CEQA FINDINGS OF FACT
REGARDING THE
FINAL ENVIRONMENTAL IMPACT REPORT
FOR THE
PERFORMING ARTS THEATER, ACCEL CENTER,
AND LIBRARY PROJECT
STATE CLEARINGHOUSE NO. 2025041045

Exhibit A

I. INTRODUCTION

The California Environmental Quality Act (CEQA) requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report (EIR) prior to approval of the project pursuant to Sections 15091 and 15093 of the State CEQA Guidelines and Section 21081 of the Public Resources Code (PRC). This document provides the findings required by CEQA. The potential environmental effects of the proposed Tulare County Office of Education (COE) Performing Arts Theater, AcCEL Center, and Library Project (proposed project) have been analyzed in an Environmental Impact Report (EIR) (State Clearinghouse [SCH] No. 2025041045). The Draft EIR was released January 2026. A Final EIR has also been prepared that incorporates the Draft EIR and contains comments received on the Draft EIR; responses to the individual comments; and revisions to the Draft EIR, including any clarifications based on the comments and the responses to the comments. The COE has also prepared a Mitigation Monitoring and Reporting Program (MMRP) for the proposed project (Exhibit B). This document provides the findings and statement of overriding considerations required by CEQA for approval of the proposed project.

A. Statutory Requirements for Findings

CEQA (PRC §§ 21000, *et seq.*) and the State CEQA Guidelines (14 Ca. Code Regs §§ 15000, *et seq.*) promulgated thereunder, require the environmental impacts of a project to be examined before a project is approved. Specifically, regarding findings, State CEQA Guidelines Section 15091 provides:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subsection (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The "changes or alterations" referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in State CEQA Guidelines Section 15370, including:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(e) Compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.

B. Certification

Having received, reviewed, and considered the EIR for the Tulare County Office of Education Performing Arts Theater, AcCEL Center, and Library Project (SCH No. 2025041045) as well as other information in the record of proceedings on this matter, the Tulare County Board of Education (Board) adopts the following Findings of Fact (Findings) in its capacity as the legislative body for the COE, which is the CEQA Lead Agency. The Findings set forth the environmental considerations and other bases for current and subsequent discretionary actions to be undertaken by the COE and responsible agencies for the implementation of the proposed project.

In addition, the Board hereby makes findings pursuant to and in accordance with PRC Section 21081 and State CEQA Guidelines Sections 15090 and 15091 and hereby certifies that:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the Final EIR.

(2) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

C. Project Environmental Report And Discretionary Actions

The Final EIR addresses the direct, indirect, and cumulative environmental effects of construction and operation activities associated with the proposed project. The Final EIR provides the environmental information necessary for the Board to make a final decision on the requested discretionary actions for all phases of the proposed project. The Final EIR is also intended to support discretionary reviews and decisions by other responsible agencies. Discretionary actions to be considered by the Board may include, but are not limited to, the following:

- Certify that the Final EIR for the proposed project has been completed in compliance with CEQA, and reflects the independent judgement and analysis of the COE; find that the Board has reviewed and considered the information contained in the Final EIR prior to approving the proposed project; adopt the MMRP, finding that the MMRP is adequately designed to ensure compliance with the mitigation measures during project implementation; and determine that the significant adverse effects of the proposed project either have been reduced to an acceptable level, or are outweighed by the specific overriding considerations of the proposed project, as set forth herein.

- Approve the proposed project and related discretionary actions needed for project construction and operation.

II. PROCEDURAL COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The COE published a Draft EIR on January 16, 2026. A Final EIR was prepared in spring 2026. The Final EIR was prepared in accordance with CEQA and the State CEQA Guidelines, as amended. As authorized in State CEQA Guidelines Section 15084(d)(2), the COE retained a consultant to assist with the preparation of the environmental documents. COE staff, representing the Lead Agency, have directed, reviewed, and modified where appropriate all material prepared by the consultant. The Final EIR reflects the COE's independent analysis and judgement. The key milestones associated with the preparation of the EIR are summarized below. As presented below, an extensive public involvement and agency notification effort was conducted to solicit input on the scope and content of the EIR and to solicit comments on the results of the environmental analysis presented in the Draft EIR.

A. Public Notification and Outreach

In conformance with CEQA and the State CEQA Guidelines, the COE conducted an extensive environmental review of the proposed project.

- The COE prepared the Notice of Preparation (NOP) on April 23, 2025. The public review period extended from Wednesday, April 23, 2025, through Friday, May 23, 2025. The NOP was posted at the Tulare County Clerk's office on April 23, 2025. Copies of the NOP were made available for public review at the COE building and the COE's website.

- The COE held an in-person public scoping meeting from 6:00 pm to 7:00 pm on Thursday, May 15, 2025, at 6200 S. Mooney Boulevard, Visalia, CA 93277 in the Administration Building & Conference Center. The notice of a public scoping meeting was included in the NOP.

- The COE prepared a Draft EIR, which was made available for a 45-day public review period beginning Friday, January 16, 2026, and ending Monday, March 2, 2026. The scope of the Draft EIR was determined based on State CEQA Guidelines Appendix G checklist and comments received in response to the NOP. The Notice of Availability (NOA) for the Draft EIR was sent to interested persons and organizations, agencies, and the State Clearinghouse in Sacramento for distribution to public agencies. The NOA was posted at the Tulare County Clerk's office on January 16, 2026.

- The COE prepared a Final EIR, including the responses to comments to the Draft EIR. The Final EIR was released for a 10-day agency review period prior to certification of the Final EIR.

- The COE held public hearings on the proposed project, including a Board hearing.

In summary, the COE conducted all required noticing and scoping for the proposed project in accordance with Section 15082 of the State CEQA Guidelines, and conducted the public review for the EIR pursuant to the requirements of Section 15087 of the State CEQA Guidelines.

B. Final Environmental Impact Report and Board of Education Proceedings

The COE prepared a Final EIR that contains comments on the Draft EIR, responses to those comments, revisions to the Draft EIR, and appended documents. Four comment letters were received during the comment period and one letter was received following the conclusion of the comment period and is included in the Final EIR for a total of five comment letters.

The Final EIR found that, prior to mitigation, implementation of the proposed project would result in potentially significant impacts to Biological Resources, Cultural Resources, Geology and Soils, and Tribal Cultural Resources. However, mitigation measures have been developed to avoid or reduce all of these impacts to levels considered less than significant. The Final EIR found that implementation of the proposed project would result in significant and unavoidable impacts to Agriculture and Forestry Resources and Land Use and Planning despite the incorporation of all feasible mitigation measures.

Members of the public can view searchable agendas for scheduled Board meetings and access agenda-related COE information and services directly on the following website: https://tcoe.org/BoardAgenda.

The Final EIR document will be posted on the COE's website with the previously posted Draft EIR prior to the Board's consideration of the Final EIR and project recommendations.

A date for consideration of the Final EIR and project recommendations at the Board was set for the proposed project and notice of the meeting was provided consistent with the Brown Act (Government Code Sections 54950 et seq.). The Board will take testimony on the proposed project and may continue on its calendar to a subsequent meeting date at its discretion.

C. Record of Proceedings

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The NOP, NOA, and all other public notices issued by the COE in conjunction with the proposed project.
- The Draft and Final EIR for the proposed project.
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR.
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR.
- All written and verbal public testimony presented during a noticed public hearing for the proposed project.
- The Mitigation Monitoring and Reporting Program.

- The reports and technical memoranda included or referenced in the Draft and Final EIR.
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft and Final EIR.
- Resolutions adopted by the COE in connection with the proposed project, and all documents incorporated by reference therein, including comments received after the close of the comment period and responses thereto.
- Matters of common knowledge to the COE, including but not limited to federal, state, and local laws and regulations.
- Any documents expressly cited in these Findings.
- Any other relevant materials required to be in the record of proceedings by PRC Section 21167.6(e).

D. Custodian and Location of Records

The documents and other materials that constitute the administrative record for the COE's actions related to the proposed project are at the COE's office at 6200 S. Mooney Boulevard, Visalia, CA 93277. The COE is the custodian of the administrative record for the proposed project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request at the COE's office. This information is provided in compliance with PRC Section 21081.6(a)(2) and State Guidelines Section 15091(e).

E. Project Location

The project site is in the northwest part of Tulare County, 4.38 miles northeast of downtown Tulare and 4.45 miles southwest of downtown Visalia. The project site is bordered by unincorporated Tulare County to the north, east, south, and west and by the city of Visalia to the northeast. The project site consists of 15.63 acres near the southwest corner of Avenue 264/Liberty Road and N Mooney Boulevard/State Route 63 in unincorporated Tulare County. The project site is owned by the COE and consists of a portion of two parcels with Assessor's Parcel Numbers (APN) 149-030-005 and 149-030-008. Addresses associated with the project site include:

- Library: 11465 Avenue 264, Visalia, CA 93274
- AcCEL Center: 11445 Avenue 264, Visalia, CA 93274
- Performing Arts Theater: 26487 N Mooney Blvd, Tulare, CA 93274

Regional access to the project site is provided by State Route (SR-) 63, SR-99, and SR-198. SR-66 runs north-south, bordering the project site to the east; SR-99 runs north-south 2.67 miles west of the project site; and SR-198 runs east-west 4.08 miles north of the project site. Local access is provided by Avenue 264/Liberty Road and Avenue 266/Harrison Road to the north of the project site and by N Mooney Boulevard/State Route 63 to the east of the project site. Direct vehicle access to the project site is provided by Avenue 264/Liberty Road and N Mooney Boulevard/State Route 63. The project

site is primarily surrounded by farmland, commercial, and residential uses. To the north of the project site, across Avenue 264/Liberty Road, uses consist of farmland, residential, and commercial uses. To the east of the project site, across N Mooney Boulevard/State Route 63, uses consist of farmland, residential, and commercial uses. The COE's Liberty campus, which includes the Bright Start Program, Hearing Center, Behavioral Health Services, Visually Impaired Program, Alternative Achievement Program, and Planetarium and Science Center, is north and east of the project site.

F. Project Objectives

The COE prepared the following objectives for the proposed project to aid decision makers in their review of the proposed project and associated environmental impacts:

1. Provide a performing arts theater, library, and AcCEL Center adjacent to the existing Office of Education Liberty campus at 11535 Avenue 264, Visalia, to supplement existing educational resources on the campus and provide educational resources in a centralized location and near the TCOE office at 6200 S. Mooney Boulevard in Visalia.

2. Develop an AcCEL Center that meets the need for high-quality instruction and a structured learning environment for students who have multiple or profound disabilities and is on a property owned by the Tulare County Office of Education and near Visalia to serve students who live in Visalia.

3. Provide a library on Tulare County Office of Education property whose resources and services are available to districts within the county, with facilities for e-sports, robotics lab, and additional programming for students at the adjacent Liberty campus (i.e., the new location for University Preparatory High School), and that is adjacent to the AcCEL Center and available to AcCEL students.

4. Provide an indoor performing arts facility with sufficient parking to the students and districts in the county, the TCOE theater company, and the general public; a facility that can host elementary and middle-school events, artistic performances, speaking engagements, e-sport tournaments, and various school and community events as a more cost-effective alternative to renting local theater facilities.

5. Provide other learning opportunities and skill-building activities for students under the jurisdiction of the Tulare County Office of Education as well as offering resources not available in the surrounding area.

G. Project Description

The COE is proposing to construct a performing arts theater, AcCEL Center, and library in two phases on a 15.63-acre site near the southwest corner of Avenue 264/Liberty Road and N Mooney Boulevard in unincorporated Tulare County.

- Phase 1 (est. May 2026–June 2027)
  - Construct the AcCEL Center, a 24,442-square-foot building providing direct instruction to students with multiple or profound disabilities (capacity of 80 students and 20 staff members).
  - Construct the library, with two buildings totaling approximately 12,000 square feet (capacity of 100 persons and 5 staff members). The library would include space for e-sports, robotics, and additional programming.
  - Install a shade structure, basketball court, and play/recreational area adjacent to the AcCEL Center.
  - Construct a shared parking lot with 67 parking spaces, including accessible and electric vehicle (EV) parking.
  - Construct two photovoltaic systems, including one shading the AcCEL Center play and recreation area.
  - Construct a stormwater retention basin west of the theater parking lot.

- Phase 2 (est. January 2028–January 2030)
  - Construct the performing arts theater, with approximately 31,000 square feet and fly space extending up to 60 feet in height (capacity of approximately 500 seats).
  - Construct a 500-space parking lot to serve the theater, including ADA and EV parking.
  - Install a canopy-style photovoltaic system over the theater parking lot or courtyard.
  - Construct approximately 1,280 feet of sidewalk along N Mooney Boulevard/State Route 63 and approximately 1,290 feet of sidewalk along Avenue 264/Liberty Road.
  - Construct paved internal drive aisles connecting the new parking lots to the existing Planetarium & Science Center parking lot.
  - Install gated access controls for internal drive aisles.

