

FINAL
PROGRAM ENVIRONMENTAL IMPACT REPORT

CITY OF FRESNO
WESTLAKE DEVELOPMENT PROJECT
(SCH# 2007121033)

October 2013



Quad Knopf

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City of Fresno
Westlake Development Project
SCH# 2007121033

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October 2013

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SECTION ONE
INTRODUCTION

SECTION ONE – INTRODUCTION

1.1 Purpose of the Final Environmental Impact Report

This Final Environmental Impact Report (FEIR) has been prepared to respond to agency and public comments received on the Draft Program Environmental Impact Report (Draft EIR) prepared for the Westlake Development Project (SCH# 2007121033). The City of Fresno (City), as the Lead Agency under the California Environmental Quality Act (CEQA), is required to prepare a Final EIR that responds to all environmental comments received on the Draft EIR.

Responses to comments are directed to the disposition of significant environmental issues that are raised in the comments, as set forth in Section 15088 of the State Guidelines. When reviewing the comments and in developing responses thereto, every effort was made to compare the comment to the information contained in the Draft EIR. In most instances, responses are not provided to comments on non-environmental aspects of the proposed project. For comments not directed to significant environmental issues or the adequacy of the EIR, the responses indicate that the comment has been “noted” and will be forwarded to the City decision making body for review and consideration during the public review process for the Project.

CEQA requires that a Final EIR be prepared, certified and independently considered by the decision-making body of the City prior to taking action on the project. The Final EIR provides the City with an opportunity to respond to comments on the Draft EIR and to incorporate any changes necessary to clarify and/or amplify information contained in the Draft EIR. This Final EIR will be available to all commenters for at least ten (10) days prior to its certification.

The Final EIR consists of (1) the separately bound Draft EIR and its Appendices incorporated herein by this reference; (2) Project Description; (3) a list of commenters on the Draft EIR; (4) the comments received concerning the Draft EIR; (5) responses to these comments; and (6) errata text, appendices, figures and tables to amend and/or supplement the Draft EIR contents.

1.2 Public Review and Consultation Process

On December 7, 2007, the City distributed to public agencies and interested citizens a Notice of Preparation (NOP) for the Westlake Development Project. The NOP informed these agencies of the City’s intent to prepare a Draft EIR. The 30-day review period for the NOP started on December 7, 2007 and ended on January 8, 2008.

A notice was published in the Fresno Bee on April 16, 2013, notifying the public of the availability of the Draft EIR and soliciting comments thereon. The Draft EIR was delivered to the State Clearinghouse and mailed to agencies, organizations and interested individuals on April 16, 2013 to begin the 45-day review period, which was held from April 16, 2013 to May 31, 2013.

SECTION TWO

SUMMARY OF DRAFT ENVIRONMENTAL IMPACT REPORT

SECTION TWO – SUMMARY OF DRAFT ENVIRONMENTAL IMPACT REPORT

This section sets forth Chapter Two – Project Description from the DEIR, but for clarity and ease of reference incorporates any errata changes thereto discussed within this FEIR. The Mitigation Monitoring Program, which also incorporates any errata changes thereto discussed within this FEIR, is included at the end of this section to provide a complete list of project mitigation measures.

2.1 *Project Location*

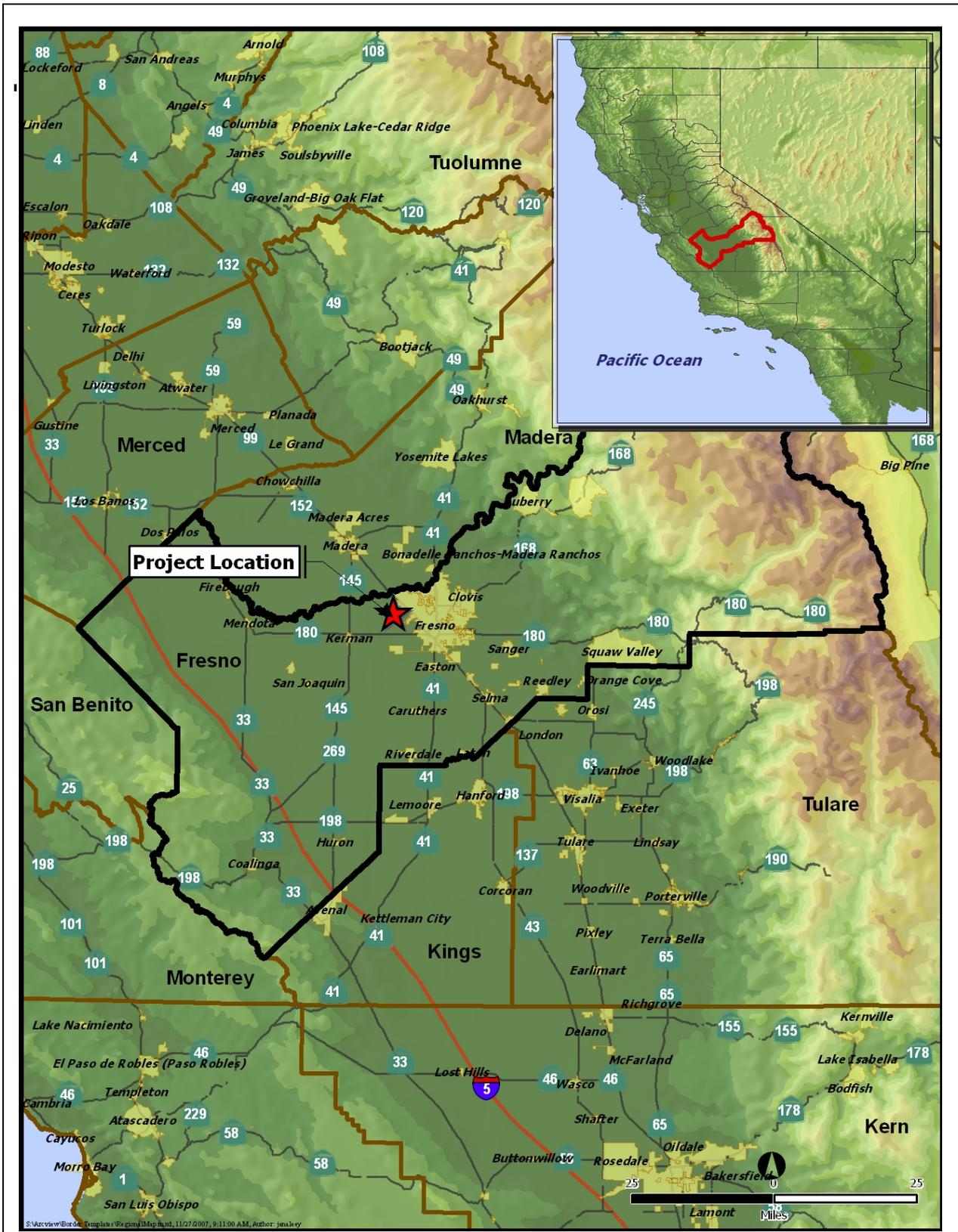
The proposed project is located adjacent to the Fresno City limits, in north-central Fresno County (reference Figures 2-1 and 2-2). The project site is located west of State Route 99 and is bounded by West Gettysburg Avenue, West Shields Avenue, North Garfield Avenue, and North Grantland Avenue. More specifically, the project site is located on the west side of Grantland adjacent to the Fresno City limits and across the street from the Deran Koligian Education Center, a facility owned and operated by the Central Unified School District.

The project site is within the adopted Sphere of Influence (SOI) of the City of Fresno. The project site is outside the corporate limits of the City of Fresno, but has been planned for a variety of urban uses in the 2025 General Plan and portions have been pre-zoned by the City. The Project will be proposed by the applicant for annexation approval by the Fresno County Local Agency Formation Commission. (See full description, later in this Chapter, of agencies, permits and approvals for which this EIR has been prepared.)

2.2 *Project Objectives*

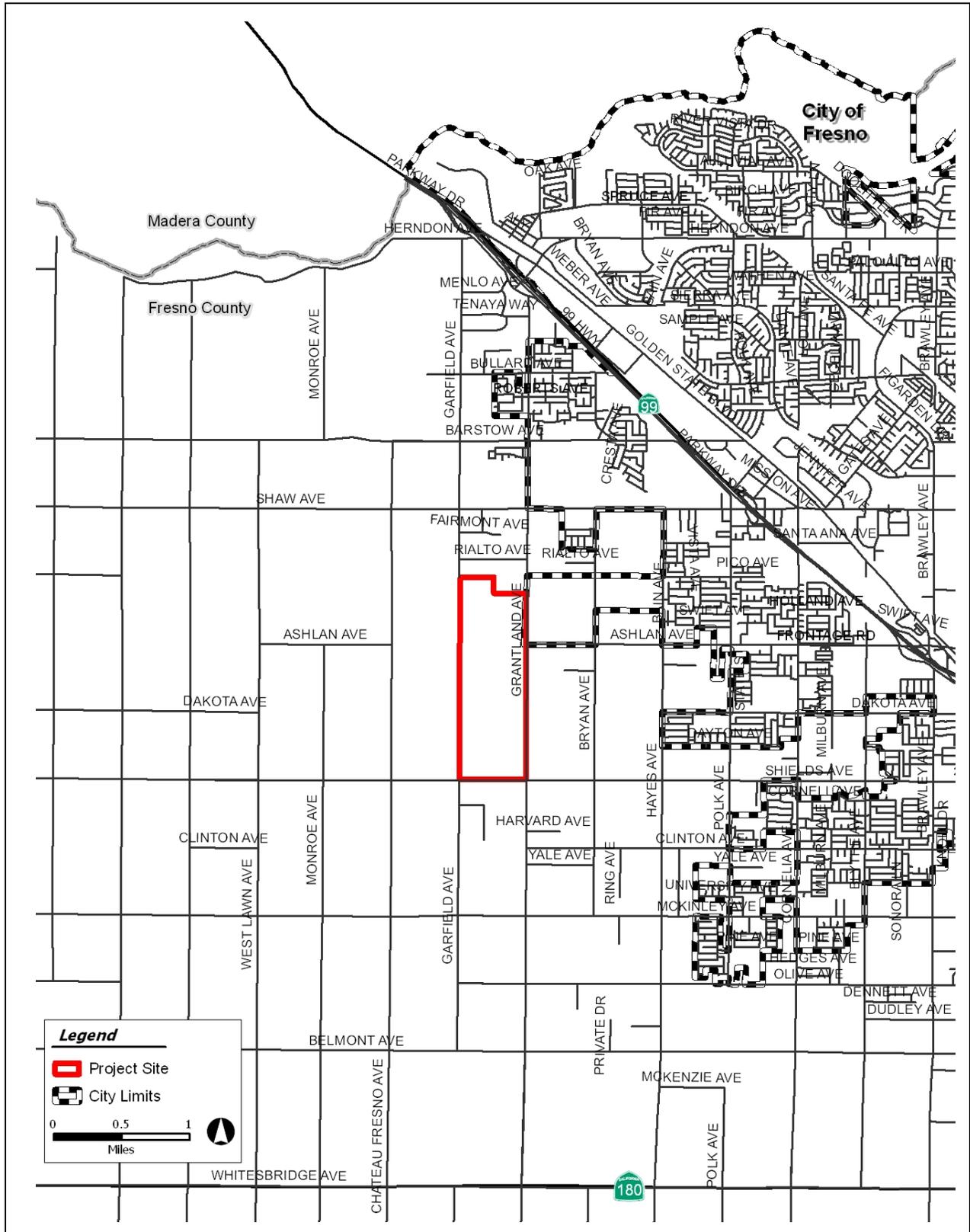
The overall purpose of the project is to plan and build a master planned community with residential and commercial uses, in a development with a private man-made lake, consistent with the goals, policies and objectives of the 2025 City of Fresno General Plan. A statement of the project's objectives is required by CEQA Guidelines Section 15124(b). The project's objectives are as follows:

- To develop a “Master Planned” community that will provide a variety of housing opportunities with a complete range of densities, styles, sizes, and values which will be designed to satisfy the demand for quality and Housing Element-required housing by the existing and future City population base, in accord with 2025 Fresno General Plan Goal No. 8 (providing opportunity for a variety of housing throughout the Metropolitan Area);
- To provide quality on-site open space and recreational opportunities in the form of a man-made lake that will include water-based recreation, parkland and a community center, in accord with 2025 Fresno General Plan Goal No. 10 (provide quality open space, park and recreational facilities and programs to support the projected population);



