission is unable to identify a most likely descendant or most likely descendant fails to make a recommendation within 24 hours after notification by the Native American Heritage Commission, or the landowner or his authorized agent rejects the recommendation by the most likely descendant and mediation by the Native American Heritage Commission fails to provide a measure acceptable to the landowner, then the landowner or his authorized representative shall reintern the human remains and grave goods with appropriate dignity at a location on the property not subject to further disturbances. Should human remains be encountered, a copy of the resulting County Coroner report noting any written consultation with the Native American Heritage Commission shall be submitted as proof of compliance to the City's Community Development Department.*

The above changes are for clarification purposes in order to more accurately reflect the appropriate regulations. The text changes do not alter the analysis or conclusions of the IS/MND.

#### **Response to Comment 1-4**

Comment noted. Pursuant to Public Resources Code (PRC) section 21080.3.1, on September 12, 2016, the City of Coalinga notified Ruben Barrios and the Santa Rosa Rancheria Tachi Yokut Tribe of the proposed project. In addition, pursuant to Government Code section 65352.3, on September 6, 2016, the City of Coalinga notified Leanne Walker-Grant and the Table Mountain Rancheria, Delia Dominquez and the Kitanemuk & Yowlumne Tejon Indians, Ruben Barrios and the Santa Rosa Rancheria Tachi Yokut Tribe, and Neil Peyron, Kerri Vera, and Joey Garfield of the Tule River Indian Tribe of the proposed project. As of October 4, 2015, the City of Coalinga has not yet received a request for consultation from the Native American tribes described above.

#### **Response to Comment 1-5**

The commenter provides information regarding AB 52 and suggests the continued use of the NAHC lists and sacred land file search requests.

#### **Response to Comment 1-6**

See response to Comment 1-4 above. The comment does not address the adequacy of the IS/MND.

#### **Response to Comment 1-7**

The comment describes the attachments to the letter and contact information. The comment does not address the adequacy of the IS/MND.

#### **Response to Comment 1-8**

The comment is an additional page that repeats information included in comments 1-6 and 1-7, and includes summaries of portions of AB 52 and SB 18, as well as NAHC recommendations for informational purposes only. The comment does not address the adequacy of the IS/MND.

# Commercial Marijuana Permanent Ordinance, Juniper Ridge Industrial Park City-Initiated Rezone and General Plan Amendment, and Claremont Property Project Mitigation Monitoring and Reporting Program

October 2016

The California Environmental Quality Act (CEQA) and CEQA Guidelines require Lead Agencies to adopt a program for monitoring the mitigation measures required to avoid the significant environmental impacts of a project. The Mitigation Monitoring and Reporting Program (MMRP) ensures that mitigation measures imposed by the City are completed at the appropriate time in the development process.

The mitigation measures identified in the Initial Study/Mitigated Negative Declaration for the Commercial Marijuana Permanent Ordinance, Juniper Ridge Industrial Park City-Initiated Rezone and General Plan Amendment, and Claremont Property Project are listed in the MMRP along with the party responsible for monitoring implementation of the mitigation measure, the milestones for implementation and monitoring, and a sign-off that the mitigation measure has been implemented.

**MITIGATION MONITORING AND REPORTING PROGRAM  
COMMERCIAL MARIJUANA PERMANENT ORDINANCE, JUNIPER RIDGE INDUSTRIAL PARK  
CITY-INITIATED REZONE AND GENERAL PLAN AMENDMENT,  
AND CLAREMONT PROPERTY PROJECT**

| Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Implementation Schedule                                                                                       | Monitoring Agency                                                                                                                         | Sign-Off |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|----------|
| <p>IV-1. <i>In conjunction with the submittal of any application for development of the Juniper Ridge Project site, the project applicant(s) shall have a site-specific biological resources evaluation prepared by a qualified biologist, and shall comply with all mitigation measures included in the biological resources evaluation, including, but not limited to, preconstruction surveys for any special-status plant or wildlife species that the biological resources evaluation determined to have the potential to exist on-site. If special status species are found on-site during surveys the report shall include avoidance and/or protection measures to ensure that project implementation does not result in adverse effects to protected biological resources. The biological resources evaluation shall be subject to review and approval by the City of Coalinga's Community Development Department and/or City Council in conjunction with their review of the development application.</i></p> | <p>In conjunction with the submittal of any application for development of the Juniper Ridge Project site</p> | <p>City of Coalinga<br/>Community<br/>Development<br/>Department</p> <p>City Council</p>                                                  |          |
| <p>IV-2 <i>In the event that the Coalinga Habitat Conservation Plan is adopted prior to the submittal of any application for development of the project site, then the above mitigation measure may be replaced with standard mitigation fees and conservation protocol to address special-status species as set forth in the Coalinga Habitat Conservation Plan implementation document.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>Prior to the submittal of any application for development of the Juniper Ridge project site</p>            | <p>City of Coalinga<br/>Community<br/>Development<br/>Department</p>                                                                      |          |
| <p>V-1. <i>During construction, in the event of the accidental discovery or recognition of any human remains further excavation or disturbance of the find or any nearby area reasonably suspected to overlie adjacent human remains shall not occur until compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) has occurred. The Guidelines specify that in the event of the discovery of human remains other than in a dedicated cemetery, no further excavation at the site or any nearby area suspected to contain human remains shall occur until the County Coroner has been notified to determine if an investigation into the cause of death is required. If the coroner determines that the remains are Native American, then, within 24</i></p>                                                                                                                                                                                                                                   | <p>During construction</p>                                                                                    | <p>City of Coalinga<br/>Community<br/>Development<br/>Department</p> <p>County Coroner</p> <p>Native American<br/>Heritage Commission</p> |          |