The proposed project would include approximately 60 theater events per year in the evenings, concluding by 8:00 pm. Hours of operation for the AcCEL Center and library would be Monday through Friday from 7:00 am to 5:00 pm. The Draft EIR analyzed the scope of both phases of the proposed project.

III. FINDINGS REGARDING IMPACTS AND MITIGATION MEASURES

A. Format

Section 15091 of the State CEQA Guidelines requires that a Lead Agency make a finding for each significant effect of the proposed project. This section summarizes the significant environmental impacts of the project, describes how these impacts are to be mitigated, and discusses various alternatives to the proposed project, which were developed in an effort to reduce the remaining significant environmental impacts. All impacts are considered potentially significant prior to mitigation unless otherwise stated in the findings.

The remainder of this section is divided into the following subsections:

Section III B, Issues Deemed "No Impact" or "Less-than-Significant Impact" in Draft EIR Chapter 8, presents topical areas that would result in no impact or less-than-significant impacts, as detailed in Chapter 8 of the Draft EIR.

Section III C, Findings on "No Impact" and "Less-than-Significant Impacts" in the Draft EIR Chapter 5, presents environmental issues identified in Chapter 5 of the Draft EIR that would result in no impact or less-than-significant impacts.

Section III D, Findings on Impacts Mitigated to a Less-than-Significant Level, presents significant impacts of the proposed project that were identified in the Draft EIR, the mitigation measures identified in the Mitigation Monitoring Program, and the rationales for the findings.

Section III E, Findings on Significant and Unavoidable Impacts, presents significant impacts of the proposed project that were identified in the Draft EIR, the mitigation measures identified in the Mitigation Monitoring Program, the findings for significant impacts, and the rationales for the findings.

B. Issues Deemed "No Impact" or "Less-than-Significant Impact" in Draft EIR Chapter 8

In accordance with Section 15128 of the State CEQA Guidelines, as described in the Draft EIR, the COE concluded in Chapter 8 of the Draft EIR that the project impacts related to the following topical environmental issue would result in no impacts: Mineral Resources. Because this environmental category was determined to have no impact, no findings under Section 15091 for this issue are required.

Mineral Resources

The project site is a fallow agricultural field next to the COE Liberty campus. According to the California Geological Survey's 1997 report on mineral land classification, the project site does not have a Mineral Resource Zone classification, meaning it is not in an area with potential for aggregate resources. No mineral extraction operations are currently on the site or in its immediate vicinity. The Tulare County General Plan identifies aggregate, oil, and gas as locally important mineral resources, but the project site is not in an area with aggregate potential. The nearest oil and gas well is a plugged well approximately 1.2 miles northeast of the site, and no active oil or gas operations exist in the project area. Therefore, the proposed project would not result in the loss of availability of any known mineral resource of value to the region or state, nor would it affect any locally important mineral resource recovery site identified in local plans.

C. Issues Deemed "No Impact" or "Less-than-Significant Impact" in Draft EIR Chapter 5

Based on the environmental issue area assessment in Chapter 5 of the Draft EIR, the COE determined that the proposed project would have no impact or less-than-significant impacts, including direct, indirect, and cumulative impacts, on the environmental issues summarized below. The rationale for the conclusion of no significant impact in each of the issue areas is based on the environmental evaluation in the topical EIR sections in Section 5 of the Draft EIR, which include Environmental

Setting, Environmental Impacts, and Cumulative Impacts. Because these environmental categories were not determined to have significant impacts, no findings under Section 15091 for these issues are required.

1. Aesthetics

Impact 5.1-1: The proposed project would not have a substantial effect on a scenic vista. [Threshold AE-1]

The Tulare County General Plan does not identify specific scenic vistas but defines a viewshed as an area of land visible from a fixed vantage point that is deemed worthy of preservation. Based on Figure 8-1 of the Tulare County General Plan, the project site is in an area designated "urban expansion" and is not part of any open space, greenbelt, or urban separator viewshed. The site and surrounding area contain working landscapes typical of agricultural uses, but no natural landscapes are nearby. Therefore, no unique scenic vistas or protected viewsheds exist on or adjacent to the project site. The closest county scenic route is Avenue 256, approximately 0.9 mile to the south, but the project site is not visible from this route due to distance and intervening development and agricultural production. Proposed buildings would be similar in height and appearance to the existing planetarium on the adjacent Liberty campus.

Impact 5.1-2: The proposed project would not alter scenic resources within a state scenic highway. [Threshold AE-2]

The closest officially designated state scenic highway is SR-183, and the closest eligible scenic highway is SR-191, which are 31.25 miles northwest and 4.15 miles north of the project site, respectively. Due to the distance, topography, and intervening development, the project site is not visible from a designated state scenic highway or county scenic route.

Impact 5.1-3: The proposed project would not substantially degrade the existing visual character or quality of public views and would not conflict with applicable zoning and other regulations governing scenic quality. [Threshold AE-3]

The Tulare County General Plan includes policies (LU-2.3, LU-7.9, LU-7.14, and SL-1.1) requiring new development to be compatible with community character and preserve visual access. Also, Policy SL-1.2 requires non-agricultural structures in or near working landscapes to avoid obstructing important viewsheds, reference traditional agricultural forms, incorporate landscaping to break up paving, and minimize light pollution and bright signage. While proposed buildings would be visible from surrounding roadways and may partially alter some views of adjacent farmland, public views of agricultural landscapes would remain available, building scale and design would be consistent with existing campus structures, and landscaping and lighting would comply with County standards. The proposed project would also adhere to General Plan policies addressing lighting (ERM-1.15 and LU-7.14).

2. Agriculture and Forestry Resources

Impact 5.2-2: The proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. [Threshold AG-2]

The project site is zoned AE-20 (Exclusive Agriculture) and designated "Valley Agriculture" under the Tulare County General Plan, which typically allows intensive agricultural uses on prime soils; however, pursuant to Government Code Section 53094, the Board adopted Resolution 25/26-14 on October 1, 2025, rendering County zoning ordinances inapplicable to the site for the proposed educational use. As a result, the project is exempt from the AE-20 zoning designation and consistent with the County's historical practice of allowing educational facilities on agriculturally zoned land, such as the adjacent Liberty campus. The site is not subject to a Williamson Act contract nor are adjacent properties.

Impact 5.2-3: The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land. [Threshold AG-3]

Impact 5.2-4: The proposed project would not result in the loss of forest land or conversion of forest land to non-forest use. [Threshold AG-4]

The project site is not zoned for forest land. In addition, the project site does not contain forest land or any vegetation communities associated with forest land.

Impact 5.2-5: The proposed project would not result in other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to nonagricultural use or conversion of forest land to non-forest use. [Threshold AG-5]

The proposed project is site specific and would convert approximately 14.9 acres of Prime Farmland to nonagricultural use but would not affect off-site agricultural properties, which remain accessible via existing roadways and a private dirt access route that would not be altered. The project would comply with the County's Right to Farm Ordinance and General Plan Policy AG-1.16, and it would be served by existing infrastructure with adequate capacity, resulting in no impacts to surrounding agricultural operations, water resources, or supporting infrastructure.

3. Air Quality

Impact 5.3-1: Construction activities associated with the proposed project would not generate short-term emissions in exceedance of SJVAPCD's threshold criteria. [Threshold AQ-2]

Construction of the proposed project would generate temporary air pollutant emissions from heavy-duty equipment, material hauling, worker vehicles, soil disturbance, equipment, and architectural coatings and paving, with emissions varying by construction phase and activity level. However, modeling of maximum annual and average daily emissions shows that construction-related pollutants

would not exceed San Joaquin Valley Air Pollution Control District (SJVAPCD) regional significance thresholds or the 100 pounds-per-day screening criteria.

Impact 5.3-2: Long-term operation of the proposed project would not generate additional vehicle trips and associated emissions in exceedance of SJVAPCD's threshold criteria. [Threshold AQ-2]

The primary source of long-term air quality impacts from the proposed project would be vehicle trips generated during operations, with additional emissions from area sources such as landscaping equipment and architectural coatings, as well as building-related natural gas use. However, operational emissions from mobile, area, and energy sources would remain below SJVAPCD significance thresholds and would not exceed the 100 pounds-per-day screening criteria.

Impact 5.3-3: Project construction would not expose sensitive receptors to substantial pollutant concentrations. [Threshold AQ-3]

A health risk assessment (HRA) was conducted to evaluate potential exposure to toxic air contaminants (TACs), particularly diesel particulate matter (DPM), generated by construction activities over the approximately 39-month buildout period from mid-2026 to early 2030. Results indicate that the highest excess lifetime cancer risk would be 5 in one million, which is below the significance threshold of 20 in one million, and cancer risks at other receptor locations would be 1 in one million or less. In addition, chronic noncancer hazard indices for all evaluated endpoints would remain below one, indicating acceptable levels.

Impact 5.3-4: Operation of the proposed project would not expose sensitive receptors to substantial pollutant concentrations. [Threshold AQ-3]

Substantial TAC emissions are typically associated with industrial or warehousing uses, neither of which are proposed as part of the project. Operational emissions would be limited to minor sources such as landscaping equipment and natural gas use for heating, and any stationary sources (e.g., boilers) would be subject to SJVAPCD Regulation II permitting requirements, ensuring emissions remain below significance thresholds of 20 in one million cancer risk and a hazard index of one. With respect to carbon monoxide (CO), although localized "hotspots" can occur at congested intersections, vehicle emissions have declined significantly due to improved emission controls, and a project would need to generate extraordinarily high traffic volumes—far exceeding those projected for nearby roadway segments—to create a significant CO impact. Given that projected daily traffic volumes on Avenue 264/Liberty Road and Mooney Boulevard/State Route 63 remain well below levels associated with CO hotspot formation.

Impact 5.3-5: The proposed project would be consistent with the applicable air quality management plans. [Threshold AQ-1]

The SJVAPCD oversees implementation of Air Quality Management Plans (AQMPs) to achieve state and federal air quality standards, and CEQA requires evaluation of project consistency with these plans to ensure local decisions support regional clean air goals. The Tulare County Association of Governments (TCAG) contributes population, housing, employment, and transportation forecasts—based on local general plans—that form the foundation of the AQMP emissions inventory and regional transportation planning; therefore, projects consistent with local general plans are generally considered consistent with the AQMPs. The proposed project would not substantially alter demographic forecasts because it does not include new housing, would not directly induce population growth, and any employment changes would fall within projected growth for unincorporated Tulare County; additionally, the AcCEL Center and library would be relocated existing uses rather than entirely new facilities. Furthermore, project operational emissions would not exceed SJVAPCD regional significance thresholds and would not cumulatively contribute to nonattainment conditions in the San Joaquin Valley Air Basin.

Impact 5.3-6: The proposed project would not result in other emissions that would adversely affect a substantial number of people. [Threshold AQ-4]

Odor impacts are evaluated on a case-by-case basis due to their subjective nature and the lack of quantitative thresholds, with objectionable odors typically associated with uses such as wastewater treatment plants, landfills, composting facilities, refineries, manufacturing plants, and similar industrial operations regulated under SJVAPCD Regulation IV, Rule 4102 (Nuisance). The proposed project's educational uses do not fall within odor-generating land use categories and—while construction activities may temporarily produce minor odors from equipment exhaust, asphalt paving, and architectural coatings—these emissions would be short-term, intermittent, and localized, dissipating before reaching sensitive receptors. Any construction-related odors would cease once materials dry or activities conclude, and operational uses would not generate nuisance-level odors.

4. Biological Resources

Impact 5.4-2: The proposed project would not result in the loss of any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. [Threshold B-2]

Riparian habitats, which occur adjacent to freshwater sources such as streams and lakes and depend on nearby soil moisture, are not present within the project site or survey area. The Biological Resources Evaluation prepared for the proposed project determined that no sensitive natural communities exist on the site, which consists solely of disturbed/developed land dominated by non-native vegetation, and the property is not within or near any designated critical habitat.

Impact 5.4-3: The proposed project would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. [Threshold B-3]

The project site contains a single buried wetland that is defined as a pipeline by the Tulare Irrigation District (TIC) and connects two stretches of an irrigation ditch; the proposed project would not impact the single buried wetland. Additionally, two basins are on the existing COE parcel, likely as stormwater retention basins. These fenced-off basins lack native vegetation and are outside of the proposed project's scope.