REGIONAL MAP

Figure 2 - 1



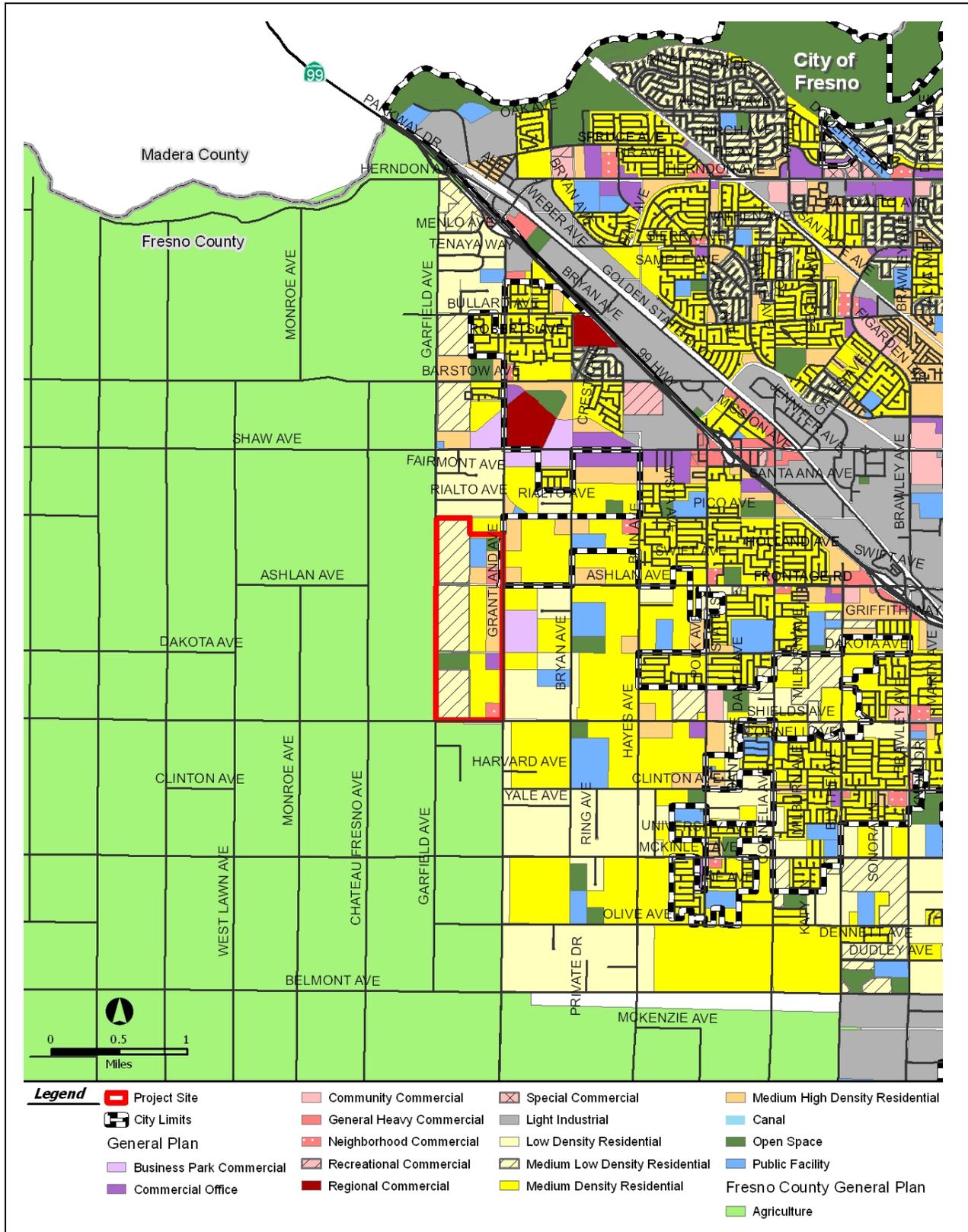
VICINITY MAP

Figure 2-2

- To provide a strong sense of “community” through the use of street patterns, landscaping, signage, lighting, and project amenities, in accord with 2025 Fresno General Plan Goal No. 9 (provide activity centers and intensity corridors within plan areas to create a mix of land uses and amenities to foster community identity and reduce travel);
- To provide commercial development sufficient to accommodate most of the daily needs of the projected population of the project, in accord with 2025 Fresno General Plan Goal No. 9 (provide activity centers and intensity corridors within plan areas to create a mix of land uses and amenities to foster community identity and reduce travel);
- To provide for alternative forms of transportation (pedestrian, bicycle) within the project, in accord with 2025 Fresno General Plan Goal No. 6 (coordinate land uses and circulation system to promote a viable and integrated multi-modal transportation network), thereby reducing dependency upon the automobile;
- To provide opportunities for mixed-uses - residential, professional or commercial - which combine a variety of uses on one parcel;
- To design and build an environmentally and economically sustainable community with safe walking or biking for all residents, including children, to schools and activity centers, in accord with 2025 Fresno General Plan Goal No. 14 (protect and improve public health and safety); and
- To provide for effective groundwater recharge and water conservation through project design.

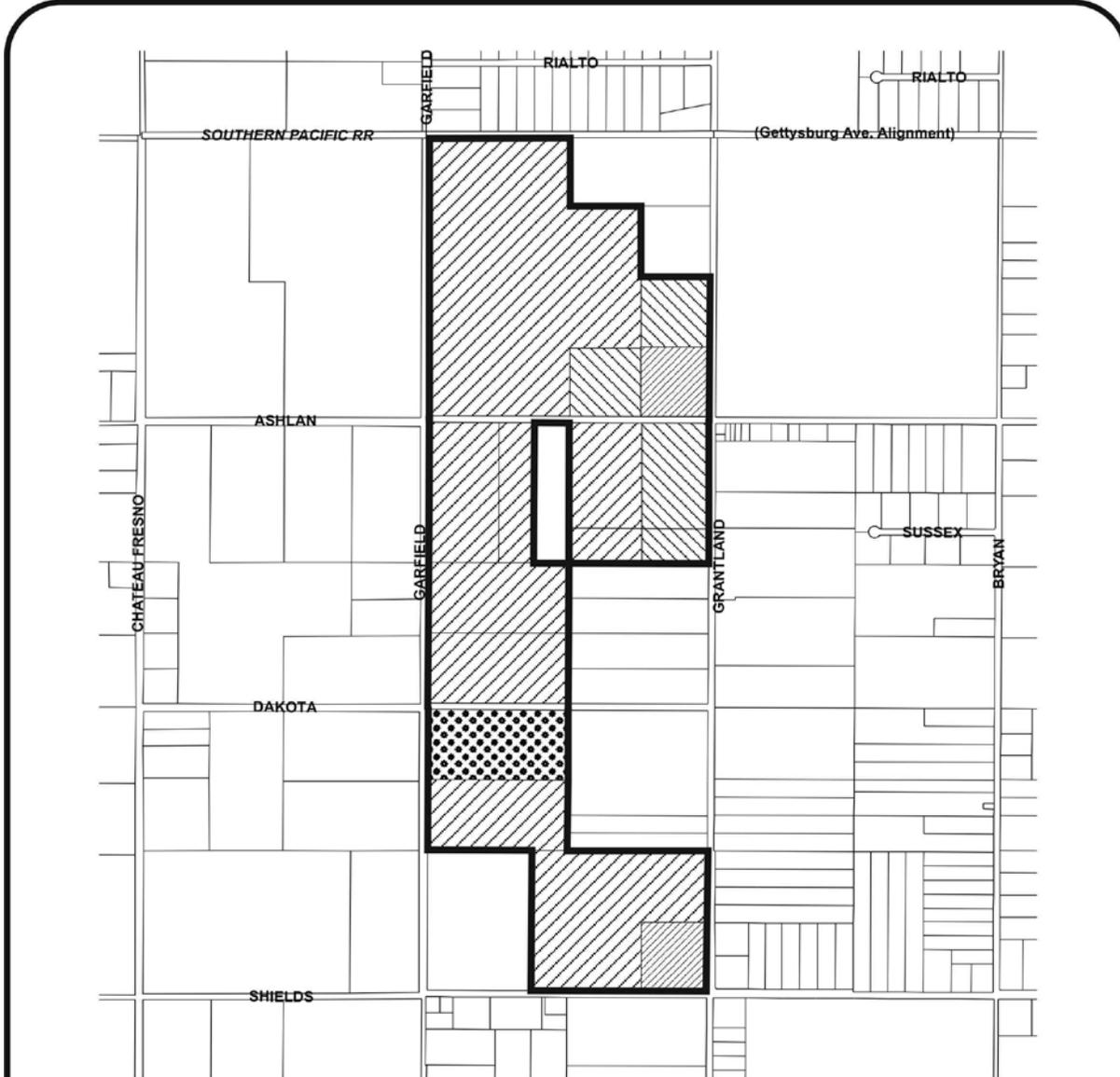
2.3 Project Description

Westlake Development Company, Inc. (the project Applicant) is proposing to develop a master planned 430 acre project with residential and commercial uses developed around a man-made private lake. The project will consist of approximately 2,600 residential units and up to 295,000 square feet of community and neighborhood commercial buildings. At full buildout, the project would accommodate 7,956 residents (based on a 3.06 person per household ratio). This is the maximum population figure utilized for environmental analysis in this EIR; it is based on the latest available census data. The project will consist of approximately 82 acres of Medium Low Density Residential, 207 acres of Medium Density Residential (approximately 12 acres of which is planned for an elementary school at the northwest corner of Grantland and Dakota Avenue), 39 acres of Medium High Density Residential, 30 acres of Neighborhood/Community Commercial, and 70 acres open space consisting of the 55 acre lake feature, roadway and open space. Figure 2-3 shows the existing City of Fresno General Plan land use designations for the project site and surrounding area. Figure 2-4 shows the approved pre-zoning for a portion of the project site. Table 2-2 summarizes the existing and proposed project area land use designations and zoning.



EXISTING GENERAL PLAN DESIGNATIONS

Figure 2 - 3



LEGEND

- Subject Property
- From AE-20 (County) to R-1/UGM
- From AE-20 (County) to C-1/UGM
- From AE-20 (County) to AE-5/UGM
- From AE-20 (County) to R-2/UGM

VICINITY MAP

REZONE APPLICATION NO. R-04-081
From AE-20 (County) to AE-5/UGM, R-1/UGM, R-2/UGM, C-1/UGM

PLANNING & DEVELOPMENT DEPARTMENT

311-021-26,311-043-12S,13S,
A.P.N.: 14,15,17S,18,26,28,29T



ZONE MAP: 2043,2143

Btwn Garfield, Grantland, Shields and Gettysburg Aves.

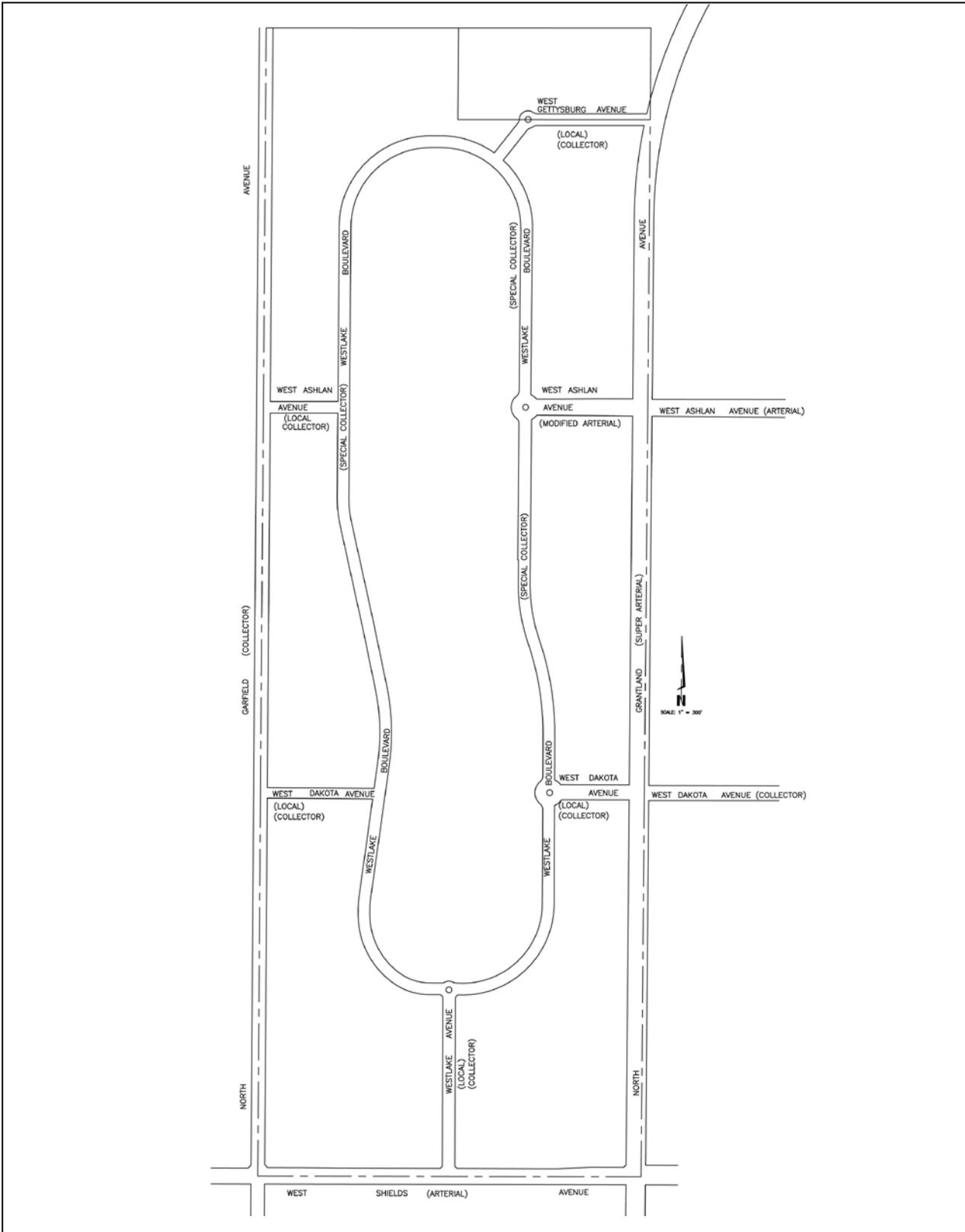
NOT TO SCALE

BY/DATE: J.S. / 10-18-04



APPROVED PREZONING ON A PORTION OF
WESTLAKE DEVELOPMENT PROJECT SITE

Figure
2 - 4



WESTLAKE DEVELOPMENT PROJECT MAJOR STREET LAYOUT

Figure 2 - 6

Generally, the project will be built out in a north to south pattern with excavation and construction of the lake occurring over 2 phases beginning during initial development (see the description of the lake in Chapter Two). A review and analysis of the Draft EIR’s discussion of possible lake impacts (Impacts #3.7-2, pages 3.7-18 and 3.7-19, #'s 3.8-1(a), 3.8-2(b) and 3.8-3(c)(d)(e), pages 3.8-16 through 3.8-20) discloses no change in impacts, or any additional impacts, nor in required mitigation measures, to be engendered by the construction of the lake in two phases. Air quality impacts from lake construction would be lessened by phased construction, spreading, such impacts over more than one year.

**Table 2-1
Summary of Project Phasing**

Year of Completion	Single Family	Multi-Family	Commercial	Lake
2016	648 units	-	-	Constructed and filled – 1 st Phase
2018	703 units	274 units	147,500 sq. ft.	Constructed and filled – 2 nd Phase
2020	702 units	273 units	147,500 sq. ft.	-
Total:	2,053 units	547 units	295,000 sq. ft.	-

THE LAKE

The focus of the project will be a 55 acre manmade ("artificial") lined lake, oriented in a north-south direction and over one mile in length. In addition to being a recreational amenity (for non-contact activities such as non-gas powered boating), the lake will also detain incidental storm water and incidental drainage flows. The Westlake Homeowners Association (HOA) will own and operate the lake facility. The cross-section design of the lake has not yet been finalized but it is anticipated that typical "edge" depths will be 3 to 4 feet and "center" depths 12 feet (see Figure 2-7). It will be designed with north-to-south "stepped" water level control structures to assure required level depths and provide adequate freeboard for drainage detention. Operational activities associated with the 55-acre lake would require the use of chemicals and filtering to maintain the lake and lake “draw-down” for maintenance at ten year intervals. No vegetation will be allowed on the surface or at the shoreline of the lake, in order to eliminate potential mosquito sources. The design of the lake feature will be in accordance with the guidelines established by the City of Fresno in its “Guidelines for Ponding Basin/Pond Construction and Management to Control Mosquito Breeding”, as applicable.