**MITIGATION MONITORING AND REPORTING PROGRAM  
COMMERCIAL MARIJUANA PERMANENT ORDINANCE, JUNIPER RIDGE INDUSTRIAL PARK  
CITY-INITIATED REZONE AND GENERAL PLAN AMENDMENT,  
AND CLAREMONT PROPERTY PROJECT**

| Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Implementation Schedule                                  | Monitoring Agency                                                                                  | Sign-Off |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|----------------------------------------------------------------------------------------------------|----------|
| <p><i>hours, the Coroner must notify the Native American Heritage Commission, which in turn per public Resources Code 5097.98 (a), will notify the most likely descendants named by the Native American Heritage Commission and will have 48 hours to inspect and make recommendations for the disposition of finds of human remains. If the Native American Heritage Commission is unable to identify a most likely descendant or most likely descendant fails to make a recommendation within 24 hours after notification by the Native American Heritage Commission, or the landowner or his authorized agent rejects the recommendation by the most likely descendant and mediation by the Native American Heritage Commission fails to provide a measure acceptable to the landowner, then the landowner or his authorized representative shall reintern the human remains and grave goods with appropriate dignity at a location on the property not subject to further disturbances. Should human remains be encountered, a copy of the resulting County Coroner report noting any written consultation with the Native American Heritage Commission shall be submitted as proof of compliance to the City's Community Development Department</i></p> |                                                          |                                                                                                    |          |
| <p>V-2. <i>During construction, if any prehistoric or historic artifacts, or other indications of cultural deposits, such as historic privy pits or trash deposits, are found once ground disturbing activities are underway, all work within the vicinity of the find(s) shall cease and the find(s) shall be immediately evaluated by a qualified archaeologist. If the find is determined to be a historical or unique archaeological resource, contingency funding and a time allotment to allow for implementation of avoidance measures or appropriate mitigation shall be made available (CEQA Guidelines Section 15064.5). Work may continue on other parts of the project site while historical or unique archaeological resource mitigation takes place (Resources Code Sections 21083 and 21087).</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>During construction</p>                               | <p>City of Coalinga<br/>Community<br/>Development<br/>Department</p> <p>Qualified Archeologist</p> |          |
| <p>V-3. <i>Prior to ground disturbance activities, the applicant shall retain the services of a professional paleontologist to educate the</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Prior to and during ground disturbance activities</p> | <p>City of Coalinga<br/>Community</p>                                                              |          |

**MITIGATION MONITORING AND REPORTING PROGRAM  
COMMERCIAL MARIJUANA PERMANENT ORDINANCE, JUNIPER RIDGE INDUSTRIAL PARK  
CITY-INITIATED REZONE AND GENERAL PLAN AMENDMENT,  
AND CLAREMONT PROPERTY PROJECT**

| Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Implementation Schedule                                                             | Monitoring Agency                                 | Sign-Off |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|---------------------------------------------------|----------|
| <p><i>construction crew that will be conducting grading and excavation at the project site. The education shall consist of an introduction to the geology of the project site and the kinds of fossils that may be encountered, as well as what to do in case of a discovery. Should any vertebrate fossils (e.g., teeth, bones), an unusually large or dense accumulation of intact invertebrates, or well-preserved plant material (e.g., leaves) be unearthed by the construction crew, then ground-disturbing activity shall be diverted to another part of the project site and the paleontologist shall be called on-site to assess the find and, if significant, recover the find in a timely matter. Finds determined significant by the paleontologist shall then be conserved and deposited with a recognized repository, such as the University Of California Museum Of Paleontology. The alternative mitigation would be to leave the significant finds in place, determine the extent of significant deposit, and avoid further disturbance of the significant deposit. Proof of the construction crew awareness training shall be submitted to the City's Community Development Department in the form of a copy of training materials and the completed training attendance roster.</i></p> |                                                                                     | Development Department                            |          |
| <p>VII-1. <i>Future building plans for development of the Juniper Ridge Industrial Park project site shall incorporate all applicable Best Performance Standards, consistent with guidance in the SJVAPCD's CCAP to achieve the minimum requirements for GHG emissions reductions included in the CCAP. The building plans, including the Best Performance Standards shall be submitted to the Community Development Department for review of compliance with the CCAP.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Prior to Building Permit issuance for projects within Juniper Ridge Industrial Park | City of Coalinga Community Development Department |          |