5. Cultural Resources

Impact 5.5-1: The proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5. [Threshold C-1]

A Historical/Archaeological Resources Survey identified a segment of the Tulare Irrigation Canal along the northern edge of the project site. Although other off-site segments have been found potentially eligible for the California Register of Historical Resources due to their role in Central Valley irrigation, the segment on the project site lacks sufficient historical integrity for listing and would not be demolished as part of the project. Other identified cultural resources, including the Mooney Park Bridge about one mile northeast and the nearest locally designated historic resource 3.7 miles north, are outside the project area, and minor artifacts found on-site are not considered historical resources.

Impact 5.5-3: The proposed project could disturb human remains, including those interred outside of dedicated cemeteries. [Threshold C-3]

Although the project site consists primarily of fallow agricultural land that has previously undergone residential and agricultural earth-disturbing activities—making the likelihood of encountering human remains low—ground-disturbing work such as grading could potentially uncover unknown remains. If human remains are discovered, California Health and Safety Code Section 7050.5 and PRC Sections 5097.94 and 5097.98 require that work halt immediately, the county coroner investigate within two working days, and, if the remains are determined to be Native American, the Native American Heritage Commission be notified to identify a Most Likely Descendant to provide recommendations for treatment and disposition. Adherence to these existing requirements, along with State CEQA Guidelines Section 15064.5, would ensure proper handling of any remains.

6. Energy

Impact 5.6-1: The proposed project would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. [Threshold E-1]

Fuel consumption estimates for the proposed project were calculated using EMFAC2021 and OFFROAD2021 data. Construction of the proposed project would result in temporary increases in electricity and fuel use from off-road equipment, haul trucks, delivery vehicles, and worker trips, with most heavy equipment powered by gasoline or diesel and limited electricity use primarily for hand tools and lighting during later construction phases. Electricity demand would be minimal and used only as needed, and no natural gas use is anticipated during construction. To reduce unnecessary energy consumption, contractors would comply with California regulations limiting diesel equipment idling to five minutes, and the site's access to major state routes would support efficient travel. Short-erm, construction-related energy usage would therefore be temporary, regulated, and not wasteful or inefficient.

Operation of the proposed project would increase electricity, natural gas, and transportation energy use compared to existing conditions, with electricity demand estimated at approximately 669,728 kWh per year for building systems, lighting, and equipment, and natural gas demand estimated at 2,440,827 kBTU per year for heating and water heating. However, the project would be designed to comply with the Building Energy Efficiency Standards and California Green Building Standards Code (CALGreen), incorporate on-site photovoltaic systems and battery storage exceeding minimum requirements, and benefit from Southern California Edison's renewable energy portfolio, thereby offsetting a portion of electricity demand and improving overall efficiency. Insulation and other efficiency measures would also minimize natural gas use. Operational transportation energy would result primarily from student and staff vehicle trips, though many trips would be relocated rather than new due to consolidation of existing facilities, and the project would not generate significant vehicle miles traveled impacts. Accordingly, long-term operational energy usage would not be inefficient, wasteful, or unnecessary.

Impact 5.6-2: The proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. [Threshold E-2]

California's statewide Renewables Portfolio Standard (RPS) goal is not directly applicable to individual development projects, but to utilities and energy providers such as Southern California Edison (SCE), which would provide electricity for the proposed project. Compliance of SCE in meeting the RPS goals would help to ensure that the state meets its objective of transitioning to renewable energy. The proposed project would be subject to the Building Energy Efficiency Standards and, in compliance with those standards, would install battery storage and photovoltaic systems. These systems would support the RPS program and the statewide transition to renewable energy.

The County adopted the Tulare County Climate Action Plan 2018 Update (CAP) in 2018, which addresses post-2020 greenhouse gas reduction targets. In general, the 2018 CAP focuses on new projects demonstrating consistency with General Plan policies from various sectors, which include building energy efficiency/green building design to achieve consistency with the post-2020 reduction target. As stated, the proposed project would install PV and battery energy storage systems to power the new proposed buildings. Additionally, the proposed project would be designed and built to meet or exceed the Building Energy Efficiency Standards for Indoor Lighting Compliance, Outdoor Lighting Compliance, Power Compliance, Solar and Battery Compliance, and all Nonresidential Performance Compliance Method. These components of the proposed project would result in on-site renewable electricity generation and promote building energy efficiency.

7. Geology and Soils

Impact 5.7-1: Project occupants could be subject to low ground shaking; however, project development would not subject people or structures to seismic-related ground failure, including surface rupture, liquefaction, and landslides. [Threshold G-1 (i), (ii), (iii), (iv)]

The project site is not in an Alquist-Priolo Earthquake Fault Zone, and the nearest fault—the Kern Canyon Fault Zone—is approximately 50 miles away. Tulare County is characterized as having very low ground-shaking potential, making impacts from fault rupture and seismic shaking less than significant. Site soils consist of fine sandy loam with groundwater encountered at approximately 184 feet below ground surface, and because the soils are not cohesionless, groundwater is well below 50 feet, and seismic risk is low to moderate, the site is not susceptible to liquefaction. Additionally, the flat topography precludes landslide risk. Compliance with the California Building Code, geotechnical investigation recommendations, and Division of State Architect (DSA) review would ensure seismic safety standards are met, reducing risks related to ground shaking, rupture, liquefaction, and landslides.

Impact 5.7-2: The proposed project would not result in substantial soil erosion or loss of topsoil. [Threshold G-2]

The project site's nearly flat terrain and lack of subterranean construction would limit the potential for erosion, as development would involve only typical grading and utility trenching without extensive excavation. Because the project exceeds one acre, it would be subject to National Pollution Discharge Elimination System (NPDES) permit requirements, including preparation of a Storm Water Pollution Prevention Plan (SWPPP) and implementation of best management practices (BMP) to control erosion during construction. Compliance with the California Building Code, Tulare County General Plan Policy ERM-7.2, and the County's excavation and grading regulations would further minimize soil disturbance and topsoil loss.

Impact 5.7-3: The proposed project would not result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse or be located on expansive soils that would not create a direct or indirect risk to life and property. [Thresholds G-3 and G-4]

The site's soil conditions and low to moderate seismic risk mean the project would not be located on unstable geologic units or soils that could result in landslides, liquefaction, or lateral spreading. Although the San Joaquin Valley has experienced regional subsidence from groundwater pumping, the project would not extract groundwater, includes no subterranean levels, and incorporates a stormwater retention basin that would not interfere with groundwater recharge; therefore, it would not contribute to subsidence. Groundwater is approximately 184 feet below the surface, reducing the potential for lateral spreading or collapsible soils, and site soils (Nord and Yettem sandy loam) have low shrink-swell potential, meaning expansive soil risks are minimal. Compliance with the California Building Code, geotechnical investigation recommendations, and DSA review would ensure structures are properly designed to address any soil conditions.

Impact 5.7-4: The proposed project would not include the installation of septic tanks. [Thresholds G-5]

The former residence on the project site was served by a septic system, which would be properly abandoned as part of the proposed project in accordance with the Tulare County Local Area Management Program, including removal of sewage, inspection, and filling the tank with approved materials to prevent future liquid retention. The project would not install new septic systems and instead would connect to a sewer line operated by the City of Visalia.

8. Greenhouse Gas Emissions

Impact 5.8-1: The proposed project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. [Threshold GHG-1]

Climate change is a cumulative global issue, and individual projects typically do not generate sufficient greenhouse gas (GHG) emissions to significantly influence global conditions on their own. Pursuant to State CEQA Guidelines Section 15183.5, the proposed project's GHG impacts were evaluated for consistency with the County of Tulare's 2018 CAP and the project was found to generally align with applicable CAP strategies. The project would meet or exceed the Building Energy Efficiency Standards and CALGreen requirements, incorporate on-site PV and battery storage systems, and comply with mandatory EV parking standards, all of which support emissions reduction goals. Additionally, the AcCEL Center and library would be relocated existing uses, the project would not induce population growth, and any modest job creation would fall within County employment forecasts.

Impact 5.8-2: The proposed project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. [Threshold GHG-2]

The California Air Resources Board (CARB) Scoping Plan is applicable to state agencies but is not directly applicable to cities/counties and individual projects; however, new regulations adopted by the state agencies from the Scoping Plan result in GHG emissions reductions at the local level. Statewide strategies to reduce GHG emissions include the Low Carbon Fuel Standard and changes in the corporate average fuel economy standards. The proposed project would adhere to the programs and regulations identified by the Scoping Plan and implemented by state, regional, and local agencies to achieve statewide GHG reduction goals. Additionally, as discussed under Impact 5.8-1, the proposed project would be consistent with the 2018 CAP, which has been prepared to align with year 2030 GHG reduction target. Overall, development of the proposed project would not obstruct implementation nor be inconsistent with the CARB Scoping Plan.

The TCAG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) does not require that local general plans, specific plans, or zoning be consistent with the SCS, but provides incentives for consistency for governments and developers. The proposed project would provide recreational facilities and educational/community services for community use. As shown in Table 5.8-6, *Project Consistency with the County of Tulare Climate Action Plan*, of the Draft EIR, the proposed project would be consistent with the applicable goals and policies of the TCAG RTP/SCS. In addition, because the proposed project would be a locally serving public facility, it would have less-than-significant vehicle miles traveled (VMT) impacts (see Impact 5.16-2). Therefore, the proposed project would not obstruct implementation nor be inconsistent with the TCAG RTP/SCS.

In addition, as discussed above under Impact 5.8-1, the proposed project would be consistent with the 2018 CAP Consistency Checklist.

9. Hazards and Hazardous Materials

Impact 5.9-1: Project construction and operations would not create a significant hazard to the public or the environment through the routine transport, use, and/or disposal of hazardous materials. [Threshold H-1]

During construction, potentially hazardous materials such as paints, sealants, solvents, adhesives, cleaners, gasoline, and diesel fuel would be used. These are typical construction materials and would not be used or stored in quantities that pose a significant safety hazard. All hazardous materials would be stored, handled, and transported in accordance with manufacturers' specifications and would comply with existing regulations enforced by various federal, state, and county agencies. Spill containment supplies would be maintained on-site, and construction workers would be trained on proper use, storage, and disposal of hazardous materials. Construction activities would be short-term and would comply with a SWPPP prepared under the NPDES permit, which would include BMPs such as off-site refueling and placement of generators on impervious surfaces to reduce pollutant discharges.

During operation, hazardous materials would be limited to typical school facility maintenance supplies used in small quantities, such as cleaners, paint, and pesticides. Compliance with federal, state, and local regulations governing the use, transportation, disposal, and accidental release of hazardous materials, along with normal safety practices, would ensure that operational activities do not create substantial hazards.

Impact 5.9-2: Project construction and operations could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. [Threshold H-2]

A Preliminary Environmental Assessment (PEA) evaluated soils at the former orchard, residence, irrigation well, and transformer locations, testing for organochlorine pesticides (OCPs), PCBs, arsenic, and lead, and found that contaminant levels do not pose significant risks to human health through ingestion, dermal contact, or inhalation. Cancer and noncancer risks from OCPs were below regulatory thresholds, and arsenic concentrations were consistent with regional background levels. Although one soil sample showed elevated lead above screening levels, follow-up testing and risk modeling determined that blood lead levels would remain well below state health thresholds. Based on these findings, the Department of Toxic Substances Control (DTSC) issued a "No Further Action" (NFA) letter on December 16, 2025, concurring that no additional remediation is required at the project site.

As described above under Impact 5.9-1, construction and operational activities would require small amounts of hazardous materials typical for educational facilities. The use, transportation, and disposal of hazardous materials would be in accordance with regulatory standards and manufacturers' specifications. Hazardous materials would be used in small quantities and stored so they do not pose significant safety hazards. As such, potentially hazardous materials associated with the proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Impact 5.9-3: Project construction and operations would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. [Threshold H-3]

The COE Liberty campus, adjacent to the northeastern corner of the project site, is the only school within one-quarter mile and, because the proposed project involves development of a new school site, it is subject to PRC Section 21151.8 and State CEQA Guidelines Section 15186, which contain special environmental review requirements for the acquisition of a school site or construction of new school. The project has been determined to be consistent with these requirements. As described above under Impact 5.9-1, construction and operational activities would require small amounts of hazardous materials typical for educational facilities, and the proposed project would adhere to all regulations pertaining to the transport, usage, and storage of hazardous materials. Additionally, as described above under Impact 5.9-2, the Department of Toxic Substances Control issued a "No Further Action" letter for the site, confirming that no remediation is required.