**Table 2-2
Existing and Proposed Project Area Land Use Designations and Zoning**

Land Use Designation	Acres	Zoning	Allowable Density per Acre	Area not Prezoned ¹	Proposed Acreage	Proposed Zoning
Medium Low Density Residential	182	R-1/UGM ¹	2.19 to 6.0 DU/acre		82	R-1/UGM
Medium Density Residential	93	R-1/UGM ¹	4.99 to 10.37 DU/acre		207	R-1/UGM
Medium High Density Residential	40	R-2/UGM ¹	10.38 to 18.15 DU/acre		39	R-2/UGM
Neighborhood Commercial	19	C-1/UGM ¹	25% FAR ²		30	C-1/UGM & C-2/UGM
Public Facilities (Elementary School)	17	R-1/UGM ¹	---			
Open Space	19	AE-5/UGM ¹	---		70	O/UGM & R-1/UGM
Total	370			58 ³		
Site Total					428	

¹ County Zoning, AE-20, 20 acre minimum

² FAR = Floor area ratio

³ Area not prezoned

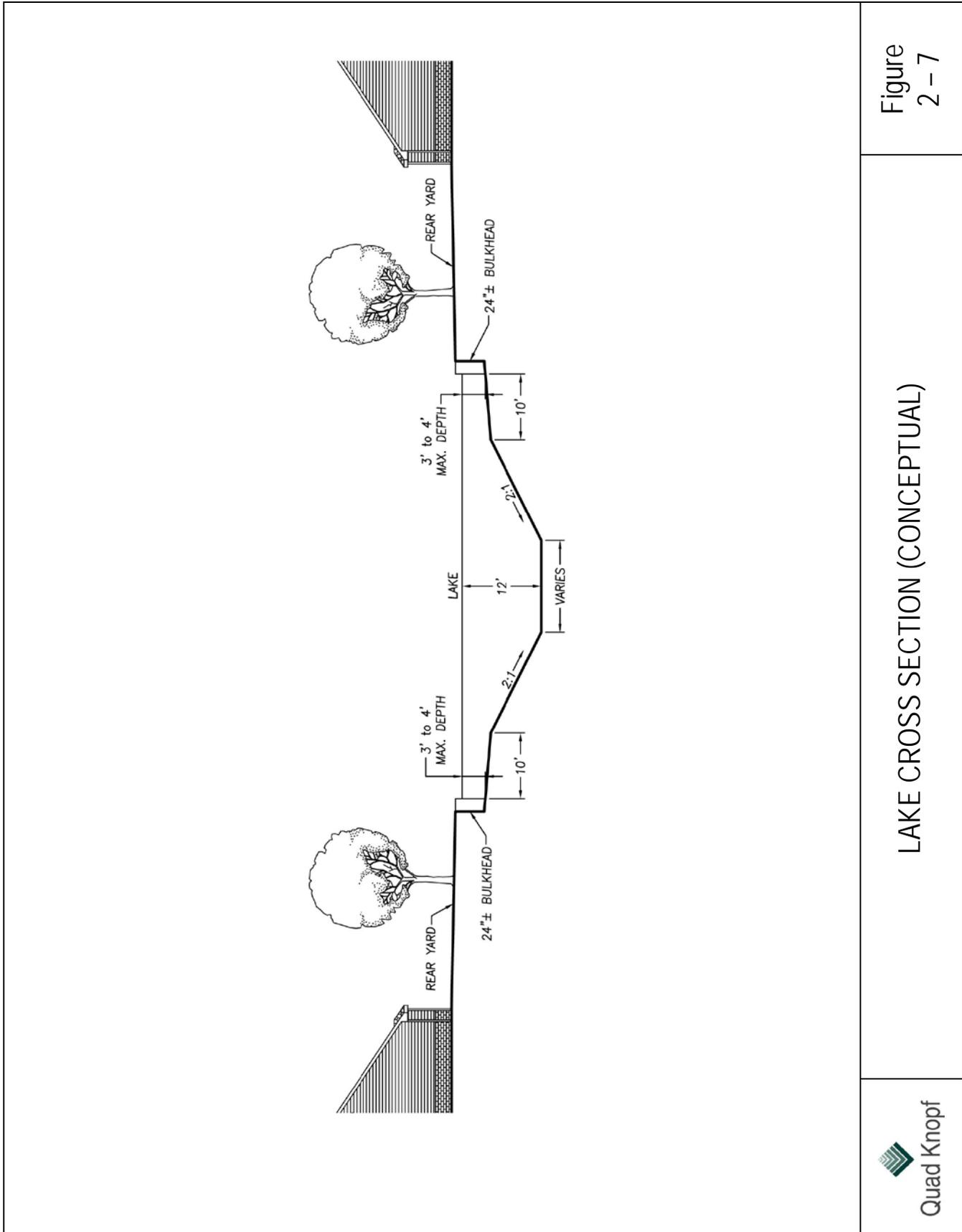


Figure
2 - 7

LAKE CROSS SECTION (CONCEPTUAL)



The approved Water Supply Assessment for the project assumed a worst-case water quantity of approximately 550 acre feet contained within the lake and 224 acre feet per year to maintain lake levels. Such water requirements were included in the Water Supply Assessment for the project approved by the Fresno City Council in 2011.

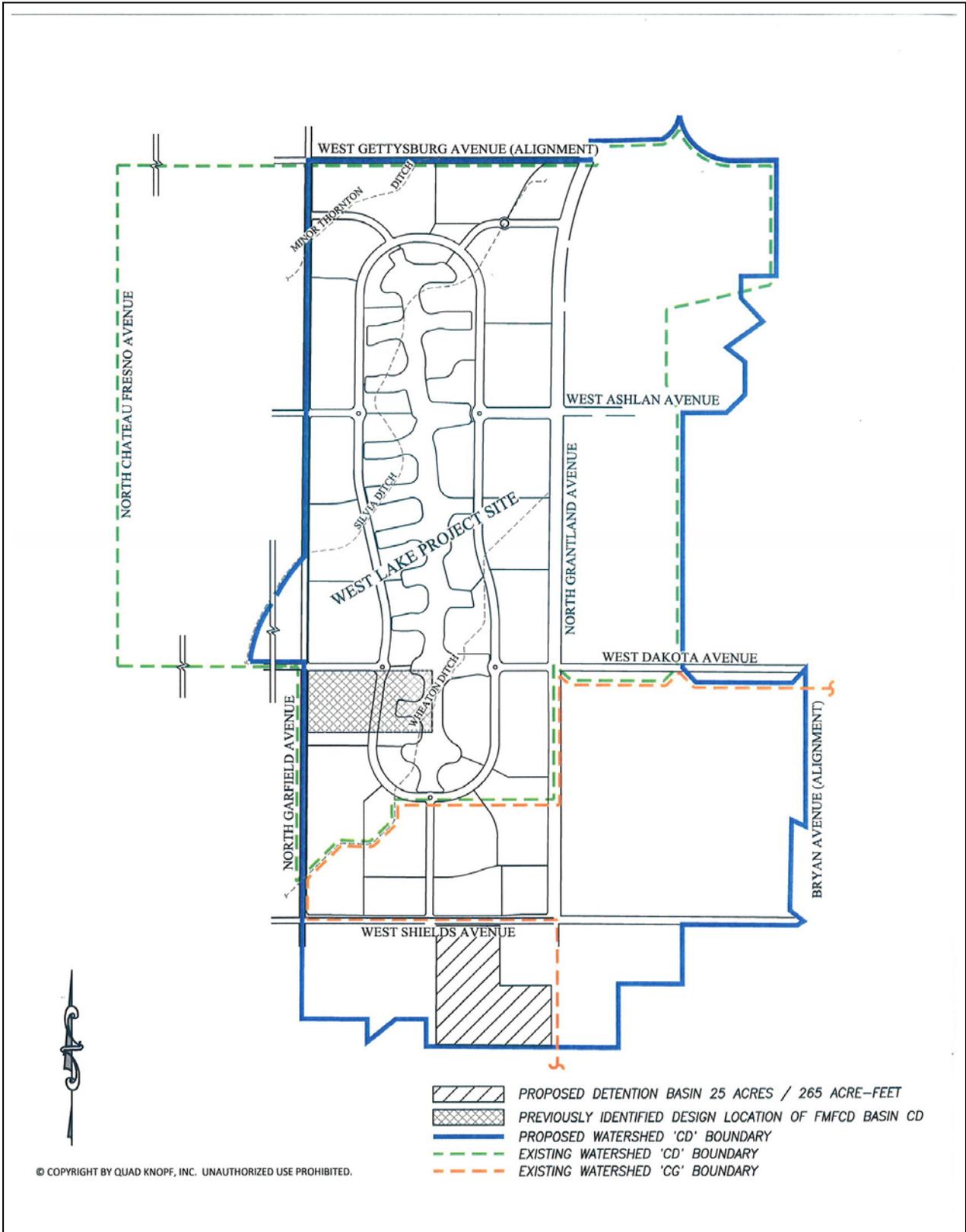
RECHARGE BASIN

The Fresno Metropolitan Area Flood Control District (FMFCD) owns 20 acres of the intended project site at the southeast corner of the Garfield and Dakota alignments that is planned for a ponding/recharge basin. The property is included within the acreage of the project. The ponding/recharge basin site will be reconfigured to be integrated within the design of the project and its function and capacity will be replicated by a 25-acre replacement basin located just south of Shields Avenue outside the project site (see Figures 2-8 and 2-9). The replacement basin will be owned and operated by FMFCD. The basin is a permitted use in the existing agricultural land use designation. It is anticipated that, recharge from the area will be the same as at present because of the diversion of storm drainage and ten-year maintenance drawdown water from the lined lake to the FMFCD recharge basin, effectively replacing current runoff/percolation recharge (see Section 2.8 of this EIR). Although the replacement basin may be outside the project site, anticipated impacts caused by the development of the replacement basin at the new location are assessed in this EIR as required by CEQA.

In reality, groundwater recharge may be slightly increased. Evapotranspiration from either crops or weed growth on the 430 acre site, reducing recharge, will be replaced in part by evaporation from the lake surface and by evapotranspiration from residential lawns and landscaping. The direct recharge from precipitation may thus be less. Indirect recharge from storm drainage runoff will be greater than at present due to greater runoff from impervious surfaces. Accurate numeric "calculations" of these facts, because of the immeasurable variables involved, are not feasible.

Project runoff and drainage may be routed through the lake to a drainage basin replacing, and increasing in size (from 20 to 25 acres), that was previously planned for the drainage area which includes the project. Preliminary engineering calculations have verified that the proposed basin is of adequate size and design to serve the drainage area. Final design criteria will be furnished to the Fresno Metropolitan Area Flood Control District before initiation of project development.

Two FID canals currently traverse the site. These canals will remain in operation but will be piped through the site underground. There will be no loss of groundwater recharge, or beneficial use through agricultural crop irrigation, as a result of pipelining the FID canals traversing the site. Such recharge will either occur in further unlined facilities downstream from the project site or any water not recharged in unlined canals will, as at present, be used for irrigation.



WESTLAKE PROJECT WATERSHED BOUNDARY

Figure
2 - 8

SITE ACCESS AND CIRCULATION

Access to the project site (see Figure 2-6) from the north or south is primarily from Grantland Avenue, currently developed as a 2-lane road but planned by the 2025 Fresno General Plan as a 4- to 6-lane divided super arterial. State Route (SR) 99 is located approximately 3.5 miles east of the project site. Ashlan and Shields Avenues are both designated as arterials with ultimate 4-lane divided configurations, and Dakota and Gettysburg Avenues are planned to eventually be 4-lane undivided collectors. The project proposes to bifurcate planned major street segments of West Ashlan and West Dakota Avenues west of Grantland Avenue, to modify West Gettysburg Avenue in conjunction with an Official Plan Line modification of that collector street to be processed by the City of Fresno, and a potential plan line modification for West Ashlan and West Dakota.

The circulation system within the project will be public streets and will incorporate roundabouts rather than stop-sign controlled intersections or traffic signals wherever possible. A series of trails/bike lanes are planned that will link the various neighborhoods to each other and to the Central Unified School District facilities on the east side of Grantland Avenue. The major project trail around the lake will tie into smaller trails that are planned to cross the lake on a bridge or series of bridges. An option also exists to reroute the Regional Multiple Use trail from the west side of Grantland Avenue to the interior trail configuration of the project.

As part of the project, the applicant will be responsible for the following improvements:

- Construction of the entire frontage of Grantland Avenue to its ultimate right-of-way configuration prior to full buildout of the project;
- Construction of Gettysburg Avenue west of Grantland Avenue prior to completion of 648 residential units; and
- Construction of Dakota Avenue between Grantland Avenue and Hayes Avenue prior to full buildout of the project.

SUPPORTIVE PUBLIC FACILITIES

The proposed project will be supported by the City of Fresno's municipal water supply system and its wastewater collection system (including the Grantland trunk sewer) and wastewater/treatment disposal facilities. It is bordered by an existing public elementary school, and is proposed to contain a grammar school site. The major serving public utility, Pacific Gas and Electric, has provided a "will serve" letter to the project developer. Chapter Three, Sections 3.13 and 3.16, provides requisite details regarding such supportive public facilities.

LAKE AND CLUB HOUSE FACILITIES

The project applicant states that it intends to create a Homeowner's Association to own and operate the lake facility. Additionally, the Association will own, maintain, and/or operate a clubhouse, public areas adjacent to streets (landscaped setbacks, sidewalks, etc.), and a trail

system, for all of which final designs will be prepared concurrent with conditional use permit applications. The clubhouse is anticipated to house various facilities for the residents' use including fitness/workout rooms, lockers, banquet facilities, pools, administrative offices, restrooms, meeting rooms, and a child care center. The applicant anticipates that the building will be 8,000 to 12,000 square feet in size and that it will likely be located on the eastern edge of the lake near West Ashlan Avenue.

PROGRAMMATIC EVALUATION

The project description set forth herein is intended for programmatic evaluation in this EIR. At this point the City's review is limited to Tentative Tract Map No. 5915, plan amendment and rezone applications submitted by the applicant and the applicant's representations as to the proposed project. More specific project build-out configurations and schedules will be determined when the applicant submits conditional use permit(s) applications and/or a development agreement. At that time, aspects of the project will be subject to additional CEQA analysis, as described in CEQA Guidelines, Section 15168, to determine whether the analysis contained in this EIR adequately covers the proposed activities. If future project activities are determined to be outside the assumptions and analysis in this EIR, additional CEQA analysis may be necessary (See Chapter One).

EXISTING 2025 FRESNO GENERAL PLAN DESIGNATIONS AND ZONING

Currently, the 430-acre project site is designated for urban uses by the 2025 Fresno General Plan. The project site has approved pre-zoning for approximately 370 of the 430 acres (Rezone No. R-04-81 was approved by the Fresno City Council on July 26th, 2005; see Figure 2-4). This zoning would become effective upon annexation of the site; however, the site is currently zoned AE-20 (Exclusive Agricultural District, 20-Acre Minimum Lot Size, Fresno County Zone District) by the County.