Impact 5.9-4: The project site is not on a list of hazardous materials sites. [Threshold H-4]

State law requires checking whether a project site is on any lists of hazardous waste sites or contaminated properties. Several government databases were searched, including GeoTracker, EnviroStor, and the Cortese List. The site was also checked for oil and gas wells using CalGEM's Well Finder. No oil or gas wells were found within 300 feet of the site. A search of records within one mile found no facilities that would be a concern for the project. The project site is not on any state lists of hazardous waste sites. Two businesses were found within a quarter-mile of the site. One is an AT&T facility that stores batteries for telecommunications. It has no violations and is overseen by the county. The other is a concrete batch plant that has no violations. Neither site would affect the project because they follow all rules and the project is on its own site. Nearby farms use pesticides, but state rules ban pesticide spraying within a quarter-mile of schools during school hours. The nearby farms only use ground applications, not aerial spraying, which reduces the chance of drift and further protects the school site.

Impact 5.9-5: The project site is not located in the vicinity of an airport or within the jurisdiction of an airport land use plan. [Threshold H-5]

The project site is approximately 4.75 miles southeast of the Visalia Municipal Airport and approximately 7.3 miles northeast of the Mefford Field Airport. The project site is not within two miles of a public airport or public use airport and would not be located within the jurisdiction of an airport land use plan.

Impact 5.9-6: Project development would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. [Threshold H-5]

The project site is subject to the Tulare County Local Hazard Mitigation Plan (LHMP), which designates school campuses, including the adjacent COE Liberty School, as Class 3 Critical Facilities that may serve as evacuation centers or shelters during emergencies. Although the proposed project would increase vehicle trips to and from the site, it would not interfere with the emergency use of the adjacent campus or with any evacuation routes, as construction would remain within site boundaries and would not alter existing roadways or block public access. Construction vehicles and materials would be stored on-site, and no obstructions would occur within public rights-of-way. Additionally, the project would comply with the California Building Code, California Fire Code, and applicable education facility regulations, with DSA review ensuring adequate emergency access and circulation.

Impact 5.9-7: The proposed project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. [Threshold H-7]

A wildland fire hazard area is typically characterized by areas with limited access, rugged terrain, limited water supply, and combustible vegetation. As discussed further under Impact 5.19-1, the proposed project is in a Local Responsibility Area and is not in a Fire Hazard Severity Zone (FHSZ); the nearest

FHSZ is approximately 11.6 miles east of the project site. Additionally, according to Figure 10-2, Fire Threat, of the Tulare County General Plan, the project site is in a "non-fuel" area of the county, which means the threat of wildfires is considered low.

10. Hydrology And Water Quality

Impact 5.10-1: The proposed project would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. [Threshold HYD-1]

Construction activities such as clearing, grading, excavation, and equipment operation could temporarily affect water quality through erosion, sediment runoff, and potential spills of fuels or other materials; however, because the project would disturb more than one acre, it must comply with the State Water Resources Control Board's Construction General Permit (CGP), including preparation and implementation of a SWPPP with BMPs to control erosion, sediment, and pollutants. The project would file all required permit registration documents prior to construction, maintain and implement the SWPPP on-site, and comply with applicable state, regional, and Tulare County stormwater regulations. In addition, an existing irrigation well would be properly abandoned in accordance with the California Water Code and County Well Ordinance to protect groundwater quality.

Following construction, urban runoff from the proposed project could contain pollutants such as oils, metals, fertilizers, and other contaminants typically associated with buildings and parking areas, particularly during early-season storm events; however, the project would comply with the Central Valley Phase II Small MS4 Permit, which requires incorporation of low impact development (LID) design measures and BMPs to control post-construction stormwater runoff. Because the project would create more than 2,500 square feet of impervious surface, it would implement site design, source control, and treatment control BMPs.

Impact 5.10-2: The proposed project would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. [Threshold HYD-2]

As part of project construction, an existing on-site irrigation well would be properly abandoned in accordance with California Water Code Section 13751 and the Tulare County Well Ordinance, including submittal of a well destruction application and preparation of a Well Completion Report to the Department of Water Resources, ensuring no impacts to groundwater supplies. Because groundwater in the area is more than 100 feet below ground surface, construction activities are unlikely to encounter or interfere with groundwater recharge, and any temporary groundwater use during construction would cease upon completion without substantially depleting local supplies.

The proposed project includes a stormwater retention basin designed to promote on-site groundwater recharge and would therefore not interfere with recharge processes. Water service would be provided by California Water Service (Cal Water), Visalia District, which sources groundwater from the critically overdrafted Kaweah Subbasin; however, Cal Water's 2020 Urban Water Management Plan projects sufficient supplies to meet demand through 2040, even under drought conditions, and indicates that

domestic use is the highest priority under California law. Additionally, the project would comply with Tulare County's Water Conservation Program and applicable regulations, ensuring that it would not substantially deplete groundwater supplies, lower the groundwater table, or interfere with aquifer recharge.

Impact 5.10-3: The proposed project would not substantially alter existing drainage pattern of the site or area in a manner that would result in substantial erosion or siltation on- or off-site, substantially increase the rate or amount of surface runoff which would result in potential flooding on- or offsite, create or contribute to runoff water that would exceed the capacity of storm drain systems, substantial additional sources of polluted runoff, or impede or redirect flood flows. [Threshold HYD-3 (i), (ii), (iii), and (iv)]

Construction activities could temporarily increase the potential for erosion and siltation due to grading, excavation, wind, and rain; however, preparation and implementation of BMPs in accordance with the CGP, the project's SWPPP, and applicable County grading and erosion control requirements would prevent sediment and pollutants from entering waterways, resulting in less-than-significant impacts. Although the project would increase impervious surfaces compared to existing fallow agricultural conditions and alter site drainage patterns, development would include landscaped and hardscape improvements along with required site design, source control, LID, and treatment control BMPs to manage runoff and minimize erosion and siltation during operation. During construction, the project would comply with the CGP and a project-specific SWPPP, implementing BMPs such as berms, silt fences, fiber rolls, and runoff controls to prevent flooding, drainage system exceedance, and polluted runoff from materials like fuels and solvents; adherence to County stormwater regulations would further ensure impacts remain less than significant. Although the project would increase impervious surfaces during operation, it would include a stormwater retention basin designed to meet and exceed City of Visalia standards by accommodating runoff from a 10-day, 10-year storm event, with storage capacity exceeding required volumes, thereby preventing increased flooding or drainage system overload. Site design, source control, and treatment control BMPs consistent with the Phase II Small MS4 permit would minimize pollutant discharge and retain stormwater on-site for infiltration.

The project site is within Zone X, which is designated as an area of 0.2 percent chance of annual flooding and would therefore not be subject to flooding from a 100-year storm event. Therefore, construction and operation of the proposed project would not impede or redirect flood flows.

Impact 5.10-4: The proposed project would not risk release of pollutants due to project inundation due to flooding, tsunami or seiche. [Threshold HYD-4]

As described under Impact 5.10-3, the project site is not in a 100-year flood hazard zone. There are no large inland bodies of water near the project site, a condition that precludes the possibility of seiche inundation. The project site is more than 100 miles from the Pacific Ocean and therefore is not susceptible to tsunami inundation. The project site is also not within a dam inundation zone.

Impact 5.10-5: The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. [Threshold HYD-5]

Water quality in Tulare County is regulated by the Central Valley Regional Water Quality Control Board under the Tulare Lake Basin Plan, which establishes standards and beneficial uses for regional water bodies; the proposed project would not violate these standards or interfere with implementation of the Basin Plan. Additionally, the project is located within the Kaweah Subbasin managed under the Mid-Kaweah River Basin Groundwater Sustainability Plan (GSP), and water service coordination ensures sustainable supply.

11. Land Use and Planning

Impact 5.11-1: Project implementation would not divide an established community. [Threshold LU-1]

Projects that physically divide established communities typically involve major infrastructure such as highways, transmission lines, or road closures that impair mobility; however, the proposed project would develop educational and community facilities on a site adjacent to the existing COE Liberty campus. There is no established community within the project site, and the development would not obstruct access or divide surrounding parcels.

12. Noise

Impact 5.12-1: Construction activities would not result in temporary increases in ambient noise levels in the vicinity of the proposed project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. [Threshold N-1]

Construction activities would temporarily increase traffic and associated noise along Avenue 264/Liberty Road and N. Mooney Boulevard/State Route 63 due to worker, vendor, and haul truck trips; maximum traffic noise events would be brief and infrequent, primarily occurring during asphalt demolition hauling. Modeling indicates the traffic noise increases would be below the significance threshold and minimal compared to existing traffic noise levels.

Construction equipment noise levels would fluctuate and diminish with distance. Average construction noise was conservatively modeled and indicates that maximum construction noise levels at the nearest sensitive receptors would not exceed the significance threshold. During construction, students and staff would remain on the existing COE Liberty campus, with some activities occurring within 200 feet of classrooms; however, typical building attenuation with windows and doors closed would reduce interior noise levels to well below the threshold for speech interference. Additionally, certain work would be scheduled during instructional breaks to minimize disruption, and construction activities would vary in location across the site, often occurring farther than 200 feet from classrooms.

Impact 5.6-2 Project implementation would not result in temporary or permanent increases in ambient noise levels in the vicinity of the proposed project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. [Threshold N-1]

Operational noise was evaluated and was found to remain below the General Plan policy threshold. Operational noise would not substantially increase ambient noise at nearby residences or the adjacent Liberty campus.

The proposed project would add 67 parking spaces for the AcCEL Center and library and 500 spaces for the performing arts theater, generating noise from vehicle movements, door slams, idling, and voices. However, even under conservative assumptions that all spaces fill and empty during peak hours, predicted noise levels would attenuate to acceptable levels at the nearest residences, with even lower levels at the COE Liberty campus property line.

Future activities associated with the proposed project would primarily affect the local noise environment through event-related traffic on surrounding roadways; however, the project would largely relocate existing trips from current AcCEL, library, and theater sites rather than generate entirely new trips. Traffic noise was modeled using the FHWA Highway Noise Prediction Model, with Caltrans-adjusted vehicle noise rates and traffic data from the project's traffic study, and results indicate that noise level increases would remain below applicable significance thresholds.

Impact 5.6-3: The proposed project would not result in significant short-term groundborne vibration and groundborne noise. [Threshold N-2]

Construction-related vibration would primarily result from heavy equipment used during demolition, site preparation, and grading, with vibration levels diminishing as distance from the source increases and typically not reaching levels that cause structural damage. Modeling conducted for the proposed project indicates that vibration from the most impactful equipment (e.g., a vibratory roller) would attenuate to well below the applicable standard. Proposed project operation would not include any substantial long-term vibration sources.

Impact 5.12-4: The proximity of the project site to an airport would not result in exposure of future students and/or workers to airport-related noise. [Threshold N-3]

As described under Impact 5.9-5, the project site is over 4 miles from the nearest airport. Therefore, the proposed project would not expose people to excessive noise levels.

13. Population and Housing

Impact 5.13-1: The proposed project would not either directly or indirectly induce unplanned substantial population growth in Tulare County. [Threshold P-1]

Construction of the proposed project would require labor, which would be available from the local and regional labor pool. Construction of the proposed project would be temporary and would cease after completion of each construction phase. Therefore, the proposed project would not result in a long-term increase in employment from short-term construction activities. Construction of additional housing for construction workers would not be necessary, and no additional infrastructure would be provided.

The proposed project would not include housing and therefore would not directly generate new population growth, and while it could conservatively add up to 40 employment positions for the AcCEL Center, library, and performing arts theater, many of these positions represent relocated existing staff, meaning actual new employment would be minimal. The projected employment increase is consistent with Tulare County and TCAG growth forecasts and would account for less than 1 percent of anticipated employment growth, with many positions likely filled by the existing local labor pool. Additionally, the project would not extend infrastructure or construct new roads that could induce indirect growth but would connect to existing utilities and roadways.

Impact 5.13-2: The proposed project would not displace substantial numbers of existing people or housing necessitating the construction of replacement housing elsewhere. [Threshold P-2]

The project site does not contain any existing housing units or residents. As such, the proposed project would not displace any existing housing or persons and would not necessitate the construction of replacement housing elsewhere.

14. Public Services

Impact 5.14-1: The proposed project would not result in a substantial adverse physical impact associated with the provisions of new or physically altered fire protection facilities. [Threshold FP-1]

During the construction phase of the proposed project, construction workers would be on-site temporarily. Construction of the proposed project would be required to comply with state building and fire codes to ensure on-site safety during construction. These codes include standards for building and construction and requirements for emergency access, hazardous material handling, and fire protection systems. Construction plans for the proposed project would be reviewed and inspected by the Tulare County Fire Department (TCFD) and DSA to ensure all requirements are met, such as adequate emergency access to the project site during construction. Construction of the proposed project would further implement safety regulations to ensure the building would not interfere with access and travel of emergency vehicles.

The TCFD has reviewed the project and determined that its operation would have no or only minimal impact on its ability to provide services. Project access, circulation, parking areas, and fire lanes would be designed in compliance with applicable fire and health and safety codes and reviewed by TCFD and the DSA to ensure adequate emergency access and life-safety standards are met. Although the project may slightly increase service demand, it would not require new or expanded fire protection facilities or personnel.

Impact 5.14-2: The proposed project would not result in a substantial adverse physical impact associated with the provisions of new or physically altered police protection facilities. [Threshold PP-1]

The construction phase of the proposed project would be a temporary increase of construction workers on-site. Active construction areas would be fenced, and construction site access would be limited to authorized personnel. Equipment and vehicles would be locked and only accessible by authorized personnel. Further, the storage and staging of construction equipment would occur on the project site, which would be fenced and hidden from view. Construction of the proposed project would maintain emergency access and emergency egress routes during project construction. During operation, the proposed project would be fenced and gated to control access to the project site and close access during non-operating hours. Further, as discussed under Impact 5.14-1 above, the proposed project would be reviewed by TCFD to ensure that the proposed project is constructed under the applicable fire code and health and safety code and has adequate circulation and access. DSA would also review and approve project design plans to ensure adequate emergency access to the project site. Although the proposed project may create an increase in the demand for police protection services compared to existing conditions, it would not generate an increase that would require new or physically altered police protection facilities.

Impact 5.14-3: The proposed project would not result in a substantial adverse physical impact associated with the provisions of new or physically altered school facilities. [Threshold SS-1]

Impact 5.14-4: The proposed project would not result in a substantial adverse physical impact associated with the provisions of new or physically altered park facilities. [Threshold P-1]

Impact 5.14-5: The proposed project would not result in a substantial adverse physical impact associated with the provisions of new or physically altered library facilities. [Threshold PL-1]

Because demand for new public service facilities is typically driven by housing-related population growth—and the project would not generate direct or indirect population growth—any potential increase in employment (up to 40 positions, largely filled by existing staff or local residents) would result in minimal new student generation, park demand, and library facilities demand. The project would develop educational facilities, relocate existing uses, and include an on-site play and recreational area, further supporting public service and facility needs without relying on existing facilities.

15. Recreation

Impact 5.15-1: The proposed project would not generate substantial additional residents that would increase the use of existing park and recreational facilities. [Threshold R-1]

Impact 5.15-2: The proposed project would not result in the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. [Threshold R-2]

Because residential development typically drives demand for parks and recreational facilities and the proposed project does not include housing or induce population growth, it would not substantially increase park usage. The proposed project would primarily serve the COE's existing student and staff population, with a focus on supporting the AcCEL students and the University Preparatory High School students at neighboring existing Liberty campus. Additionally, the project would include on-site recreational amenities such as a basketball court and play area, and nearby facilities like Mooney Grove Park already serve the area. The proposed project's facilities would be available for public use in accordance with the Civic Center Act. The construction and operation of the proposed project would not result in the construction and/or expansion of recreational facilities beyond what has been evaluated as part of the EIR.

16. Transportation

Impact 5.16-1: The proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. [Threshold T-1]

The proposed project would not conflict with Tulare County General Plan transportation policies related to multi-modal, vehicle, bicycle, pedestrian, or transit infrastructure. The project would construct approximately new sidewalks along Avenue 264/Liberty Road and N. Mooney Boulevard/State Route 63, include bicycle parking, and ensure driveway design review by the County, Caltrans, DSA, and coordination with the Cities of Visalia and Tulare. The project site is already served by TCRTA Route C40. Additionally, consistent with Tulare County General Plan policies addressing VMT, the project is considered to have a less-than-significant VMT impact (see Impact 5.16-2).

Impact 5.16-2: The proposed project would not conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b). [Threshold T-2]

The Tulare County's Transportation and Circulation Element of the General Plan includes screening criteria (Policy TC-7.4) that says "local-serving public facilities are presumed to have a less than significant impact on VMT." This would include government facilities intended to typically serve the local public, parks, and public elementary schools, public middle schools, and high schools. As the proposed project is a local-serving public school with public educational uses, it can be screened from requiring a detailed VMT analysis and is presumed not to result in a significant VMT impact.

Impact 5.16-3: The proposed project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). [Threshold T-3]

Mooney Boulevard/State Route 63, multiple north-south and east-west drive aisles to enhance circulation, and internal connections to the existing Liberty campus parking lot. Although the project would increase vehicle trips and turning movements compared to existing conditions, existing roadways and intersections are designed to accommodate anticipated traffic levels, and no off-site circulation changes would create design hazards. Driveways, sidewalks, and access improvements for the proposed project would be reviewed and coordinated with the County, Caltrans, the Cities of Visalia and Tulare (as applicable), and the DSA to ensure compliance with safety, fire, and life-safety standards. Adequate on-site parking and internal circulation would minimize reliance on public streets and reduce potential vehicle conflicts.

Impact 5.16-4: The proposed project would not result in inadequate emergency access. [Threshold T-4]

Emergency access to the project site would be provided by two new driveways on Avenue 264/Liberty Road, two new driveways on N. Mooney Boulevard/State Route 63, an existing gated driveway, and potential access through the adjacent COE Liberty campus. The project's internal circulation system, including driveways, parking lots, fire lanes, and connecting drive aisles, would be designed to accommodate emergency vehicles and provide adequate ingress and egress to buildings and outdoor areas. All access features would be subject to COE design standards and review and approval by the Tulare County Fire Department and DSA.

17. Tribal Cultural Resources

Impact 5.17-1: The proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). [Threshold TCR-1.i]

No historical resources listed or eligible for listing in the California Register of Historical Resources or a local register are located within the project site, which consists of vacant fallow agricultural land. Although other segments of the Tulare Irrigation Canal have been identified as potentially eligible for listing, the segment on the project site was converted to an underground tunnel in the 1950s and lacks sufficient historical integrity. The nearest identified cultural resource, the Mooney Park Bridge, is approximately one mile away, and the closest locally designated historic resource is 3.7 miles from the site. A Sacred Lands File search conducted by the Native American Heritage Commission returned negative results, and a field survey confirmed no tribal cultural resources on-site.

18. Utilities and Services Systems

Impact 5.18-1: Existing or planned wastewater treatment and conveyance facilities would be able to accommodate project-generated wastewater demands. [Thresholds U-1 and U-3]

The proposed project would relocate the existing AcCEL Center and library to the site, replacing their current septic service with a connection to the sewer line on the existing COE Liberty campus. Conservative wastewater flow estimates for the proposed project would represent only about 0.01 percent of current average daily flow at the Visalia Wastewater Treatment Plant (WCP) and the project would pay applicable connection fees to ensure adequate infrastructure capacity.

Impact 5.18-2: Existing and proposed water supply and conveyance facilities would be able to accommodate project-generated water utility demands. [Threshold U-1]

The proposed project would construct water utility connections on the project site that would connect to existing water conveyance infrastructure owned by the Cal Water Visalia District. The existing AcCEL Center and library are currently served by the Cal Water Visalia District and would be relocated to the project site as part of the proposed project. Besides connecting the project site to the water main in the public right-of-way, no additional water conveyance facilities would need to be relocated or constructed to serve the proposed project. Additionally, the Cal Water Visalia District, which would supply water to the proposed project, would have adequate supplies to serve the proposed project and would not require the construction of any additional water supply facilities. The proposed project would not utilize the existing irrigation well located on parcel 149-030-005. The well would be properly abandoned in compliance with local regulations.

Impact 5.18-3: Available water supplies are sufficient to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. [Threshold U-2]

The proposed project would be served by the Cal Water Visalia District, which projects adequate groundwater supplies to meet existing and future demand through 2045, including during drought conditions. Although relocation of the existing AcCEL Center and library is conservatively treated as new demand within the service area, the project's total estimated water use—including indoor demand of approximately 1,650 gallons per day and landscape irrigation of about 8,911 gallons per day—would total roughly 10,561 gallons per day (11.8 acre-feet per year), representing only about 0.03 percent of the District's projected 2025 demand. Cal Water's groundwater supply capacity substantially exceeds projected demands, and future demand forecasts remain well below historic maximum capacity estimates. The project would also comply with CALGreen, the California Plumbing Code, County water efficiency requirements, and Cal Water conservation requirements.

Impact 5.18-4: Existing and proposed stormwater drainage facilities would be able to accommodate project-generated stormwater runoff. [Threshold U-1]

The proposed project would convert largely pervious agricultural land to impervious surfaces but would include construction of a stormwater retention basin designed to capture, treat, and infiltrate runoff from both the project site and the existing COE Liberty campus. Consistent with City of Visalia standards, the basin would be sized to accommodate runoff from a 10-day, 10-year storm event, requiring 6.79 acre-feet of storage. Because the basin would adequately manage projected stormwater volumes, no additional stormwater facilities would be required.

Impact 5.18-5: The proposed project would not generate waste in excess of local standards or exceed the capacity of landfills, and the proposed project would comply with related solid waste regulations. [Thresholds U-4 and U-5]

The proposed project would comply with all applicable State and local solid waste regulations related to recycling and organic waste diversion, with trash collection provided by Waste Management and disposal at either the Visalia or Woodville Disposal Sites. Based on conservative assumptions accounting for approximately 40 staff members and maximum daily occupancy of students and theater attendees, the project is estimated to generate about 9.6 tons of waste per day, which is well within the available daily disposal capacity of the serving landfills. Accordingly, the project would not exceed landfill capacity or conflict with solid waste regulations.

Impact 5.18-6: Existing and proposed dry electricity, natural gas, and communications services would be able to accommodate project-generated demands. [Threshold U-1]

Electrical service for the proposed project would be provided by SCE through existing lines, and the project's estimated annual demand fall well within SCE's forecasted service area growth. Compliance with Building Energy Efficiency Standards, California Code of Regulations Title 20 appliance regulations, and CALGreen would further reduce electricity demand. Therefore, the project would not require new or expanded electricity supplies.

Natural gas service for the proposed project would be provided by Southern California Gas Company (SoCalGas) through existing pipelines and new on-site connections. SoCalGas forecasts sufficient supply to meet projected demand, and the project would not require new or expanded natural gas supplies.

The proposed project would be served by existing cable and telephone utility connections provided by Comcast or AT&T, in addition to internet broadband service by one of the internet service providers that serve the County. The potential impacts of installing telecommunications infrastructure at the project site are considered within the analysis of the Draft EIR. No significant expansion or construction of the telecommunications network would be needed to serve the proposed project.

19. Wildfire

Impact 5.19-1: Buildout of the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan. [Threshold W-1]

The proposed project is located in a Local Responsibility Area and not within a Very High, High, or Moderate FHSZ, and it would not interfere with adopted emergency response or evacuation plans. Regional and local access to the site is provided by State Routes 99 and 198, Avenue 264/Liberty Road, and N. Mooney Boulevard, and Tulare County's Office of Emergency Services would provide evacuation guidance through the AlertTC system as needed. Construction would remain within site boundaries and would not expand or modify public roadways, and the project is outside high wildfire risk areas and the draft Community Wildfire Protection Plan boundary. The project would serve the existing population without inducing substantial growth or requiring new emergency services, and would comply with applicable federal, state, and local safety regulations consistent with the County's LHMP.

Impact 5.19-2: The proposed project would not exacerbate wildfire risks due to slope, prevailing winds, and other factors, thereby exposing project occupants to elevated particulate concentrations from a wildfire. [Threshold W-2]

Wildfire risk at the project site is low given its flat topography, fallow agricultural conditions, surrounding agricultural and dispersed development, Mediterranean climate, and location within a Local Responsibility Area outside any Very High, High, or Moderate FHSZ. The project would not introduce new slopes or structures that alter prevailing wind patterns, as proposed buildings would be similar in height to nearby development. Compliance with the California Building Code, California Fire Code, Tulare County General Plan policies, and review by the DSA would ensure adherence to fire and life-safety standards.

Impact 5.19-3: The proposed project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. [Threshold W-3]

The project site is located within a Local Responsibility Area and is not designated as a Very High, High, or Moderate FHSZ, nor is it within a Wildland-Urban Interface or intermix area. The project would connect to existing water, natural gas, and electrical infrastructure—primarily underground—and would utilize existing surrounding roadways without requiring new roads, fuel breaks, emergency water sources, or new overhead utility lines that could increase wildfire risk. All improvements would be typical of new development and designed in compliance with the California Building Code and California Fire Code.