Approximately 40 acres of the project site were subject to Williamson Act contracts AP-5269 and AP-5270. Notices of Non Renewal were filed in 1995 and these contracts expired in 2005. There are no additional parcels subject to Williamson Act contracts on the project site.

The Fresno Metropolitan Area Flood Control District owns 20 acres of the project site at the southeast corner of the Garfield and Dakota alignments. The property is included within the acreage of the project. The ponding basin site will be reconfigured to be integrated within the design of the project. Its function and capacity will be replicated in a 25-acre replacement basin located just south of Shields Avenue (see Figure 2-8). The replacement basin will be located on land currently designated as Agriculture by the Fresno County General Plan and zoned as AE-20. The basin is a permitted use in the existing agricultural land use designation. A 'Director Approval' would be required. Alternatively, the basin site could be annexed to the City and zoned/conditional use permitted appropriately. It would be owned and operated by the Flood Control District.

Table 2-2 shows existing general plan land use designations and zoning for the project site.

AGENCIES, PERMITS/APPROVALS, ENVIRONMENTAL REVIEW AND CONSULTATION

Agency Usage of the EIR

The following agencies will use the EIR in their decision-making process:

- The City of Fresno (City);
- The Fresno Local Agency Formation Commission (LAFCo);
- The Fresno Metropolitan Flood Control District (FMFCD);
- The Fresno Irrigation District (FID); and
- The San Joaquin Valley Air Pollution Control District (SJVAPCD).

Permits/Approvals

This Program EIR will be used for approval of the following discretionary entitlements/actions necessary for the project:

- The annexation of approximately 430 acres from Fresno County into the City of Fresno (LAFCo);
- A General Plan Amendment changing some of the land use designations (reference Figures 2-3 and 2-5 and Table 2-2);
- Pre-zoning (reference Figure 2-4 and Table 2-2). Pre-zoning is required to be completed prior to submittal of an annexation application; it will take effect upon annexation;
- A request for approval of the vesting tentative tract map for the broad scale division of the property into 29 residential, commercial, and open space/recreation parcels. (These broad scale parcels will be further subdivided with subsequent multiple tentative and final maps during the pre-construction phase of the project and filed at a later date);
- A Conditional Use Permit (CUP) (to be filed at a later date). The CUP will help define the theme of Westlake and provide details of project design and development standards;
- A Development Agreement to vest development rights, and create mutual obligations and certainties for the Westlake project. The Development Agreement will provide for the orderly development of identified residential units within the project area over the course of a pre-determined buildout schedule. It will also address infrastructure and amenities and will present realistic construction projections. The Development Agreement will provide certainty with respect to cost estimates for proposed mitigation measures and project development fees. Community benefits will be identified. Until such time as the Development Agreement is finally negotiated, all terms, conditions and other components of the Development Agreement will not be fully known. In the event any aspect of the Development Agreement leads to potentially significant environmental effects not otherwise considered in this DEIR, additional CEQA review will be required;

- Approval to relocate and revise the shape of designated drainage and recharge basin 'CD' (see Figures 2-8 and 2-9) and revise drainage district boundaries for drainage basins 'CD' and 'CG';
- Detachment from the Kings River Conservation District; and
- Detachment from the North Central Fire Protection District.

Several applications have been filed or will be filed with regulatory agencies for the above permits and approvals:

1. *City of Fresno*

Several applications have been filed with the City of Fresno by Granville at Westlake, Inc. These applications include an amendment to the 2025 Fresno General Plan; rezoning of the site consistent with the proposed general plan amendment; and a proposed Vesting Tentative Tract Map (No. 5915) to provide for broadscale subdivision of the project site. A 'Project' Conditional Use Permit application, Development Agreement and subsequent subdivision map applications may be filed at a later date.

A. GENERAL PLAN AMENDMENT NO. A-07-001. In addition to proposing amendments to the land uses as shown in Table 2-2, this application also proposes to re-designate and realign several major roadways that will serve the site, requiring a Plan Line Amendment. Proposed land uses and circulation changes are shown on Figures 2-5 and 2-6.

B. REZONE APPLICATION NO. R-07-008. The applicant proposes rezoning of the project site to implement the land use designations in the General Plan Amendment shown in Table 2-3. The proposed zone districts will become effective upon recordation of annexation to the City of Fresno. The project will therefore be pre-zoned by the City prior to LAFCo's approval of the annexation application.

C. VESTING TENTATIVE TRACT MAP NO. 5915. This vesting tentative tract map will provide for the broad scale division of the property into 29 residential, commercial, and open space/recreational parcels. These broad scale parcels will be further subdivided through the approval of multiple subsequent tentative and final maps during the pre-construction phase of the project, to be filed at a later date.

D. PROJECT CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT (to be filed at a later date).

2. *Fresno Metropolitan Flood Control District*

- Approval to relocate and revise shape of designated Drainage Basin "CD"
- Approval of revision of Drainage District Boundaries for Drainage Basins "CD" and "CG" (see Figures 2-8 and 2-9)

3. *Fresno Local Agency Formation Commission (application to be filed upon approval of City entitlement applications)*
 - Annexation to the City of Fresno
 - Detachment from the Kings River Conservation District and the North Central Fire Protection District
4. *Fresno Irrigation District*
 - Authorization for use of surface irrigation water for the proposed project lake, and for drainage from the lake to relocated Drainage Basin "CD"
5. *San Joaquin Valley Air Pollution Control District*
 - Indirect Source Review Rule permitting
 - Grading Dust Control Plan

OTHER AGENCY ENVIRONMENTAL REVIEW AND CONSULTATION

In addition to EIR usage by the listed agencies, and the permits and approvals required by such agencies, the project approval process may involve consultation with and approvals by the California Regional Water Quality Control Board, Central Valley Region (with respect to the lake) or by the California Department of Fish and Game or U.S. Fish and Wildlife Service if pre-construction surveys provide evidence of endangered or threatened species.

2.4 *Environmental Setting*

As set forth in Section 15125(a) of the State CEQA Guidelines: “An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice or preparation was published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives.”

Chapter Three, Setting, Impacts and Mitigation Measures contains topic-specific additional information on the environmental setting together with analysis of the project’s effect on this setting.

SURROUNDING AREA

Much of the land surrounding the project site is in agricultural production or occupied by rural residential homes and ancillary structures. The CUSD Deran Koligian Education Center is located east of Grantland Avenue and south of Ashlan Avenue proximate to the proposed project site. Large lot single family homes are located along West Rialto Avenue adjacent to, and north of, the project site.

AESTHETICS / VISUAL RESOURCES

The Sierra Nevada mountain range, with elevations ranging from approximately 5,000 to 14,500 feet above mean sea level, is the only natural and visual resource in the project area. Currently, distant views of this mountain range are afforded only during clear conditions. Typical views of the project site and surrounding areas are shown in Figures 3.1-2 and 3.1-3.

AGRICULTURAL RESOURCES

The project site sits on 430 acres of unimproved land. The site is currently (January, 2013) fallow farmland. Previously, this land had been in agricultural production for decades with a mixture of orchard and row crops. There are no parcels within the project site that are under Williamson Act contract.

The project site contains mostly Exeter sandy loam (Es) (87 percent) with minor amounts of San Joaquin sandy loam (ScA) (9 percent), San Joaquin sandy loam shallow (SdA) (2 percent), San Joaquin loam (SeA) (1 percent), and Hanford sandy loam (Hd) and Exeter sandy loam shallow (Et) (1 percent combined). The Fresno County General Plan Background Report characterizes the soils in the project vicinity as excessively drained to moderately well drained soils of young alluvial fans.

AIR QUALITY / CLIMATE CHANGE

The air pollution control agency for the Air Basin is the San Joaquin Valley Air Pollution Control District (SJVAPCD). The SJVAPCD is responsible for regulating emissions primarily from stationary sources, certain area-wide sources, and indirect sources. The SJVAPCD maintains air quality monitoring stations throughout the Air Basin. The SJVAPCD, in coordination with the eight countywide transportation agencies, is also responsible for developing, updating, and implementing the Air Quality Plans (AQPs) for the Air Basin. In addition, the SJVAPCD has prepared the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) (2002), which sets forth recommended thresholds of significance, analysis methodologies, and provides guidance on mitigating significant impacts.

The Air Basin is generally shaped like a bowl. It is open in the north and is surrounded by mountain ranges on all other sides. The Sierra Nevada mountains are along the eastern boundary (8,000 to 14,000 feet in elevation), the Coastal Ranges are along the western boundary (3,000 feet in elevation), and the Tehachapi Mountains are along the southern boundary (6,000 to 8,000 feet in elevation). The mountains surrounding the Air Basin form natural horizontal barriers to the dispersion of air contaminants.

The Air Basin has an “inland Mediterranean” climate and is characterized by long, hot, dry summers and short, foggy winters. Sunlight is a catalyst in the formation of some air pollutants (such as ozone), and the Air Basin averages more than 260 sunny days per year. Temperatures in the Fresno area range from an average high of 98.3 degrees Fahrenheit (°F) in July to an average low of 37.3°F in December. The average annual rainfall in the project area as recorded between 1948 and 2010 was 10.9 inches.

BIOLOGY

Five special-status wildlife species have a possibility of occurring on the proposed project site – burrowing owl, Swainson’s hawk, California horned lark, northern harrier, and San Joaquin kit fox. The project site contains suitable foraging habitat and nesting substrate for the burrowing owl, northern harrier, and California horned lark. A single adult northern harrier was observed on the property during field surveys. There are no occurrence records for Swainson’s hawk within five miles of the project site, but the property occurs within its historical and accepted current range. The two large Eucalyptus trees and two mature Fremont’s cottonwood trees that occur on the project site provide potential roosting habitat for Swainson’s hawks and other raptors and migratory birds. San Joaquin kit foxes are known to occur within four miles of the project site and may occur on the site as transient foragers.

CULTURAL RESOURCES

The proposed project site is located in the San Joaquin Valley which has been occupied by Native American groups for thousands of years. There is evidence of human habitation in the San Joaquin Valley dating to 11,000 years ago, although only a few archaeological sites of this antiquity have been identified at the present time.

Native American groups that inhabited the San Joaquin Valley during ethnographic times were known as the Yokuts, a group of 40-50 recognizable tribes of the Penutian linguistic family.

Upon contact with the Europeans, which first occurred in the late 1700s, the numbers of Yokuts rapidly diminished. Their home of the valley floor was readily accessible to encroachment by settlers. The early pioneers were followed in rapid succession by the farmers with the plow and fences, roads, railroads, and flourishing cities. By the 1910 census, a total of 533 Yokuts were counted in the state. As discussed further in Chapter 3, no cultural resources were identified on the proposed site.

GEOLOGY

The project site is mapped on the United State Geological Survey Topographic Herndon California Quadrangle. It is underlain by recent alluvial deposits of sandy loam, probably of the Modesto Formation. Sandy loam has approximately equal proportions of sand, silt and clay.

HAZARDS

A Phase I Environmental Site Assessment identified several issues associated with past and present uses of the project site that could potentially result in the exposure of persons and environment to hazardous materials: pesticides, abandoned wells, and above-ground storage tanks. These were likely due to previous agricultural activities. However, as identified in Chapter 3.7, mitigation measures will reduce their impact to a less than significant level.

HYDROLOGY

The City of Fresno draws its groundwater supply from the Kings Subbasin of the San Joaquin Valley Groundwater Basin. The Kings Subbasin (DWR Basin No. 5-22.08) underlies Fresno, Kings, and Tulare Counties and has a surface area of 976,000 acres (1,530 square miles).

Groundwater levels in the Fresno area have declined by an average of about 1.5 feet per year since 1990. The slowest groundwater-level declines (less than 0.5 feet per year) were generally observed in the southwestern portion of the City's downtown area, while groundwater-level declines increased to 1.0 foot per year northeast of the downtown area. Average groundwater-level declines as high as 1.5 feet per year were primarily observed in the northern and northeastern (near the Fresno Air Terminal) portions of the City. The largest average annual groundwater-level declines (3.0 feet per year) were observed in the northeastern area of the City, near Clovis.

In DWR Bulletin 118-80, eleven basins, including the Kings Sub-basin, were identified as being in a critical condition of overdraft. The overdraft status of these basins was not re-evaluated by DWR in DWR Bulletin 118-03; however, DWR Bulletin 118-03 does acknowledge the groundwater recharge programs being conducted by the City of Fresno, FID, and FMFCD within the Kings Subbasin to ensure that groundwater will continue to be a viable water supply in the future. One of the City's objectives is to balance its groundwater operations by the year 2025, utilizing available surface water and reclaimed water, and reducing water demand through conservation measures. It is projected that at that point groundwater pumpage will equal groundwater recharge, thus minimizing the potential for further groundwater level declines and any accompanying water quality impacts.

LAND USE

The site is currently (January, 2013) fallow farmland. Previously, this land had been in agricultural production for decades with a mixture of orchard and row crops. The site is within the adopted Sphere of Influence (SOI) of the City of Fresno and is planned for a variety of urban uses (See Table 2-2). The project site is outside the corporate limits of the City of Fresno. However, the applicant proposes to apply to the Fresno County Local Agency Formation Commission to annex the project property into the City of Fresno.

POPULATION AND HOUSING

The California Department of Finance estimated the population of the City of Fresno to be 505,009 in 2012. The California Employment Development Department estimated employment in the City of Fresno to be 194,200.

PUBLIC SERVICES

The following describes the public services and related facilities that must be extended to the project site if the project is approved:

- An extension of the City's municipal water system, supplemented by an onsite City well or wells;
- A connection of the onsite wastewater system (sewer system) to the City's Grantland trunk line;
- Onsite storm drainage through the lake to the recharge basin; and
- Public utility services (see Appendix L for "will serve" letter).

Fire Protection

Currently, the site is within the North Central Fire Protection District. The nearest fire station in the NCFPD is Station 22 located 4 miles south of the project site.

The City of Fresno Temporary Fire Station 18, located at 5398 N. LaVentana Avenue is the closest station to the project site and is approximately 1.6 miles north-east of the northern boundary of the project site. Station 16, located at 2510 North Polk is the closest permanent fire station to the proposed project site and is approximately two miles from the site's southeastern boundary.

Emergency Services

American Ambulance provides emergency medical services and transport on a contractual basis for the City of Fresno. American Ambulance paramedics and emergency medical technicians responded to over 135,000 calls originating from 4,000 square miles in Fresno and Kings Counties annually. American Ambulance employs 550 personnel and maintains more than 100 ambulances.

Law Enforcement

The project site falls within the City of Fresno Northwest Policing District. The closest police station (3781 N. Hughes) is located approximately 5.5 miles from the project boundary.