Impact 5.19-4: The proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. [Threshold W-4]

The project site and surrounding area are relatively flat and not located within a Very High, High, or Moderate FHSZ, and therefore would not expose people or structures to significant risks from flooding, landslides, runoff, or post-fire slope instability. Construction and project design would comply with the California Building Code and California Fire Code and be reviewed by the DSA, and because the project would disturb more than one acre, it would also obtain a CGP and implement a Stormwater Pollution Prevention Plan with BMPs to control erosion, sediment, and runoff. The project would include a stormwater retention basin designed to capture runoff from both the project site and the existing COE campus in accordance with County stormwater regulations.

D. Findings on Impacts Mitigated to a Less-than-Significant Level

The following summary describes impacts of the proposed project that, without mitigation, would result in significant adverse impacts. Upon implementation of the mitigation measures provided in the EIR, these impacts would be considered less than significant.

1. Biological Resources

Impact 5.4-1: The proposed project could have a substantial 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 including Swainson's hawk, northern harrier, and western spadefoot. [Threshold B-1]

Field surveys determined that the project site consists primarily of disturbed and developed land with limited habitat value, providing only potential foraging opportunities for some bird species. California ground squirrels were observed on-site, along with burrows likely belonging to Botta's pocket gopher; however, neither species is considered special-status and no mitigation is required, resulting in a less-than-significant impact. A literature review identified 21 sensitive plant species, but none were observed within the Biological Study Area (BSA) and, due to the disturbed conditions dominated by non-native vegetation and surrounding agricultural and developed land, the potential for sensitive plant occurrence is low; therefore, focused botanical surveys are not required and no impacts to sensitive plant species would occur. Of the 24 sensitive wildlife species reviewed, 22 have low to no potential to occur on the site, while two—Swainson's hawk and northern harrier—have moderate potential to forage in the area. The site lacks trees, dense grasses, or other habitat features needed for nesting or high-quality foraging, meaning the project would not substantially affect foraging habitat and impacts would be less than significant. Although western spadefoot has low potential to occur, the species can persist in agricultural landscapes and disperse during rainy seasons, and the construction timeline extending to 2030 could overlap with potential habitat use. Additionally, the BSA may function as a migratory pathway or temporary stopover area for birds and could support nesting if vegetation clearing or ground disturbance occurs during the breeding season (February 15–August 31). Because project

activities include vegetation clearing and ground disturbance, there is potential to disturb nesting migratory birds protected under the Migratory Bird Treaty Act (MBTA), which prohibits the take of migratory birds, eggs, or nests without authorization; therefore, impacts to nesting birds and western spadefoot would be potentially significant.

Mitigation Measures

The following mitigation measures are included in the EIR and are applicable to the proposed project. The measures as provided below incorporate the revisions included in the Final EIR.

BIO-1 **Preconstruction Avian Survey.** If project construction-related activities (i.e., vegetation clearing or ground disturbing activities) take place during the breeding season (February 15 through September 15), preconstruction surveys for nesting birds and raptors (birds of prey) within the existing vegetation onsite, which would be removed during construction, shall be conducted by a qualified biologist at least 10 days prior to the commencement of the vegetation clearing or ground disturbing activities. A qualified biologist shall establish a behavioral baseline of all identified nests. Once project activities begin, a qualified biologist shall continuously monitor nests to detect behavioral changes resulting from the project. If behavior changes, work causing that change shall be halted and consultation with CDFW for additional avoidance and minimization measures shall occur. A qualified biologist shall implement a no-disturbance buffer of 75 feet for passerine birds and a minimum of 200 feet for raptors. A no-disturbance buffer of 250 feet shall be implemented around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors if continuous monitoring is infeasible. Buffers should remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant on the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason, such as when the project site would be concealed from a nest site by topography. A qualified biologist shall advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

BIO-2 **Swainson's Hawk Survey.** A qualified biologist shall conduct protocol surveys following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee the survey season immediately prior to construction. If project-specific activities will take place during the Swainson's hawk nesting season (i.e., March 1 through September 15), and active Swainson's hawk nests are present, a minimum of ½-mile no-disturbance buffer shall be delineated and maintained around each nest, regardless of whether it was detected by surveys or observed incidentally. Buffers should remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, to prevent nest abandonment and other take of Swainson's hawk as a result of project activities. In the event an active Swainson's hawk nest is detected and a ½-mile no-disturbance buffer is not feasible, consultation

by a qualified biologist with CDFW is required to discuss how to implement the project and avoid take. If take cannot be avoided, the COE shall acquire an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) to comply with California Endangered Species Act.

BIO-3 **Western Spadefoot.** A qualified biologist shall conduct a habitat assessment prior to the initiation of construction activities to determine if the project site and the immediate surrounding vicinity contain habitat suitable to support western spadefoot. Potential breeding habitat and upland refugia should be evaluated as part of this assessment. If it is determined that suitable habitat is present, a qualified biologist shall conduct focused surveys for western spadefoot, using appropriate survey methodologies, prior to any ground-disturbing activities. If western spadefoot burrows, cracks, loose soil areas, or other refugia are found to be used by western spadefoot during focused surveys, avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around these resources, including all potential breeding habitat, which can include agricultural sumps, irrigation ditches, and areas that pool water for only a few weeks. Potential breeding habitat should be avoided even when dry. If any life stage of western spadefoot is observed on the project site, project activities in their immediate vicinity should cease, allowing individuals to leave the project site of their own accord.

Finding

Changes or alterations have been required or incorporated in the project that avoid or substantially lessen the significant environmental effect as identified in the EIR. These changes are identified in the form of the mitigation measures above. The COE hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Rationale for Finding

Mitigation Measures BIO-1, BIO-2, and BIO-3 will reduce potential to special-status animal species by requiring pre-construction surveys and site-specific assessments. In the event that species exist on-site, Mitigation Measures BIO-1, BIO-2, and BIO-3 require specific procedures to ensure the species are avoided and protected. Mitigation Measures BIO-1, BIO-2, and BIO-3 will apply to all phases of construction to ensure the protection of special-status species and reduce direct and indirect impacts.

Impact 5.4-4: The proposed project could potentially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. [Threshold B-4]

According to California Department of Fish and Wildlife data, the project site is not located within a California Essential Habitat Connectivity area, wildlife linkage, or San Joaquin Valley wildlife corridor and is classified as providing limited connectivity opportunity. Additionally, no federally designated critical habitat occurs on or near the site. However, because the project would involve vegetation clearing and ground-disturbing activities, and the BSA may function as a migratory pathway or

temporary stopover location, there is potential for nesting birds to occur if work takes place during the breeding season (February 15–August 31). As a result, project activities could disturb nesting birds, and potentially significant impacts to sensitive species may occur.

Mitigation Measure

The following mitigation measures are included in the EIR and are applicable to the proposed project. The measures as provided incorporate the revisions included in the Final EIR.

BIO-1 **Preconstruction Avian Survey.** If project construction-related activities (i.e., vegetation clearing or ground disturbing activities) take place during the breeding season (February 15 through September 15), preconstruction surveys for nesting birds and raptors (birds of prey) within the existing vegetation onsite, which would be removed during construction, shall be conducted by a qualified biologist at least 10 days prior to the commencement of the vegetation clearing or ground disturbing activities. A qualified biologist shall establish a behavioral baseline of all identified nests. Once project activities begin, a qualified biologist shall continuously monitor nests to detect behavioral changes resulting from the project. If behavior changes, work causing that change shall be halted and consultation with CDFW for additional avoidance and minimization measures shall occur. A qualified biologist shall implement a no-disturbance buffer of 75 feet for passerine birds and a minimum of 200 feet for raptors. A no-disturbance buffer of 250 feet shall be implemented around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors if continuous monitoring is infeasible. Buffers should remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant on the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason, such as when the project site would be concealed from a nest site by topography. A qualified biologist shall advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

BIO-2 **Swainson's Hawk Survey.** A qualified biologist shall conduct protocol surveys following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee the survey season immediately prior to construction. If project-specific activities will take place during the Swainson's hawk nesting season (i.e., March 1 through September 15), and active Swainson's hawk nests are present, a minimum of ½-mile no-disturbance buffer shall be delineated and maintained around each nest, regardless of whether it was detected by surveys or observed incidentally. Buffers should remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, to prevent nest abandonment and other take of Swainson's hawk as a result of project activities. In the event an active Swainson's hawk nest is detected and a ½-mile no-disturbance buffer is not feasible, consultation by a qualified biologist with CDFW is required to discuss how to implement the

project and avoid take. If take cannot be avoided, the COE shall acquire an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) to comply with California Endangered Species Act.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the EIR. These changes are identified in the form of the mitigation measures above. The COE hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Rationale for Finding

Mitigation Measures BIO-1 and BIO-2 will reduce potential to special-status animal species by requiring a pre-construction survey and a species specific survey. In the event that species exist on-site, Mitigation Measures BIO-1 and BIO-2 require specific procedures to ensure the species are avoided and protected. Mitigation Measures BIO-1 and BIO-2 will apply to all phases of construction to ensure the protection of special-status species and reduce direct and indirect impacts.

Impact 5.4-5: The proposed project could potentially conflict with local policies or ordinances protecting biological resources, but would not conflict with the provisions of an adopted habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. [Threshold B-5 and B-6]

The project site is not located within a Natural Community Conservation Plan or Habitat Conservation Plan. Although Tulare County General Plan Goal ERM-1 and Policies ERM-1.2, ERM-1.4, ERM-1.6, and ERM-1.8 address the protection and management of sensitive habitats such as riparian areas and wetlands, the project site consists of disturbed habitat dominated by non-native vegetation and does not contain riparian areas or wetlands. Other policies, including ERM-1.14, ERM-1.16, and ERM-1.17, assign responsibilities to the County in coordination with other agencies; Policy ERM-1.15 addresses lighting near natural areas, which is not applicable because the project is not adjacent to natural areas; and Policy ERM-1.7 encourages native landscaping, which would be incorporated into the project. However, Policy ERM-1.1 requires protection of environmentally sensitive wildlife and plant species and, although the project would not affect sensitive plant species, it could potentially impact special-status birds such as the Swainson's hawk and northern harrier because the BSA may function as a migratory pathway; therefore, without mitigation, the project could conflict with Policy ERM-1.1, resulting in a potentially significant impact.

Mitigation Measure

The following mitigation measures are included in the EIR and are applicable to the proposed project. The measures as provided incorporate the revisions included in the Final EIR.

BIO-1 **Preconstruction Avian Survey.** If project construction-related activities (i.e., vegetation clearing or ground disturbing activities) take place during the breeding season (February 15 through September 15), preconstruction surveys for nesting birds and raptors (birds of prey) within the existing vegetation onsite, which would be removed during construction, shall be conducted by a qualified biologist at least 10 days prior to the commencement of the vegetation clearing or ground disturbing activities. A qualified biologist shall establish a behavioral baseline of all identified nests. Once project activities begin, a qualified biologist shall continuously monitor nests to detect behavioral changes resulting from the project. If behavior changes, work causing that change shall be halted and consultation with CDFW for additional avoidance and minimization measures shall occur. A qualified biologist shall implement a no-disturbance buffer of 75 feet for passerine birds and a minimum of 200 feet for raptors. A no-disturbance buffer of 250 feet shall be implemented around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors if continuous monitoring is infeasible. Buffers should remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant on the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason, such as when the project site would be concealed from a nest site by topography. A qualified biologist shall advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

BIO-2 **Swainson's Hawk Survey.** A qualified biologist shall conduct protocol surveys following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee the survey season immediately prior to construction. If project-specific activities will take place during the Swainson's hawk nesting season (i.e., March 1 through September 15), and active Swainson's hawk nests are present, a minimum of ½-mile no-disturbance buffer shall be delineated and maintained around each nest, regardless of whether it was detected by surveys or observed incidentally. Buffers should remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, to prevent nest abandonment and other take of Swainson's hawk as a result of project activities. In the event an active Swainson's hawk nest is detected and a ½-mile no-disturbance buffer is not feasible, consultation by a qualified biologist with CDFW is required to discuss how to implement the project and avoid take. If take cannot be avoided, the COE shall acquire an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) to comply with California Endangered Species Act.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the EIR. These changes are identified in the form of the mitigation measures above. The COE hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Rationale for Finding

Mitigation Measures BIO-1 and BIO-2 will reduce potential to special-status animal species by requiring a pre-construction survey and a species specific survey. In the event that species exist on-site, Mitigation Measures BIO-1 and BIO-2 require specific procedures to ensure the species are avoided and protected. Mitigation Measures BIO-1 and BIO-2 will apply to all phases of construction to ensure the protection of special-status species and reduce direct and indirect impacts.

2. Cultural Resources

Impact 5.5-2: Development of the project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. [Threshold C-2]

Implementation of the proposed project would involve surface-level ground disturbance for grading and utility trenching, as no subterranean construction is proposed and the site has been previously disturbed by residential and agricultural activities. Although the likelihood of encountering archaeological resources is low, there remains a possibility that unknown resources could be uncovered during construction. If such resources were encountered and not properly addressed, ground-disturbing activities could result in potentially significant impacts to archaeological resources.

Mitigation Measure

The following mitigation measure is included in the EIR and is applicable to the proposed project.

CUL-1 Prior to the start of construction, the Tulare County Office of Education shall retain a qualified archaeologist. The qualified archaeologist shall be present on-site earthwork activities and monitor earthwork activities for the presence of archaeological resources. If buried cultural materials are encountered during any earth-moving operations associated with the proposed project, all work within 50 feet of the discovery should be halted or diverted until the qualified archaeologist can evaluate the nature and significance of the find(s). If the qualified archaeologist determines that the find is significant, an archaeological treatment plan must be developed to mitigate harm to the resource and will include procedures for data recovery in the event that the resource cannot be avoided.

Work may continue on other parts of the project site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]). If a non-Native American resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource," time allotment and funding

sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and PRC Sections 21083.2(b) for unique archaeological resources.

Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the EIR. These changes are identified in the form of the mitigation measure above. The COE hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Rationale for Finding

Mitigation Measure CUL-1 requires a qualified archaeologist to monitor earthwork activities and halt work if cultural materials are discovered, with appropriate treatment measures implemented as needed. Mitigation Measure CUL-1 will apply to the construction phase of the proposed project to ensure the protection of cultural materials and reduce direct impacts.

3. Geology and Soils

Impact 5.7-5: The proposed project could directly or indirectly destroy a unique paleontological resource or site; the proposed project would not directly or indirectly description a unique geologic feature. [Threshold G-6]

The project site is flat, previously cultivated agricultural land and does not contain any unique geological features such as distinctive landforms or rock formations; therefore, no impacts to unique geologic resources would occur.

Paleontological resources consist of fossilized remains that provide important scientific information about the history of life and are typically associated with certain geologic formations. No known paleontological resources have been identified on or near the project site, and freshwater mollusk shells observed near the former irrigation canal are likely related to invasive species rather than ancient deposits. The site is primarily underlain by Holocene sediments, which are relatively recent and unlikely to contain fossils; however, older Pleistocene alluvial deposits with higher fossil potential may exist at depth. Although the disturbed nature of the site and limited excavation reduce the likelihood of encountering significant fossils, there remains a possibility that unknown paleontological resources

could be uncovered during ground-disturbing activities, which could result in potentially significant impacts.

Mitigation Measure

The following mitigation measure is included in the EIR and is applicable to the proposed project.

GEO-1 Prior to construction, the Tulare County Office of Education shall retain a qualified paleontological monitor. Earth-moving operations during construction that reach beyond the depth of five feet below the current ground surface shall be monitored periodically by the qualified paleontological monitor to identify potentially fossil-bearing sediments when they are encountered, at which time continuous monitoring will become necessary. The frequency of the periodic monitoring, or "spot-checking," will be determined and adjusted upon inspection of exposed subsurface soils. The monitor should be prepared to quickly salvage fossils as they are unearthed to avoid construction delays and should collect samples of sediments that are likely to contain fossil remains of small vertebrates or invertebrates. However, the monitor must have the authority to temporarily halt or divert grading equipment to allow for the removal of abundant or large specimens.

Samples of sediment shall be collected and processed to recover small fossils, and all fossil remains shall be identified and curated at a repository with permanent retrievable storage, such as the Fossil Discovery Center of Madera County in Chowchilla, the Buena Vista Museum of Natural History in Bakersfield, or the Fresno Discovery Center in Fresno.

The qualified paleontological monitor shall prepare a report of findings, including an itemized inventory of recovered specimens, upon completion of on-site monitoring and sample processing. The report shall include a discussion of the significance of the paleontological findings, if any. The report and the inventory, when approved by the COE, would signify completion of the program to mitigate potential impacts on paleontological resources.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the EIR. These changes are identified in the form of the mitigation measure above. The COE hereby finds that implementation of the mitigation measures is feasible, and the measure is therefore adopted.

Rationale for Finding

Mitigation Measure GEO-1 would require a qualified paleontological monitor to oversee earthwork activities and salvage any discovered resources, with specimens curated at an approved repository and a final report prepared upon completion. Mitigation Measure GEO-1 will apply to the construction

phase of the proposed project to ensure the protection of paleontological resources and reduce direct impacts.

4. Tribal Cultural Resources

Impact 5.17-2: The proposed project could cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency to be significant pursuant to criteria in Public Resources Code section 5024.1(c). [Threshold TCR-1.ii]

In compliance with PRC Section 21080.1(d) and AB 52, the COE provided formal notification on April 23, 2025, to five tribes—the Kitanemuk & Yowlumne Tejon Indians, Santa Rosa Rancheria Tachi Yokut Tribe, Table Mountain Rancheria, Tule River Indian Tribe, and Wuksachi Indian Tribe/Eshom Valley Band—inviting consultation and allowing 30 days for response; no responses were received. A Sacred Lands File search by the NAHC returned negative results on December 27, 2024, indicating no known tribal cultural resources on the project site. Although the site has been previously disturbed by historical agricultural activities and the likelihood of encountering tribal cultural resources is considered low, planned grading, trenching, and other ground-disturbing construction activities could potentially uncover previously unknown tribal cultural resources. The disturbance of these tribal cultural resources could cause a substantial adverse change in the significance of the resource(s) if not mitigated.

Mitigation Measure

The following mitigation measure is included in the Draft EIR and is applicable to the proposed project.

TCR-1 If tribal cultural resources are inadvertently discovered during ground disturbing activities for this project, the following procedures will be carried out for treatment and disposition of the discoveries:

- Upon discovery of any Tribal Cultural Resources, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 50 feet) until the find can be assessed.
- All Tribal Cultural Resources unearthed by project activities shall be evaluated by the qualified archaeologist. If the resources are Native American in origin, the proper Tribe(s) will retain it/them in the form and/or manner the Tribe(s) deems appropriate, for educational, cultural and/or historic purposes.
- If human remains and/or grave goods are discovered or recognized at the project site, all ground disturbance shall immediately cease, and the county coroner shall be notified per Public Resources Code Section 5097.98, and Health & Safety Code Section 7050.5. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).
- Work may continue on other parts of the project site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]).

- Unless otherwise requested by a California Native American Tribe in consultation on this project, preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the EIR. These changes are identified in the form of the mitigation measure above. The COE hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Rationale for Finding

Mitigation Measure TCR-1 requires work to halt within 50 feet of any discovered resource, evaluation by a qualified archaeologist, and proper disposition of resources including consultation with the appropriate Native American tribe. If human remains are discovered, all work would cease and the county coroner would be notified as required by law. Preservation in place is the preferred treatment, with data recovery excavations as a secondary option if avoidance is not feasible.

E. Findings on Significant and Unavoidable Impacts

The following summary describes the unavoidable adverse impacts of the proposed project where mitigation measures were found to be infeasible. The following impacts would remain significant and unavoidable:

1. Agricultural and Forestry Resources

Impact 5.2-1 The proposed project would convert farmland to nonagricultural land use. [Threshold AG-1]

Under State CEQA Guidelines Section 21060.1(a), agricultural land includes Prime Farmland, Farmland of Statewide Importance, or Unique Farmland as defined by USDA criteria. The project site contains approximately 14.9 acres classified as Prime Farmland and about 0.79 acre classified as Urban and Built-up Land. Historically, most of the site was used for agricultural production, but operations ceased between 2022 and 2023, and the 0.79-acre remainder includes a paved driveway, parking area, disturbed land, fencing, and landscaped turf. While the project would comply with Tulare County General Plan Policy AG-1.16, which supports the viability of agriculture in the county, implementation of the project would directly convert 14.9 acres of Prime Farmland to nonagricultural use. The site's Land Evaluation and Site Assessment (LESA) score was 70.1, consisting of a Land Evaluation score of 46.8 and a Site Assessment score of 23.3. Because LESA scores between 60 and 79 are considered significant unless either the LE or SA score is below 20 points—and neither score meets that exception—the conversion of Prime Farmland associated with the project would result in a potentially significant impact on agricultural resources.

Mitigation Measure

No feasible mitigation measures.

Finding

Because no feasible mitigation measures are available to avoid or further reduce the severity of Impact 5.2-1, this impact remains significant and unavoidable.

Rationale

Section 5.2.6.1, *Mitigation Measures Considered but Rejected*, discusses potential mitigation measures that the COE considered to reduce Impact 5.2-1. As described in the Draft EIR, the COE considered an agricultural conservation easement program and the relocation of Prime Farmland topsoil. As described in Section 5.2.6.1, these measures were considered and found to be infeasible for mitigating or avoiding the impact of the conversion of agricultural lands to other uses pursuant to the definition of CEQA in that there is (1) no mechanism to participate in the ACEP, and (2) no guarantee that measures would result in successfully establishing qualifying farmland, if doing so could happen within a reasonable period of time, that their implementation would not potentially cause greater environmental impacts. Even with the implementation of these or similar mitigation measures, the proposed project would still directly convert 14.9 acres of Prime Farmland to nonagricultural use. Therefore, implementation of these mitigation measures or similar mitigation measures would not reduce impacts to farmland, specifically Prime Farmland, onsite to a less-than-significant level. However, as described in the Statement of Overriding Considerations below in Section V, the COE has determined that specific overriding economic, legal, social, technological, or other benefits of the proposed project outweigh the significant adverse effects of Impact 5.2-1. These findings are based on the entire record of proceedings for the proposed project, including but not limited to the discussion and analysis on pages 5.2-11 to 5.2-16 of the Draft EIR, which includes a full analysis of this impact.

2. Land Use and Planning

Impact 5.11-2 Project implementation would conflict with applicable plans adopted for the purpose of avoiding or mitigating an environmental effect. [Threshold LU-2]

Tulare County General Plan

The project site is designated "Valley Agriculture" under the Tulare County General Plan, which is intended to preserve prime agricultural lands for intensive agricultural uses. The site totals 15.63 acres and currently contains fallow agricultural land and minor developed areas. Because educational uses are not permitted under the Valley Agriculture designation, the proposed educational facilities would not be consistent with Goal AG-1, which promotes preservation of productive agricultural lands, or Policy AG-1.1, which maintains agriculture as the primary land use in the valley region. The project would convert agricultural land to non-agricultural use; however, it would not interfere with surrounding agricultural operations or infrastructure that supports agriculture. The project would not conflict with Policies AG-1.3 and AG-1.8 related to Williamson Act contracts because the site and adjacent properties are not enrolled in such contracts and the project is not within a Urban

Development Boundary or Hamlet Development Boundary. Similarly, Policies AG-1.6 and AG-1.18, which discuss the potential Agricultural Conservation Easement Program, would not apply because the program does not currently exist. The project would be consistent with Policies AG-1.7 and AG-1.10, which address preservation of the agricultural economic base and limitations on extending urban services, because the project is within the Tulare Urban Area Boundary and would connect to existing infrastructure. In addition, the project would satisfy Policies AG-1.16 and AG-1.17 by providing necessary infrastructure improvements and incorporating stormwater management features that support groundwater recharge.

The proposed project would be generally consistent with the Land Use Chapter of the General Plan. Policies LU-1.3 and LU-2.1 seek to avoid incompatible land uses and direct development toward areas with existing infrastructure; the project would be adjacent to the existing COE Liberty campus in the Tulare UAB and therefore would not introduce incompatible uses. The project would support Policy LU-6.1 by creating centrally located public activity centers, including a library and performing arts facility, accessible by multiple transportation modes. Consistent with Policy LU-6.3, the new educational facilities would be in an area with transit access, sidewalks, and safe pedestrian and bicycle routes. The project would also comply with Policies LU-1.10 and LU-6.4 by constructing driveways and sidewalks connecting the site to public roadways and maintaining site infrastructure. In addition, the project would be visually compatible with the surrounding area in accordance with Policy LU-7.4 and would support Policy LU-2.3 by concentrating development near the existing Liberty campus while preserving remaining agricultural areas on the COE-owned parcel. Finally, the project would be consistent with Policy LU-7.15 by complying with the Green Building Code (Title 24), incorporating photovoltaic canopies with battery storage, and providing EV-capable and EV-charging parking spaces.