Public Schools

Educational services for the proposed project will be provided by the Central Unified School District (CUSD). CUSD has 19 schools (including one alternative school and one continuation school) and more than 13,500 students. Students (in grades 7-8) from the proposed project would attend the District's Deran Koligian Educational Complex at the northwest corner of Ashlan and Bryan Avenues. A high school is proposed at the same Education Complex; however, until that location is open, students (in grades 9-12) from the project would attend Central High School –

East Campus located 2 miles from the project site boundary, just west of State Route 99 on Gettysburg. The District will need to construct a new elementary school within the vicinity of the proposed project to accommodate the new students generated at the K-6 grade levels. A 12-acre parcel within the project boundaries is presently planned for an elementary school site.

PARKS AND RECREATION

There are no recreational facilities located on the project site. The Deran Koligian Education Center, includes a stadium and track facility located adjacent to the project sites southeastern boundary. Stallion Park is the closest neighborhood park to the project site and is located 6.6 miles northeast of the project site. The closest regional park is Woodward Park, which is located 12.5 miles northeast of the project site.

TRANSPORTATION AND TRAFFIC

Access to the project site from the north or south is primarily from Grantland Avenue, currently developed as a 2-lane road but planned by the 2025 Fresno General Plan as a 4- to 6-lane divided super arterial. State Route (SR) 99 is located approximately 3.5 miles east of the project site. Ashlan and Shields Avenues are both designated as arterials with ultimate 4-lane divided configurations, and Dakota and Gettysburg Avenues are planned to eventually be 4-lane undivided collectors.

Fresno Area Express (FAX) provides bus service in the Fresno area. Bus service is not currently provided to the Project site. The nearest bus route (Route 9) does not travel west of Polk Avenue.

In general, bicycle and pedestrian facilities do not currently exist in the vicinity of the Project site, with the exception of limited sidewalks and Class II bike lanes that have been constructed along the frontage of the developed portions of the Central Unified School District Koligian Education Center.

High Speed Rail

The California High Speed Rail Authority has completed a Draft Environmental Impact Report and a Final Environmental Impact Report for the Merced to Fresno section of the High Speed Rail project. The California High Speed Rail Authority has also completed a revised Draft Environmental Impact Report for the Fresno to Bakersfield section. Through Fresno, the alternatives are parallel to, and are in the vicinity of, SR 99 and the UP railroad. The proposed High Speed Rail is not located adjacent to the proposed Westlake project.

UTILITIES

Groundwater

The City of Fresno Department of Public Utilities, Water Division, would provide water service to the project site. The City of Fresno obtains the majority of its delivered water supply from groundwater. The City lies within the Kings Subbasin of the San Joaquin Valley Groundwater

Basin of the Tulare Lake Hydrologic Region. Although groundwater levels in the Subbasin have been in decline, the Kings Subbasin is not adjudicated, so there is no legislated limit on groundwater pumping. In general, groundwater levels in the Fresno area have declined about 1.5 feet per year since 1990, though there has been some localized rebounding in Northeast Fresno as a result of the reduction in groundwater extractions and the incorporation of the North East Surface Water Treatment Facility. The City's current Urban Water Management Plan, adopted in August, 2008, has identified projects that, if constructed and implemented, will bring the water supply into balance by 2025. The project developer/applicant will be required to extend a line to the project site from the existing water distribution system and to fund/construct needed onsite wells.

Wastewater

The City of Fresno Department of Public Utilities, Wastewater Management Division provides wastewater collection and treatment to the City of Fresno. A major trunkline adjacent to the project site, the Grantland Trunk Sewer, will convey wastewater to the City's Water Reclamation Facility.

Storm Drainage

The project site lies within the jurisdictional boundaries of the FMFCD. The FMFCD is responsible for planning, constructing, and maintaining urban storm drainage collection and disposal facilities necessary to meet the needs of urban development, as well as to control runoff from areas outside the metropolitan area.

Solid Waste

The City of Fresno Department of Public Utilities, Solid Waste Division contracts with private companies to provide solid waste, recycling, and green waste collection services to residential and commercial customers within the city limits.

Energy

Pacific Gas and Electric Company (PG&E) would provide electricity and natural gas service to the project site.

INTRODUCTION

State and local agencies are required by *Section 21081.6* of the *California Public Resources Code* to establish a monitoring and reporting program for all projects which are approved and which require CEQA processing.

Local agencies are given broad latitude in developing programs to meet the requirements of *Public Resources Code Section 21081.6*. The mitigation monitoring program outlined in this document is based upon guidance issued by the Governor's Office of Planning and Research.

The mitigation monitoring and reporting program for the proposed Project corresponds to mitigation measures outlined in the DEIR. The Program summarizes the environmental issues identified in the EIR, the mitigation measures required to reduce each potentially significant impact to less than significant, the person or agency responsible for implementing the measures, and the agency or agencies responsible for monitoring and reporting on the implementation of the mitigation measures.

2.5 Mitigation Monitoring Program

THE PROGRAM

The City will adopt this mitigation and monitoring program at the time of certification of the Program EIR. Compliance of the mitigation and monitoring program will be enforced through subsequent conditions of approval for future discretionary actions related to these broad entitlements. As such, mitigation measures contained herein shall be included as conditions of approval for the Project, to the extent permitted by law.

**Table 2-3
Mitigation Monitoring Program**

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
3.1 Aesthetics						
3.1.3	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	3.1.3a	A lighting plan shall be prepared and submitted to the City of Fresno for approval in conjunction with any development applications or permit applications for development within the project site. The lighting plan shall comply with all City lighting standards and the guidelines provided by the International Dark Sky Association Model Lighting Ordinance (see http://docs.darksky.org/MLO/MLO_FINAL_June2011.pdf). Night lighting shall be limited to that necessary for security, safety, and identification. Night lighting shall also be screened from adjacent residential areas and not be directed in an upward manner or beyond the boundaries of the parcel on which the development is located. Outdoor security lighting at businesses shall be controlled by timers.	Applicant	City of Fresno	Prior to construction
		3.1.3b	All lighting in the project area shall be shielded, directed downward and away from adjoining properties and rights-of-way. Light shields or equivalent devices shall be installed and maintained consistent with manufacturer's specifications, and shall reduce the spillage of light onto adjacent properties to less than a one-foot-candle standard as measured at the adjacent property line.	Applicant	City of Fresno	Prior to construction
		3.1.3c	Lighting fixtures shall be designed to produce the minimum amount of light necessary for safety purposes. All parking lot pole lights and street lights shall be fully hooded and back-shielded to prevent light spillage and glare. Signs shall not be internally lighted. When externally lighted, signs shall be lighted by hidden or screened light sources.	Applicant	City of Fresno	Prior to construction
		3.1.3d	The project design shall include the use of glare reducing materials, including non-reflective paints and building	Applicant	City of Fresno	Prior to construction

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
			materials, to reduce the amount of glare created by the project structures.			
		3.1.3e	The project site landscaping shall include vegetation designed to shield adjacent properties from project-generated light and glare.	Applicant	City of Fresno	Prior to construction
3.2 Agricultural Resources						
3.2.3	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.	3.2.3	In order to reduce potential conflicts between urban and agricultural uses, the following measures shall be implemented: <ul style="list-style-type: none"> Potential residents and business owners shall be notified about possible exposure to agricultural chemicals at the time of purchase/lease of property within the Westlake development. A Right-to-Farm Covenant shall be recorded on each tract map or be made a condition of each tract map to protect continued agricultural practices in the area. Potential residents and business owners shall be informed of the Right-to-Farm Covenant at the time of purchase/lease of property within the Westlake development. 	Applicant and City of Fresno	City of Fresno	On-going
3.3 Air Quality						
3.3.1	Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	3.3.1a	Prior to issuance of grading permits for each development within the Westlake Development project site, the project applicant shall provide information to the City of Fresno describing the methods by which the following measures will be complied with: <ul style="list-style-type: none"> Off-road equipment used onsite shall achieve a fleet average emissions equal to or less than the Tier II emissions standard of 4.9 grams of NOx per horsepower 	Applicant	City of Fresno / SJVAPCD	Prior to issuance of grading permits and during all phases of construction

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
			<p>hour. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards. Tier II emission standards are set forth in Section 2423 of Title 13 of the California Code of Regulations and Part 89 of Title 40 Code of Federal Regulations.</p> <ul style="list-style-type: none"> ▪ Construction equipment shall be properly maintained at an offsite location; maintenance shall include proper tuning and timing of engines. Equipment maintenance records and data sheets of equipment design specifications shall be kept on-site during construction. ▪ Onsite construction equipment shall not idle for more than 5 minutes in any one hour. ▪ During the building phase, onsite electrical hook ups shall be provided for electric construction tools including saws, drills and compressors, to eliminate the need for diesel powered electric generators. ▪ Construction workers shall be encouraged to carpool to and from the construction site. Workers shall be informed in writing and a letter shall be placed on file in the City office documenting efforts to carpool. 			
3.3.1b			<p>Construction contracts shall include a provision that requires all architectural coatings to be zero-volatile organic compound (VOC) paints (assumes no more than 100 grams/liter of VOC) and coatings. All paints shall be applied using either high-volume low-pressure (HVLP) spray equipment or by hand application. For a list of low-VOC paints, see www.aqmd.gov/prdas/brochures/paintguide.html.</p>	Applicant	City of Fresno / SJVAPCD	Prior to issuance of building permits and during all phases of construction

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
		3.3.1c	<p>Prior to issuance of grading permits, the project proponent will provide the City of Fresno with a traffic control plan that describes in detail safe detours around the project construction site, provides temporary traffic control (i.e., flag person) during construction-related truck-hauling activities, and minimizes traffic flow interference from construction activities. The plan may include:</p> <ul style="list-style-type: none"> ▪ Advance public notice of alternative routes; ▪ Use of public transportation and satellite parking areas with a shuttle service for construction personnel; ▪ Schedule operations that affect traffic for off-peak hours; ▪ Minimize obstruction of through-traffic lanes; and <p>Provide a flag person to guide traffic properly and ensure safety at construction sites.</p>	Applicant	City of Fresno / SJVAPCD	Prior to issuance of grading permits and during all phases of construction
		3.3.1d	<p>Construction staging and queuing areas shall not be located within 500 feet of sensitive receptors.</p>	Applicant	City of Fresno / SJVAPCD	Prior to issuance of grading permits and during all phases of construction
		3.3.1e	<p>The project shall utilize high albedo construction materials (Cool Paving) to increase the reflectivity of roads, driveways, and other paved surfaces, in a manner and in locations/applications consistent with the adopted City of Fresno Public Works Department Standard Drawings and Specifications. Project site plans shall indicate locations where the special paving will be installed. Standard paving materials will only be allowed in areas where technical or safety considerations (as determined by the City's Public Works Director) preclude use of the Cool Paving materials.</p>	Applicant	City of Fresno / SJVAPCD	Prior to issuance of grading permits and during all phases of construction

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
3.3.1f			Construction plans shall provide for the installation of automated lighting and thermal controls in all non-residential facilities. The City of Fresno will verify compliance during review of construction plans.	Applicant	City of Fresno / SJVAPCD	Prior to issuance of building permits and during all phases of construction
3.3.1g			Construction plans shall include one or more of the following roofing technologies to reduce energy consumption: <ul style="list-style-type: none"> ▪ High albedo and low-emissive roofs; ▪ EPA “Energy Star” approved roofing materials; and ▪ “Green Roof” Technology. 	Applicant	City of Fresno / SJVAPCD	Prior to issuance of building permits
3.3.1h			Construction plans shall address passive energy conservation through building orientation, use of natural ventilation and shading in a way that does not compromise the thermal integrity of the building or the implementation of mitigation measure #3.3.1i. The City of Fresno will verify compliance during review of construction plans.	Applicant	City of Fresno / SJVAPCD	Prior to issuance of building permits
3.3.1i			Each development project within the Westlake Development project site shall be designed to achieve a minimum 20 percent energy efficiency above 2008 Title 24 standards. Prior to issuance of building permits, the project applicant shall provide a third-party verification to the City of Fresno demonstrating that the project achieves this energy efficiency goal.	Applicant	City of Fresno / SJVAPCD	Prior to issuance of building permits
3.3.1j			Site plans and final maps submitted to the City of Fresno shall include sidewalks and bicycle lanes appropriately sized for anticipated future pedestrian/bicycle use on all adjacent and	Applicant	City of Fresno / SJVAPCD	Prior to issuance of grading

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
			interior roadways. Ensure that the project will provide multiple and/or direct pedestrian and/or bicycle access to adjacent, complementary land uses and throughout the project.			permits and during all phases of construction
3.3.1k			Large canopy trees shall be carefully selected and located to protect the buildings from energy consuming environmental conditions, and to shade 50 percent of paved areas in commercial parking lots within 15 years. This measure reduces emissions by reducing urban heat island effect, reducing ROG emissions from parked vehicles (shading reduces temperature, which reduces seepage), and creates a more walkable environment.	Applicant	City of Fresno / SJVAPCD	Prior to site plan or CUP approval
3.3.1l			Prior to issuance of building permits, a landscape plan shall be prepared and submitted to the City of Fresno for review and approval pursuant to the City's normal planning process that provide shade trees and foliage to reduce building and surface lot heating/cooling needs, and conform to landscape standards established by the City of Fresno. The landscape plan shall comply with the State mandated Water Efficient Landscape Ordinance and shall have the following components:	Applicant	City of Fresno / SJVAPCD	Prior to issuance of building permits
			<ol style="list-style-type: none"> At least 50 percent of installed trees and shrubs shall be low-ozone forming potential (Low-OFP) and drought-tolerant species; and The landscape plan shall be designed to shade 50 percent of paved surfaces within 10 years of buildout. 			
3.3.1m			Prior to approval of the final site plan for the non-residential uses that would receive five or more truck deliveries per week, the project applicant shall demonstrate that the following anti-idling measures would be implemented: <ul style="list-style-type: none"> Provide available electricity hookups for trucks in the loading dock areas; 	Applicant	City of Fresno / SJVAPCD	Prior to issuance of grading permits for non-residential uses

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
		<ul style="list-style-type: none"> ▪ Signs shall be posted in dock areas advising drivers that idling shall not occur for more than 3 minutes; and ▪ Telephone numbers of the building facilities manager and the California Air Resources Board shall be posted on signs at truck entrances to report idling violations. 				
3.3.1n			<p>Prior to issuance of grading permits for each development within the Westlake Development project site, the project applicant shall demonstrate compliance with all applicable requirements of San Joaquin Valley Air Pollution Control District, Rule 9510 via the submittal of a Rule 9510 Air Impact Assessment Application (AIA) to the Air District for review and approval. The AIA shall achieve a 20 percent reduction in NOx statewide average construction emissions and a 45 percent reduction in PM10 statewide average construction exhaust emissions. The AIA shall also achieve a 33-percent reduction in NOx and a 50-percent reduction in PM10 over the first 10 years of operations through the use of onsite emissions reduction measures or through the payment of offsite mitigation fees to the SJVAPCD for purchase of emission reductions. The requirements of the approved AIA shall be incorporated into the proposed project.</p>	Applicant	City of Fresno / SJVAPCD	Prior to issuance of grading permits and during all phases of construction
3.3.1o			<p>Prior to issuance of grading permits, the project applicant will work with the San Joaquin Valley Air Pollution Control District to determine project emissions based on a more refined construction schedule and proposed construction equipment to determine if construction emissions exceed the Air District thresholds of significance after compliance with the Indirect Source Review Rule. If construction emissions exceed the Air District thresholds of significance, the applicant shall consult with the SJVAPCD to develop and implement a Feasible Implementation Plan with a goal of reducing construction emissions to below annual thresholds of</p>	Applicant	City of Fresno / SJVAPCD	Prior to issuance of grading permits and during all phases of construction

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
			<p>10 tons per year of ROG, 10 tons per year of NOx, and 15 tons per year of PM10. The Feasible Implementation Plan as identified above shall identify offsite mitigation measures proposed to be implemented by the applicant and agreed upon by the San Joaquin Valley Air Pollution Control District to be appropriate and effective to reduce emissions. Alternatively, the Feasible Implementation Plan shall identify the mitigation fee required to be paid by the applicant based on the amount of emission reductions needed to bring the project's construction impacts below the annual thresholds. The project applicant shall provide this funding prior to the start of construction to help facilitate emission offsets that are as real-time as possible. The San Joaquin Valley Air Pollution Control District will use the funds to purchase the required emission reductions through offsite mitigation strategies. The agreement requires the San Joaquin Valley Air Pollution Control District's approval prior to receiving final grading permits from the City of Fresno. The emissions reduction agreement must be implemented in addition to the required measure to reduce construction-related diesel equipment exhaust emissions listed in Mitigation Measure #3.3.1a. Development and implementation of the emissions reduction agreement shall be fully funded by the project applicant. Preference shall be given to offsite emission reduction projects that are located in or in close proximity to the City of Fresno. The applicant shall submit documentation to the City of Fresno verifying that this has been successfully completed.</p>			
3.3.1p			<p>Prior to issuance of building permits, the project applicant will work with the San Joaquin Valley Air Pollution Control District to determine if the project's operational emissions exceed the Air District thresholds of significance based on the incorporation of onsite mitigation measures and detailed project information. If the operational emissions exceed the Air District's thresholds of significance, the applicant shall consult with the SJVAPCD to develop and implement a</p>	Applicant	City of Fresno / SJVAPCD	Prior to issuance of grading permits and during all phases of construction

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
			<p>Feasible Implementation Plan with a goal of reducing operational emissions to below annual thresholds of 10 tons per year of ROG, 10 tons per year of NOx, and 15 tons per year of PM10. The Feasible Implementation Plan shall identify offsite mitigation measures proposed to be implemented by the applicant and agreed upon by the San Joaquin Valley Air Pollution Control District to be appropriate and effective to reduce emissions. Alternatively, the Feasible Implementation Plan shall identify the mitigation fee required to be paid by the applicant based on the amount of emission reductions needed to bring the project impacts below the annual thresholds. The San Joaquin Valley Air Pollution Control District will use the funds to purchase the required emission reductions through offsite mitigation strategies. Payment of offsite fees shall be prior to issuance of occupancy permits. The Feasible Implementation Plan requires the San Joaquin Valley Air Pollution Control District approval and verification of payment prior to receiving final occupancy permits from the City of Fresno.</p>			
3.3.3	Conflict with or obstruct implementation of any applicable air quality plan.	3.3.1q	<p>The project applicant shall comply to the full extent appropriate with the air quality policies of 2025 City of Fresno General Plan Amendment A-09-02 and the pertinent mitigation measures of the associated 2025 Master Plan Mitigation Measures (see Table 3.3-11).</p>	Applicant	City of Fresno / SJVAPCD	Prior to issuance of grading permits and during all phases of construction
3.3.3	Conflict with or obstruct implementation of any applicable air quality plan.		<p>Implement Mitigation Measures #3.3.1a through #3.3.1q.</p>	Applicant	City of Fresno / SJVAPCD	See Mitigation Measures #3.3.1a through #3.3.1q

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
3.3.4	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable national or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors.		Implement Mitigation Measures #3.3.1a through #3.3.1q.	Applicant	City of Fresno / SJVAPCD	See Mitigation Measures #3.3.1a through #3.3.1q
3.4 Biological Resources						
3.4.1	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans,	3.4.1a	Protection of burrowing owls.	Applicant	City of Fresno and CDFW	Prior to Construction and during all construction activities
			1. Pre-construction surveys should be conducted to determine the presence of nesting birds if ground clearing or construction activities will be initiated during the breeding season (February 15 through September 15). The portion of the project site on which construction is to take place and potential nesting areas within 500 feet of the proposed construction area should be surveyed 14 to 30 days prior to the initiation of construction. Surveys should be performed by a qualified biologist or ornithologist to verify the presence or absence of nesting birds. Construction should not occur within a 500 foot			

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
	policies, or regulations, or by the California Department of Fish and Wildlife or U.S. fish and Wildlife Service.		buffer surrounding active nests of raptors or a 250 foot buffer surrounding active nests of migratory birds. If construction within these buffer areas is required or if nests must be removed to allow continuation of construction, then approval and specific removal methodologies should be obtained from CDFW.			
2.			<p>If during pre-construction nest surveys, burrowing owls are found to be present, the following measures will be implemented:</p> <ol style="list-style-type: none"> <li data-bbox="617 1081 803 1438">a. Compensation for the loss of burrowing owl habitat will be negotiated with the responsible wildlife agencies. Appropriate mitigation may include participation in an approved mitigation bank, establishing a conservation easement, or other means acceptable to the responsible agency. <li data-bbox="836 1081 1023 1438">b. Exclusion areas will be established around occupied burrows in which no construction activities would occur. During the non-breeding season (September 1 through January 31), the exclusion area would extend 160 feet around any occupied burrows. During the breeding season of burrowing owls (February 1 through August 31), exclusion areas of 250 feet surrounding occupied burrows would be installed. <li data-bbox="1071 1081 1258 1438">c. If construction must occur within these buffer areas, passive relocation of burrowing owls may be implemented as an alternative, but only during the non-breeding season and only with the concurrence of the CDFW. Passive relocation of burrowing owls would be implemented by a qualified biologist using accepted techniques. Burrows from which owls had 			

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			<p>been relocated would be excavated using hand tools and under direct supervision of a qualified biologist.</p> <p>d. Compensation for the loss of burrowing owl burrows removed during construction will be negotiated with the responsible wildlife agency. This may require that replacement burrows be constructed on compensation lands.</p>			
3.4.1b			<p>Protection of Swainson's hawks and other raptors (including northern harrier) and migratory birds (including California horned lark).</p> <p>1. Pre-construction surveys should be conducted to determine the presence of nesting birds if ground clearing or construction activities will be initiated during the breeding season (February 15 through September 15). Potential nesting areas on the project site and potential nesting areas within 500 feet of the site should be surveyed 14 to 30 days prior to the initiation of construction. Surveys should be performed by a qualified biologist to verify the presence or absence of nesting birds. Construction should not occur within a 500 foot buffer surrounding active nests of raptors or a 250 foot buffer surrounding active nests of migratory birds. If construction within these buffer areas is required or if nests must be removed to allow continuation of construction, then approval and specific removal methodologies should be obtained from California Department of Fish and Wildlife.</p> <p>2. All trees which are suitable for Swainson's hawk nesting that are within 2,640 feet of construction activities should be inspected by a qualified biologist.</p>	Applicant	City of Fresno and CDFW	Prior to construction and during all construction activities

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan																																												
3.	If potential Swainson's hawk nests are found during the inspection, then surveys should be conducted at the following intensities, depending upon dates of initiation of construction:																																																	
			<table border="1"> <thead> <tr> <th>Construction start</th> <th>Survey period</th> <th>Number of surveys</th> <th>Timing</th> </tr> </thead> <tbody> <tr> <td>1 January to 20 March</td> <td>1 January to 20 March</td> <td>1</td> <td>All day</td> </tr> <tr> <td>21 March to 24 March</td> <td>1 January to 20 March</td> <td>1</td> <td>All day</td> </tr> <tr> <td>21 March to 24 March</td> <td>21 March to 24 March</td> <td>Up to 3</td> <td>Sunrise to 10 am and 4 pm to sunset</td> </tr> <tr> <td>24 March to 5 April</td> <td>1 January to 20 March</td> <td>1</td> <td>All day</td> </tr> <tr> <td></td> <td>21 March to 5 April</td> <td>3</td> <td>Sunrise to 10 am and 4 pm to sunset</td> </tr> <tr> <td>6 April to 9 April</td> <td>21 March to 5 April</td> <td>3</td> <td>Sunrise to 10 am and 4 pm to sunset</td> </tr> <tr> <td></td> <td>6 April to 9 April</td> <td>Up to 3</td> <td>Sunrise to 10 am and 4 pm to sunset</td> </tr> <tr> <td></td> <td>1 January to 20 March</td> <td>1 (if all 3 surveys are performed between 6 and 9 April, then this survey need not be conducted)</td> <td>All day</td> </tr> <tr> <td>10 April to 30 July</td> <td>21 March to 5 April</td> <td>3</td> <td>Sunrise to 10 am and 4 pm to sunset</td> </tr> <tr> <td></td> <td>6 April to 20 April</td> <td>3</td> <td>Sunrise to 12 pm and 4:30 pm to sunset</td> </tr> </tbody> </table>	Construction start	Survey period	Number of surveys	Timing	1 January to 20 March	1 January to 20 March	1	All day	21 March to 24 March	1 January to 20 March	1	All day	21 March to 24 March	21 March to 24 March	Up to 3	Sunrise to 10 am and 4 pm to sunset	24 March to 5 April	1 January to 20 March	1	All day		21 March to 5 April	3	Sunrise to 10 am and 4 pm to sunset	6 April to 9 April	21 March to 5 April	3	Sunrise to 10 am and 4 pm to sunset		6 April to 9 April	Up to 3	Sunrise to 10 am and 4 pm to sunset		1 January to 20 March	1 (if all 3 surveys are performed between 6 and 9 April, then this survey need not be conducted)	All day	10 April to 30 July	21 March to 5 April	3	Sunrise to 10 am and 4 pm to sunset		6 April to 20 April	3	Sunrise to 12 pm and 4:30 pm to sunset			
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			31 July to 15 September	6 to 20 April	3	Sunrise to 12 pm and 4:30 pm to sunset
			10 to 30 July	3		Sunrise to 12 pm and 4 pm to sunset
4.	If Swainson's hawks are detected to be actively nesting in trees within 2,640 feet of the construction area, construction should not occur within this zone until after young Swainson's hawks have fledged (this usually occurs by early June). The nest should be monitored by a qualified biologist to determine fledging date. According to the <i>Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California</i> (CDFG 1994), mitigation for foraging habitat is not mandatory for this site because there are no known CNDDDB occurrences within 10 miles of the project site. However, if Swainson's hawks are found within the project area, the project site could be considered foraging habitat and compensation for foraging habitat would be required by CDFW at a ratio of 0.75 to 1 (0.75 acre for every 1.0 acre adversely affected). If there are active nests within one mile of the site, then compensation for foraging habitat would be at a ratio of 1:1.					
5.	If northern harriers or other raptors are found actively nesting within 250 feet of the construction area, construction should be postponed until after young have fledged. The date of fledging should be determined by a qualified biologist. If construction cannot be delayed within this zone, the CDFW should be consulted and alternative protection measures required by the CDFW should be followed.					
6.	If other nesting birds (particularly non-raptor species listed on the MBTA) are found actively nesting within 250 feet of the construction area, construction should be					

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			<p>postponed until after young have fledged. The date of fledging should be determined by a qualified biologist. If construction cannot be delayed within this zone, the CDFW and/or the USFWS should be consulted and alternative protection measures required by the CDFW and/or the USFWS should be followed.</p>											
3.4.1c			<p>To protect San Joaquin kit foxes and American badgers, the developer shall follow the <i>Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance</i> (USFWS 1999). The measures that are listed below have been excerpted from those guidelines and will protect San Joaquin kit foxes and American badgers from direct mortality and from destruction of active dens and natal or pupping dens.</p> <ol style="list-style-type: none"> Pre-construction surveys should be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, or any project activity likely to impact the San Joaquin kit fox or American badger. Exclusion zones should be placed around dens in accordance with USFWS Recommendations using the following: <table border="1" data-bbox="568 1291 730 1470"> <thead> <tr> <th>Potential Den</th> <th>50 foot radius</th> </tr> </thead> <tbody> <tr> <td>Known Den</td> <td>100 foot radius</td> </tr> <tr> <td>Natal/Pupping Den (Occupied and Unoccupied)</td> <td>Contact U.S. Fish and Wildlife Service for guidance</td> </tr> <tr> <th>Atypical Den</th> <th>50 foot radius</th> </tr> </tbody> </table> <p>If dens must be removed, they should be appropriately monitored and excavated by a trained wildlife biologist. Replacement dens would be required. Destruction of natal dens and other “known” kit fox dens should not occur until authorized by USFWS.</p>	Potential Den	50 foot radius	Known Den	100 foot radius	Natal/Pupping Den (Occupied and Unoccupied)	Contact U.S. Fish and Wildlife Service for guidance	Atypical Den	50 foot radius	Applicant	City of Fresno and CDFW	Prior to construction and during all construction activities
Potential Den	50 foot radius													
Known Den	100 foot radius													
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Atypical Den	50 foot radius													

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
			<p>State and Federal highways; this is particularly important at night when kit foxes and American badgers are most active. Nighttime construction should be avoided, unless the construction area is appropriately fenced to exclude kit foxes and American badgers. The area within any such fence should be determined to be uninhabited by San Joaquin Kit foxes and American badgers prior to initiation of construction. Off-road traffic outside of designated project areas should be prohibited.</p>			
		<p>3.</p>	<p>To prevent inadvertent entrapment of kit foxes, American badgers, or other animals during the construction phase of the project, all excavated, steep-walled holes or trenches more than 2 feet deep should be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals.</p>			
		<p>4.</p>	<p>Kit foxes are attracted to den-like structures such as pipes and may enter stored pipe, becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.</p>			

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
5.			All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in closed containers and removed at least once a week from a construction or Project Site.			
6.			No firearms should be allowed on the Project Site during the construction phase.			
7.			To prevent harassment, mortality of kit foxes or destruction of dens by dogs or cats, no pets be permitted on those portions of the project site that are under construction or involved in any phase of the construction of the Project.			
8.			Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisonings of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restriction deemed necessary by the Service. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox.			
9.			A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured, or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the Service.			
10.			An employee education program should be conducted for any project that has anticipated impacts to kit fox or			