The project would also be consistent with policies in other General Plan chapters. Under the Air Quality chapter, the project would comply with Policies AQ-1.3 through AQ-1.7, which require evaluation and minimization of air quality impacts and consistency with regional emission reduction strategies, because emissions would remain below applicable thresholds and EV infrastructure would encourage cleaner transportation. In the Health and Safety chapter, the project would comply with Policy HS-1.4 by meeting the latest California Building Code and California Fire Code standards. The project would support public facilities policies, including PFS-8.2, PFS-8.3, PFS-8.4, and PFS-8.5, by locating educational and community facilities near compatible uses, safe pedestrian and bicycle routes, and existing services. Stormwater management measures required under the Phase II MS4 permit and CGP would support Policies PFS-4.2 through PFS-4.5 and PFS-4.7. Utility connections would comply with Policies PFS-2.1, PFS-2.2, and PFS-2.4 for water supply and Policies PFS-3.3 and PFS-3.5 for sewer services, while solid waste management would meet Policy PFS-5.7 and hazardous materials regulations would satisfy Policy PFS-5.8. Additionally, the project would not significantly affect public services or infrastructure and would support Policies PFS-1.2 and PFS-1.3 without hindering Policy PFS-1.7. The proposed project would be consistent with applicable policies of the General Plan, except for policies in the Agriculture chapter since the proposed project would conflict with the existing General Plan land use designation (AE-20). Therefore, impacts would be potentially significant.

Mitigation Measure

No feasible mitigation measures.

Finding

Because no feasible mitigation measures are available to avoid or further reduce the severity of Impact 5.11-2, this impact remains significant and unavoidable.

Rationale

Section 5.11.6, *Mitigation Measures*, states that since the proposed project would develop a project site that has a General Plan Land Use designation for agricultural-focused uses, the proposed project would conflict with the General Plan Land Use designation and agricultural-related policies in the General Pan. Additionally, no mitigation measures are available that would reduce Impact 5.11-2 to less than significant level. However, as described in the Statement of Overriding Considerations below in Section V, the COE has determined that specific overriding economic, legal, social, technological, or other benefits of the proposed project outweigh the significant adverse effects of Impact 5.11-2. These findings are based on the entire record of proceedings for the proposed project, including but not limited to the discussion and analysis on pages 5.11-21 to 5.11-38 of the Draft EIR, which includes a full analysis of this impact.

IV. ALTERNATIVES TO THE PROPOSED PROJECT

An EIR must briefly describe the rationale for selection and rejection of alternatives. The lead agency may make an initial determination as to which alternatives are feasible, and therefore, merit in-depth consideration, and which ones are infeasible.

A. Alternatives Considered and Rejected during the Scoping/Project Planning Process

The following is a discussion of the alternatives considered during the scoping and planning process and the reasons why they were not selected for detailed analysis in the EIR.

1. Alternative Site

In evaluating potential alternative locations, the analysis considers whether relocating the project would reduce identified impacts. Most impacts—such as those related to aesthetics, air quality, cultural resources, energy, greenhouse gas emissions, population and housing, public services, recreation, transportation, tribal cultural resources, and utilities—would likely be similar if the project were built elsewhere, though impacts related to agriculture, biological resources, hazards, hydrology, land use, noise, and wildfire could vary. However, the COE does not own another property of sufficient size for the project, and relocating it would not meet key objectives of placing the performing arts theater, library, and AcCEL Center adjacent to the existing Liberty campus and near the COE offices in Visalia to support centralized educational services. For these reasons, an alternative location was rejected from further consideration.

2. AcCEL Center on Liberty Campus

The COE considered, but rejected, the alternative of relocating the AcCEL Center to the existing COE Liberty campus and constructing the library and performing arts center at their proposed locations on the project site. However, this alternative would not be possible with the approved relocation of UPHS students to the Liberty campus. It would conflict with UPHS programs and outdoor activities. It would also cause challenges for school bus pick-up/drop-off. Therefore, this alternative was rejected from further consideration.

B. Alternatives Selected for Analysis

The following alternatives were determined to represent a reasonable range of alternatives with the potential to feasibly attain most of the basic objectives of the project but avoid or substantially lessen any of the significant effects of the project.

1. No Project Alternative

The purpose of this alternative is to describe and analyze a scenario under which the proposed project is not implemented so that decision makers can compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The No Project Alternative analysis must discuss the existing site conditions as well as what would reasonably be expected in the foreseeable future based on any current plans, and it must be consistent with available infrastructure and community services. The existing COE AcCEL program and library would continue to operate at their existing locations. The COE would continue to rent local theater facilities to support COE performing arts programs. Further, no e-sports, robotics lab, or additional programming would be provided for AcCEL students or the Liberty campus.

Under the No Project Alternative, the project site would not be developed with the proposed project and would remain fallow agricultural land.

Finding

The No Project Alternative would eliminate impacts to all the environmental topics analyzed in the EIR, including significant and unavoidable impacts to Agricultural Resources and Land Use and Planning. However, because the No Project Alternative would not implement the proposed project and would not build the performing arts center, relocate the AcCEL program, or relocate the library, this alternative would not meet any of the project objectives. For these reasons, this alternative is infeasible, as supported by the administrative record for the proposed project.

2. Alternative 2: Performing Arts Theater on Liberty Campus Alternative

Under this alternative, the AcCEL Center and library would be constructed on the northwest portion of the project site as proposed, but the performing arts theater would instead be developed on the existing COE Liberty campus as an outdoor amphitheater, west of the Planetarium and Science Center and south and east of several existing Liberty campus programs. The amphitheater would accommodate approximately 500 spectators and include a dance space and theater shop but would occupy a smaller footprint than the proposed indoor theater. It would not include new parking,

requiring attendees to use existing campus parking or nearby public rights-of-way. This option would allow some performing arts programming, but it would be more limited than with the proposed project because outdoor performances would be constrained by weather and seasonal conditions and the facility would lack specialized features, such as fly space and infrastructure needed for certain productions or events like e-sports tournaments, meaning the COE would still need to rent indoor theater space. Implementation would require removal of some existing trees but would not require relocation or demolition of existing campus buildings and would eliminate the performing arts theater proposed for the southeast portion of the project site.

Finding

Alternative 2 would develop a smaller portion of the project site and would therefore result in a reduced impact to agriculture and forestry resources, but would still result in the same significant and unavoidable impacts as the proposed project. Similar to the proposed project, this alternative would still include the development of land designated "Valley Agriculture," which would conflict with the General Plan and cause a significant and unavoidable impact. The remaining impacts would be either lesser or similar to the proposed project, except for operational noise, which is expected to increase due to the performing arts space being outdoors. Although this alternative would meet two project objectives, this alternative was rejected because it would only partially meet two of the project objectives and would fail to meet the objective to provide an indoor performing arts facility. For these reasons, this alternative is infeasible, as supported by the administrative record for the proposed project.

3. Alternative 3: Library Constructed Adjacent to Tulare County Office Of Education Administration Building Alternative

Under this alternative, a library would be constructed adjacent to the existing Tulare COE administration building at 6200 S Mooney Boulevard in Visalia, eliminating the library component proposed for the northwest corner of the project site, west of the Liberty campus. The library would be smaller than the library proposed as part of the proposed project. The AcCEL Center and performing arts theater would still be constructed as described by the proposed project; however, the AcCEL Center would shift to the east to be adjacent to the west side of the Liberty campus. The performing arts theater would remain in its proposed location in the southeast corner of the site, south of the Liberty campus. Under this alternative, the library would continue to serve Tulare COE students and staff, but from the alternative S Mooney Boulevard location.

This alternative would not allow for any of the programming contemplated for the library. Specifically, this alternative would not allow for events twice per year and would not provide e-sports, robotics lab, or programming space. The programming for the performing arts theater component would be similar to the proposed project.

Finding

Alternative 3 would result in slightly less impact to agriculture and forestry resources, but would still result in a significant and unavoidable impact. Additionally, similar to the proposed project, this alternative would still develop land designated "Valley Agriculture," which would conflict with the

General Plan and cause a significant and unavoidable impact. The remaining impacts would be either slightly less or similar to the proposed project. Although this alternative would meet two project objectives, this alternative was rejected because it would only partially meet two of the project objectives and would fail to meet the objective to provide a library adjacent to the AcCEL program. For these reasons, this alternative is infeasible, as supported by the administrative record for the proposed project.

V. STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires decision makers to balance the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse effects, those effects may be considered "acceptable" (State CEQA Guidelines § 15093[a]). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Such reasons must be based on substantial evidence in the EIR or elsewhere in the administrative record (State CEQA Guidelines § 15093 [b]). The agency's statement is referred to as a Statement of Overriding Considerations.

The following provides a description of the project's significant and unavoidable adverse impacts and the justification for adopting a statement of overriding considerations.

A. Significant and Unavoidable Impacts

Although most potential project impacts have been substantially avoided or mitigated, as described above, two project impacts remain for which mitigation is not feasible. The EIR identified the following significant and unavoidable impacts of the proposed project.

Agricultural and Forestry Resources

- **Impact 5.2-1:** The proposed project would convert farmland to nonagricultural land use. [Threshold AG-1]

Land Use and Planning

- **Impact 5.11-2:** Project implementation would conflict with applicable plans adopted for the purpose of avoiding or mitigating an environmental effect. [Threshold LU-2]

B. Project Benefits in Support of the Statement of Overriding Considerations

The following section describes the benefits of the proposed project that outweigh the project's unavoidable adverse effects and provides specific reasons for considering the project acceptable even though the EIR has indicated that two project impacts would be significant and unavoidable. Pursuant to State CEQA Guidelines §15093(c), this Statement of Overriding Considerations will be included in the record of the project approval and will be noted in the Notice of Determination. Each of the benefits identified below provides a separate and independent basis for overriding the significant environmental effects of the proposed project.

Having reduced the potential effects of the proposed project through all feasible design features, and balancing the benefits of the proposed project against its unavoidable adverse impacts on agricultural resources and land use and planning, the COE finds that the following benefits of the proposed project individually and collectively outweigh the significant and unavoidable adverse impacts. The reasons set forth below are based on the EIR and other information in the administrative record.

Economic Benefits

- By providing a performing arts facility, the proposed project would provide a cost-effective alternative to renting local theater venues.

Social Benefits

- The proposed project would provide a structured learning environment for students with multiple or profound disabilities near the City of Visalia.
- The proposed project would establish a library facility adjacent to the AcCEL program, with resources and services available to school districts throughout the county.
- The proposed project would construct a performing arts facility that could serve students, school districts, the COE theater company, and the broader community by hosting performances, school events, speaking engagements, and community activities.
- The proposed project would expand learning opportunities and skill-building programs for students served by COE.
- The proposed project would offer educational resources and facilities that are currently limited or unavailable in the surrounding area.

Technological Benefits

- The project would create a modern AcCEL Center designed to provide high-quality instruction.
- The proposed project would provide an e-sports area and robotics lab.

Environmental Benefits

- The proposed project would move the existing AcCEL program and library from existing, less efficient buildings to new, state-of-the art buildings designed to meet updated Building Energy Efficiency Standards and CALGreen requirements with environmental features such as photovoltaic systems, battery storage and electric vehicle parking.
- The proposed project's facilities would provide transportation efficiencies through the co-location of complementary uses by providing facilities adjacent to the existing COE Liberty campus in a centralized location within Tulare County, south of the City of Visalia.
- The proposed project would provide new sidewalks and bicycle parking.

C. Conclusion

The Board has balanced the project's benefits against the significant and unavoidable impacts. The Board finds that the proposed project's benefits outweigh the project's significant and unavoidable impacts, and these impacts, therefore, are considered acceptable in the light of the project's benefits.

The Board finds that the benefit described above is an overriding consideration, independent of other benefits, which warrants approval of the project notwithstanding the project's significant and unavoidable impact.

VI. Findings on Responses to Comments on the Draft EIR and Revisions to the Draft EIR

The Final EIR contains response to comments, clarifications, revisions, and corrections to the Draft EIR. The responses to comments focus on addressing the significant environmental issues raised in the comments, as specified by State CEQA Guidelines Section 15088(b). The COE provided written responses to each comment made by a public agency in Section 2 of the Final EIR, pursuant to State CEQA Guidelines Section 15088(b), and revisions and corrections to the Draft EIR are found in Section 3 of the Final EIR.

CEQA requires that a lead agency recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review, but before certification. "Information" includes changes in the project. Recirculation is not required where the new information added to the EIR merely clarifies, amplifies, or makes insignificant modifications in an adequate EIR.

New information is not considered significant unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project's proponents have declined to implement. "Significant new information" includes a disclosure showing that:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

COE staff has reviewed this material and determined that none of this material constitutes the type of significant new information that requires recirculation of the Draft EIR for further public comment under State CEQA Guidelines Section 15088.5. None of this material indicates that the project will result in a significant new environmental impact not previously disclosed in the Draft EIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5 of the State CEQA Guidelines.