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
			<p>other endangered species. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the project. The program should include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information should be prepared for distribution to the previously referenced people and anyone else who may enter the project site.</p>			
11.			<p>Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. should be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to “temporary” disturbance means any area that is disturbed during the project, but after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the Service, California Department of Fish and Wildlife (CDFW), and revegetation experts.</p>			
12.			<p>In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the Service should be contacted for guidance.</p>			

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
13.			<p>Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured, or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or Mr. Paul Hoffman, the wildlife biologist, at (530) 934-9309. The Service should be contacted at the numbers below.</p>			
14.			<p>The Sacramento Fish and Wildlife Office and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The Service contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact is Mr. Paul Hoffman at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.</p>			
15.			<p>New sightings of kit foxes shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the Service at the address below.</p>			
			<p>Any project-related information required by the Service or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at:</p>			

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
3.4.2	Aquatic Invasive Species (man-made lake)	3.4.2a	<p>Endangered Species Division 2800 Cottage Way, Suite W2605 Sacramento, California 95825-1846 (916) 414-66200 or (916) 414-6600</p> <p>Source control Best Management Practices shall be implemented by the developer and include:</p> <ul style="list-style-type: none"> a) Public Education/Participation activities. Information shall be provided to new project residents and tenants regarding aquatic invasive species and potential dangers associated therewith. b) Material Disposal and Recycling, which includes storm drain system signs and stenciling with language to discourage illegal dumping of unwanted materials. c) Illegal Dumping Controls. Any Covenants, Conditions, and Restrictions (CC&R's) for the developments of the proposed project shall include a prohibition on the dumping of waste products (solid waste/liquid waste and yard trash) into storm drain systems and open space areas. d) Watercraft Attachment Controls. Any CC&R's shall include a provision to clean and scrub any vessels that have been utilized elsewhere to remove any potential invasive species attached to the vessel. e) The applicant shall provide a permanent storm drain message "No Dumping - Flows to Lake" at each storm drain inlet within the proposed project site. This may be accomplished with a stamped concrete impression (for curbs) or manufactured colored tiles, which are epoxyed 	Applicant	City of Fresno	Prior to buyer / homeowner occupation

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
			in place adjacent to the inlet (for parking lots and areas without curbs).			
		3.4.2b	The Homeowners Association, as a part of the lake's routine maintenance plan, utilize a qualified professional to inspect the lake for aquatic invasive species and eradicate any found species in accordance with CDFW and USDA guidelines and procedures.	Applicant	City of Fresno	On-going
3.5 Cultural Resources						
3.5.1	Cause a substantial adverse change in the significance of a historical or archaeological resource as defined in Section 15064.5 of the CEQA Guidelines.	3.5.1	Should buried cultural resources (historic, archaeological, paleontological, unique geologic feature) be discovered during construction, the project contractor shall immediately halt all work within 50 feet of the find until a qualified professional archaeologist, historian, paleontologist, or geologist, as necessitated by the find, can be consulted to evaluate the find and implement appropriate mitigation measures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that such remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State law, to arrange for Native American participation in determining the disposition of remains.	Applicant	City of Fresno	During all construction activities
3.5.2	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature of paleontological or cultural value.		Implementation of Mitigation Measure #3.5-1. No additional mitigation measures are required.	Applicant	City of Fresno	During all construction activities

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
3.5.3	Disturb any human remains, including those interred outside of formal cemeteries.		Implementation of Mitigation Measure #3.5-1. No additional mitigation measures are required.	Applicant	City of Fresno	During all construction activities
3.6 Geology and Soils						
3.6.1	Exposure of people and structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, ground failure, or landslides.	3.6.1	Prior to issuance of grading permits for the Westlake development, the applicant shall submit a design-level geotechnical study to the City of Fresno for review and approval. A licensed professional engineer shall prepare the plans, including those that pertain to soil engineering and structural foundations. The approved plans shall be incorporated into the proposed project. All onsite soil engineering activities shall be conducted under the supervision of a licensed Geotechnical Engineer or Certified Engineering Geologist.	Applicant	City of Fresno	Prior to issuance of grading permits
3.6.3	Result in potential hazards due to construction on unstable soils.		Implement Mitigation Measure #3.6.1	Applicant	City of Fresno	Prior to issuance of grading permits
3.7 Hazards and Hazardous Materials						
3.7.2	Create a significant health hazard to the public or the	3.7.2a	The project shall submit a Mosquito Control Plan for the operation and maintenance of the proposed lake.	Applicant	City of Fresno	Prior to applicant filling all or a portion of

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
	environment through the introduction of a man-made lake.					the planned lake with water
3.7.4	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.	3.7.2b	The design of the lake feature shall be in accordance with the guidelines established by the City of Fresno in its "Guidelines for Ponding Basin/Pond Construction and Management to Control Mosquito Breeding", as applicable.	Applicant	City of Fresno	Prior to issuance of grading permits
3.7.4	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.	3.7.4a	Prior to issuance of grading permits, the project applicant shall retain a qualified consultant to perform testing of the project site soils, in particular those soils on the site that were subject to pesticide use, soils in the vicinity of the diesel fuel storage tank and soils adjacent to the former railroad alignment, in accordance with the California Department of Toxic Substances (DTSC) "Interim Guidance for Sampling Agricultural Properties". The Guidance document provides recommendations for the number of soil samples and methodology based on project size in acres. Soils shall be laboratory tested for organochlorine pesticides and arsenic in accordance with DTSC guidelines. If the testing yields concentrations in excess of acceptable limits for residential and commercial development, the project applicant shall retain a qualified contractor to perform soil remediation in accordance with DTSC guidelines. The soil remediation activities shall be completed prior to grading activities. The applicant shall submit documentation to the City of Fresno demonstrating that soil testing was performed and any necessary remediation was completed as part of the grading permit application.	Applicant	City of Fresno	Prior to issuance of grading permits
		3.7.4b	Irrigation wells that may be dispersed throughout the project site, and any potential onsite domestic wells and septic systems shall be properly abandoned or destroyed in compliance with applicable regulations of the Fresno County	Applicant	City of Fresno	Prior to issuance of grading permits

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
			<p>Department of Public Health governing water wells and septic systems. Consultation shall occur with the Department of Public Health regarding well and septic system abandonment and inspections. Documentation of wells and septic systems being abandoned or destroyed shall be submitted to the City of Fresno Planning Department prior to construction of proposed uses. If irrigation wells and septic systems are found during construction activities; those activities shall cease until consultation with the County Department of Public Health has occurred to review proper abandonment of those systems. The developer shall be allowed to keep an existing on-site well for lake purposes.</p>			
		3.7.4c	<p>The applicant shall consult with PG&E to determine the location of electric power lines and high-pressure gas transmission lines within the project boundaries. The locations/depths shall be delineated on all grading/development plans. Development plans shall provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E facilities. Grading/development plans shall indicate which types of equipment and wheel load limits will be acceptable for work over the gas line. PG&E shall be afforded the opportunity to consult with the developer on project plans.</p>	Applicant	City of Fresno	Prior to issuance of grading permits
3.8 Hydrology/Water Supply/Water Quality						
3.8.1	Violation of Water Quality Standards or Waste Discharge Requirements.	3.8.1	<p>The project applicant shall implement, and incorporate in the project, BMPs to ensure that construction related and long-term storm water runoff water quality impacts are minimized. BMPs shall be designed, constructed and maintained to meet the performance standards of and the approval of the City of Fresno and the FMFCD. The applicant shall retain a qualified specialist to monitor the effectiveness of the BMPs selected. Monitoring activities, along with funding for monitoring, shall</p>	Applicant	City of Fresno	During all construction activities and on-going project operation

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
			<p>be established and shall include (but not be limited to) initial setup, yearly maintenance, and yearly monitoring.</p> <p>During buildout of the proposed project, the applicant shall implement actions and procedures established to reduce pollutant loadings. Source control BMPs are effective and economical in preventing pollutants from entering storm and non-storm runoff. Such source control BMPs will be incorporated in the program and its included projects. The other, operational and maintenance, BMPs described hereinafter will be implemented and monitored during project life in accord with the approved mitigation monitoring program. Source control BMPs to be implemented by the developer and include:</p> <ul style="list-style-type: none"> a) Public Education/Participation activities. Information shall be provided to new project residents and tenants regarding pollution prevention. b) Materials Use Controls, which include good housekeeping practices (storage, use and cleanup) when handling potentially harmful materials, such as cleaning materials, fertilizers, paint, and where possible using, safer alternative products. c) Material Exposure Controls, which prevent and reduce pollutant discharge to storm water by minimizing the storage of hazardous materials (such as pesticides) on site, storing materials in a designated area, installing secondary containment, conducting regular inspections, and training employees and subcontractors. d) Material Disposal and Recycling, which includes storm drain system signs and stenciling with language to discourage illegal dumping of unwanted materials. 			

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
		e)	Spill Prevention and Cleanup activities which are directed toward reducing the risk of spills during the outdoor handling and transport of chemicals, and toward developing plans and programs to contain and rapidly clean up spills before they get into a storm drain system. This BMP also deals with the prevention and reduction of pollution from vehicle leaks and spills from vehicles during transport, as well as aboveground storage tanks.			
		f)	Illegal Dumping Controls. The Covenants, Conditions, and Restrictions (CC&R's) for the proposed project shall include a prohibition on the dumping of waste products (solid waste/liquid waste and yard trash) into storm drain systems and open space areas.			
		g)	The applicant shall provide a permanent storm drain message "No Dumping - Flows to Lake" or other approved message at each storm drain inlet within the proposed project site. This may be accomplished with a stamped concrete impression (for curbs) or manufactured colored tiles, which are epoxied in place adjacent to the inlet (for parking lots and areas without curbs).			
		h)	Street and storm drain maintenance activities. These activities control the movement of pollutants and remove them from pavements through catch basin cleaning, storm drain flushing, street sweeping, and by regularly removing illegally dumped material from storm channels and creeks. (The City of Fresno would be responsible for regular storm drain maintenance within the public right-of-way; grease traps and other storm water quality control devices on private property must be maintained by the property owners).			
		i)	Incidental storm drainage shall be directed to the lined onsite lake for disposal.			

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
3.8.2	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).		<p>None are required.</p> <p>However, the Applicant proposes, as conditions of project approval, to implement the following measures to reduce water demands and achieve water demand offset:</p> <ul style="list-style-type: none"> ▪ Provide for the ultimate irrigation of all public green spaces with non potable water and install "purple pipe" within those areas. This system could, at a future date, accommodate Title 22 treated effluent for the purposes of irrigation of public green spaces. ▪ Construct the 55-acre lake feature to accept Title 22 treated effluent, even though a source for such water is not yet available. 	Applicant	City of Fresno	Prior to construction
3.10 Noise						
3.10.1	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan	3.10.1a	<p>The City of Fresno shall require that construction contractors comply with all applicable local regulations regarding noise suppression and attenuation. The following requirements shall be included in the construction specifications:</p> <ul style="list-style-type: none"> ▪ The hours of future construction within the Westlake Development Project site shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday; 	Applicant	City of Fresno	During all construction activities

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
	or noise ordinance, or applicable standards of other agencies.		<ul style="list-style-type: none"> ▪ Construction activities shall be prohibited on Sundays and holidays (President’s Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, Day after Thanksgiving, Christmas Day, and New Year’s Day); ▪ Locate fixed construction equipment such as compressors and generators at distances no less than 300 feet from sensitive receptors (including occupied residential property boundaries); ▪ Shroud or shield impact tools, and muffle or shield intake and exhaust ports on power construction equipment; and ▪ All engine-driven equipment shall be in proper tune and shall be fitted with mufflers according to manufacturers’ specifications. 			
3.10.1b			<p>Prior to issuance of building permits for development within the Westlake Development Project site, a detailed acoustical study shall be prepared by a certified professional to document potential impacts to onsite noise-sensitive land uses (as determined by the City of Fresno’s General Plan, refer to Table 3.10-5). Potential impacts in exceedance of the City of Fresno’s standards including: Maximum Allowable Noise Exposure-Stationary Noise Sources, Maximum Allowable Noise Exposure from Transportation Noise Sources, City of Fresno Incremental Noise Impact Criteria for Noise-Sensitive Uses, and Exterior Noise Standards shall require incorporation of mitigation such as increased setbacks, sound walls, equipment enclosures, site design, and enhanced building materials to reduce impacts to levels below the City of Fresno standards. Development that cannot incorporate mitigation to reduce impacts to acceptable City of Fresno standards shall not be approved.</p>	Applicant	City of Fresno	Prior to issuance of building permits

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
		3.10.1c	Construction within the project of two story homes along Grantland Avenue and adjacent to commercial uses within the project site shall be prohibited unless a detailed acoustical analysis, prepared by a certified professional, can document compliance with the city's 45 dB DNL interior noise: standard at the upper floor elevation.	Applicant	City of Fresno	Prior to issuance of building permits
		3.10.1d	Prior to issuance of building permits for noise-sensitive land uses adjacent to Grantland Avenue a sound wall shall be constructed to reduce noise levels by 10 db or as determined necessary by the acoustical study required by Mitigation Measure #3.10.1b.	Applicant	City of Fresno	Prior to issuance of building permits
		3.10.1e	Under the City's General Plan, the City must ensure that the project complies with the General Plan noise standards. Pursuant to the General Plan, prior to issuance of building permits for development within the project site, a detailed acoustical study shall be prepared by a certified professional to analyze noise levels generated by the existing water pumping facility located 1,000 feet south from the northwest corner of the project site. The acoustical study shall include noise reduction mechanisms to ensure that the project is in compliance with the City's General Plan noise standards. These noise reduction mechanisms shall be incorporated into the project design prior to issuance of the building permit but are not independent mitigation measures under CEQA.	Applicant	City of Fresno	Prior to issuance of building permits
3.10.4	Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.		Implement Mitigation Measures #3.10.1a and #3.10.1b.	Applicant	City of Fresno	Prior to issuance of building permits

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
3.12 Public Services						
3.12.1	Increased Demand for Fire Protection Services and Personnel.	3.12.1	The following mitigation measures will reduce the emergency service impacts of this project: 1. Provide automatic fire sprinkler systems in all buildings (except "U" occupancies) regardless of square footage. Comply with California Building and Fire code requirements regarding fire sprinkler standard designations as adopted by the City. 2. Subject to the provisions of a Development Agreement addressing construction funding, the Developer shall commence and complete construction of Fire Station 18 at its permanent location (Shaw and Bryan), in compliance with the City's plans, standards and specifications as reasonably determined by the Fire Chief or his/her designee, prior to any of the following events, whichever event occurs first: a. The issuance of the building permit for the 201 st residential unit within the Westlake Development; b. A combination of the issuance of the building permit for the 201 st residential unit within the Westlake Development and for final tract maps recorded or multiple family units approved after the certification of the Final EIR within the service area of Permanent Station No. 18; and c. The opening of the proposed new high school at the Kolligian Educational Complex, scheduled for Fall of 2016. 3. Avoid the installation of stop signs along primary access roads within the project area local street system.	Applicant	City of Fresno	As determined by the City of Fresno but prior to issuance of a building permit

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
			Signalization of intersections with traffic interruption technology is preferred.			
4.			As currently prohibited by Public Works Standards, traffic undulations for traffic calming are not allowed on public streets; this prohibition needs to continue in the project area should Public Works reconsider such installations in the future. Additionally, traffic undulations on any private roads or drive lanes within parking lots in the project area need to be prohibited. Other traffic calming technologies (bulb-outs, medians, islands, etc.) will be evaluated on a case-by-case basis as to the impact on emergency response times.			
5.			All fire access drive gates on private roads and parking lot drive lanes shall be provided with radio frequency gate opening devices (i.e. "Click-to-enter") in addition to the standard police/fire bypass keyway. Manually operated gates across required fire access roadways is prohibited.			
3.12.2	Increased Demand for Law Enforcement Services.	3.12.2	The applicant shall pay all Police Impact fees and consult with appropriate Police Department staff regarding security needs during all aspects of the Westlake Development.	Applicant	City of Fresno	As determined by the City of Fresno but prior to issuance of a building permit
3.12.4	Increased Demand on Parks and Recreation.		Implement Mitigation Measure #3.13.1 which states: "The developers of the Westlake project shall comply with the adopted City of Fresno open space policy and shall create "onsite" (or participate in the creation "offsite") an equivalent of 3 acres of park space/1000 persons; approximately 24 acres in total. Prior to the processing of the	Applicant	City of Fresno	As determined by the City of Fresno but prior to issuance of a

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
			<p>project's Conditional Use Permit, the applicant shall provide a "Parks and Open Space Plan" to the City of Fresno for review and approval. That plan will identify the parks and open spaces within the boundaries of the Westlake project. Parks and other open space facilities located within the project will be linked together by paths and/or Class I trails, or may be developed using traditional development patterns as outlined in the Fresno General Plan policies. Maintenance of public parks and open spaces within the Westlake project boundaries shall be provided by either a Homeowner's Association or a Community Facilities District, or a combination of the two. The developer will be entitled for parks fee credits for parks and other open space facilities associated with the project. In consideration of receiving these credits, the developer has agreed to renovate an existing City of Fresno park facility to be determined by the City. The value of the fee credits and renovation may be subject to the project's adopted Development Agreement."</p>			building permit
3.13	Recreation					
3.13.1	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.	3.13.1	<p>The developers of the Westlake project shall comply with the adopted City of Fresno open space policy and shall create "onsite" (or participate in the creation "offsite") an equivalent of 3 acres of park space/1000 persons; approximately 24 acres in total. Prior to the processing of the project's Conditional Use Permit, the applicant shall provide a "Parks and Open Space Plan" to the City of Fresno for review and approval. That plan will identify the parks and open spaces within the boundaries of the Westlake project. Parks and other open space facilities located within the project will be linked together by paths and/or Class I trails, or may be developed using traditional development patterns as outlined in the Fresno General Plan policies. Maintenance of public parks and open spaces within the Westlake project boundaries shall be provided by either a Homeowner's Association or a Community Facilities District, or a combination of the</p>	Applicant	City of Fresno	As determined by the City of Fresno but prior to issuance of a building permit

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
			two. The developer will be entitled for parks fee credits for parks and other open space facilities associated with the project. In consideration of receiving these credits, the developer has agreed to renovate an existing City of Fresno park facility to be determined by the City. The value of the fee credits and renovation may be subject to the project's adopted Development Agreement.			
3.14 Transportation/Traffic						
3.14.1	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	3.14.1-1 through 3.14.1-117	As determined by the City of Fresno, the Project shall mitigate its fair share of cumulative impacts by paying into the City of Fresno TSMI, FMSI, and RTMF fee program and/or constructing the improvements and receiving credits and reimbursements for the portion of construction that is included in the fee program as identified in Mitigation Measures 3.14.1-1 through 3.14.1-117 in Section 3.14 of the Draft EIR.	Applicant	City of Fresno	As determined by the City of Fresno but prior to issuance of a building permit

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
	Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	3.14.2	At five (5) year intervals commencing after the certification of the EIR, the Project Applicant shall cause to have prepared such Traffic Impact Studies necessary to (1) update the Traffic Impact Study prepared for this EIR, (2) refine the timing of the construction of the traffic mitigation measures set forth in Mitigation Measures #3.14.1-1 through #3.14.1-117 and (3) refine the payment of impact fees and imposition of development conditions related to traffic circulation. The updated Traffic Impact Studies shall be used to ensure that there will be no new significant impacts or increases to identified significant impacts, other than those identified in the EIR and ensure that any necessary subsequent environmental review will be required consistent with the requirements of CEQA. The Project Applicant (or its	Applicant	City of Fresno	Every 5 years

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
			<p>successors or assigns) shall be responsible for all costs of the preparation of the Traffic Impact Study called for in this mitigation measure.</p> <p>Traffic Impact Studies shall be prepared using the Level of Service (LOS) methodology and standards consistent with the Traffic Impact Study provided as Appendix I of this EIR and shall incorporate all applicable fees and development standards in effect at the time, including without limitation the City's TSMI and FMSI programs, the Fresno County RTMF program, and applicable Caltrans' requirements unless the applicable fees and development standards are otherwise subject to the terms of a Development Agreement entered into between the City and the Project Applicant. The traffic analyses shall include, without limitation, updated information on the status of local and regional capital improvements, capital improvement plans and programs and planned development. Notwithstanding anything to the contrary herein, the City's Traffic Engineer shall approve in writing the scope of all Traffic Impact Studies prepared pursuant to this mitigation measure and have the right to reject any consultant selected by the Project Applicant. Before any Traffic Impact Study may be used or relied upon by the City, the City Traffic Engineer shall perform a technical review and accept the study as complete and correct.</p> <p>As the Project Applicant applies for discretionary entitlements or building permits (collectively, "entitlements") for the Project, the City shall condition the approval of the entitlements on the payment of all applicable traffic mitigation fees and on the construction of all necessary traffic mitigation measures (Mitigation Measures #3.14.1-1 through #3.14.1-117) identified as necessary in the most recent Traffic Impact Study, to mitigate the significant impacts, if any, caused by the entitlement. Notwithstanding the requirement, the City may, at its direction, override any impact deemed significant</p>			

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
			and unavoidable in a subsequent or supplemental environmental impact report. The applicable threshold of significance shall be based on the Traffic Impact Study Thresholds utilized in the Traffic Impact Study for this EIR.			
			In all events, including if a Traffic Impact Study concludes an identified mitigation measures is no longer required, the City shall comply with CEQA Guidelines Sections 15162-15164 to determine if subsequent environmental review, including a subsequent or supplemental EIR or an addendum, is required. Nothing in this mitigation measure would control the scope or requirements for a traffic impact study prepared pursuant to a subsequent or supplemental EIR or negative declaration (including a mitigated negative declaration).			
3.14.3	Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). [Evaluation Criteria (d)]	3.14.3	All roadways and access points shall be designed according to current City or County of Fresno roadway improvement standards, to the satisfaction of either or both the City or County Public Works Departments, depending upon jurisdiction.	Applicant	City of Fresno	Prior to issuance of a building permit
3.14.4	Result in inadequate emergency access. [Evaluation Criteria (e)]	3.14.4	Proposed project site plans will be required to be reviewed by the City fire and police departments to ensure adequate emergency access.	Applicant	City of Fresno	Prior to issuance of a building permit

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
3.16 Greenhouse Gas Emissions and Global Climate Change						
3.16.1	Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.		Implement Mitigation Measure #3.3.1e through Mitigation Measure #3.3.1I.	Applicant	City of Fresno / SJVAPCD	On-going

SECTION THREE
COMMENTS AND RESPONSES

SECTION THREE – COMMENTS AND RESPONSES

Section 3.1 below, provides a list of all agencies, organizations and individuals that submitted comments on the accuracy and sufficiency of the Draft EIR (DEIR). The comment letters, and responses to environmental issues raised in those letters, are presented in Sections 3.2 and 3.3, respectively. This Final EIR (FEIR) includes responses to all comments received.

3.1 *List of Commenters*

The following agencies, organizations and individuals provided oral and written comments on the DEIR:

1. Glenn Allen, R.E.H.S., M.S.
Supervising Environmental Health
Specialist
County of Fresno
Department of Public Health
1221 Fulton Mall
Fresno, CA 93775
2. Jeff Witte
Executive Officer
Fresno Local Agency Formation Commission
2607 Fresno Street, Suite B
Fresno, CA 93721
3. Mark Will
Engineer III, R.C.E.
Fresno Metropolitan Flood Control District
5469 E. Olive
Fresno, CA 93727
4. Kelly Porterfield
Assistant Superintendent
Chief Business Officer
Central Unified School District
4605 North Polk Avenue
Fresno, CA 93722
5. David Warner
Director of Permit Services
San Joaquin Valley Air Pollution Control District
Central Region
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
6. David Padilla
Transportation Planner
Department of Transportation, District 6
1352 West Olive Avenue
Fresno, CA 93778-2616
7. Steve Bloem
Engineering Technician
Fresno Irrigation District
2907 S. Maple Avenue
Fresno, CA 93725-2218
8. Briza Sholars
Planner
County of Fresno
Department of Public Works and Planning
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

3.2 *Written Comment Letters*

Letters received during the public review period and during the hearing on the DEIR are included as Appendix A to this document.

3.3 *Responses to Comments*

This section restates each of the comments received on the DEIR during the public review period. Following each comment is a response intended to either supplement, clarify, or amend information provided in the DEIR, or refer the commenter to the appropriate place in the DEIR and FEIR where the requested information is found. Each letter and corresponding response is numbered for reference. Comments not directed to significant environmental issues are included in this section; responses thereto indicate that the comment has been “noted” and will be forwarded to the County decision making body for review and consideration during the public review process for the Project.

Comment Letter #1

County of Fresno
Department of Public Health
1221 Fulton Mall
Fresno, CA 93775

Comment 1.1: *The Fresno County Department of Public Health, Environmental Health Division has reviewed the Draft EIR for the proposed project and concurs with the information contained therein. This Department would appreciate the opportunity to review the final EIR and requests inclusion in its routing. (electronic preferred)*

If I can be of further assistance, please contact me at (559) 600-3271.

Response 1.1: The comment is noted; a copy of the Final EIR will be provided.

Comment Letter #2

Fresno Local Agency Formation Commission
2607 Fresno Street, Suite B
Fresno, CA 93721

Comment 2.1: *We have reviewed the City of Fresno’s Draft Environmental Impact Report (DEIR) for the Westlake Development Project. We offer the following comments in response to the DEIR:*

Table 1-1 (NOP Comment Letters) incorrectly states that section 3.13 of the DEIR addresses LAFCO’s concerns regarding public services. Section 3.13 is Recreation. The correct section is 3.12.

Response 2.1: Table 1-1 has been corrected to refer to Section 3.12 (Public Services) rather than Section 3.13 (Recreation).

Comment 2.2: *The DEIR is correct in stating that the project would need to be annexed to the City of Fresno and detached from the North Central Fire Protection District and the Kings River Conservation District.*

Response 2.2: Comment noted, as the Commenter's concurrence in the DEIR's conclusion.

Comment 2.3: *In section 3.12-10 (Public Services Fire Protection) it incorrectly states that the fire district receives the proceeds of fire transition fees levied by LAFCo. LAFCo does not levy any fees. A transition agreement is a requirement of a complete annexation application but LAFCo is not a party to these agreements and the City is the one who should collect and distribute the fees.*

Response 2.3: Page 3.12-10 has been modified to remove the reference to levying of fees by LAFCO.

Comment 2.4: *LAFCo is charged by the State of California with encouraging orderly growth and development, discouraging urban sprawl, preserving open space and agricultural lands, and efficiently extending urban services. The DEIR finds that the peninsula is of "less than significant" effect on the environment. However, it is still questionable whether this extension may be considered "orderly growth and development" and it is possible that it may be considered "urban sprawl." "LAFCo's review of the annexation will consider the project's potential effects as they relate to these factors.*

Response 2.4: LAFCo's concerns are noted. Pursuant to state law for annexation (Government Code Section 56841 (f)), one of the factors to be considered when annexing is "The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries." As demonstrated in Figure 3.9-6 (page 3.9-62 of the DEIR), neither islands or corridors are created by the project and the project is consistent with Government Code 56841. Land use inconsistency in and of itself is not evidence of a significant impact under CEQA. The inconsistency also needs to result in a physical impact. (*Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1207.) Even if the project were to be found inconsistent with annexation policies, there is no reasonably foreseeable physical impact because the area is in the City's Sphere of Influence and part of adopted General Plan policies. The commenter has provided no analysis or substantial evidence that there are physical impacts contravening that conclusion.

Comment Letter #3

Fresno Metropolitan Flood Control District
5469 E. Olive
Fresno, CA 93727

Comment 3.1: *Fresno Metropolitan Flood Control District (District) has reviewed the subject DEIR for the Westlake Development Project and finds no exception to it.*

The comments previously provided in letters dated September 27, 2012 and March 11, 2008 are still applicable to this subsequent request for comment for the DEIR for the Westlake Development Project. Copies of those letters are attached for your reference.

Thank you for the opportunity to comment. Please keep our office informed on the development of the project and if you have any further questions, or need any additional information, please contact the District at (559) 456-3292.

Response 3.1: Comment noted; individual responses to previous comments submitted by Fresno Metropolitan Flood Control District are included below.

Comment 3.2: *On March 11, 2008 the District provided comments to the City of Fresno for Draft Environmental Impact Report No. 10140, Rezone Application No. R-07-008 and Vesting Tentative Map No. 5915 Westlake Project. This response to the E.I.R. even though sent to the City of Fresno in 2008 all comments mentioned are still correct and valid. The comments provided information that has been requested through questionnaire sent to the District on September 10, 2012.*

Please find the attached copy of the District's response to the Subject E.I.R. for your reference. This should provide sufficient information to comply with your request. In addition, attached is a copy of the Figure No. 3 diagram that was included within the package provided the District. As shown the Drainage Area "CG" boundary continues south on Garfield Avenue and does not stop at Shields Avenue.

If there are any questions, please contact the District at (559) 456-3292. Thank you for the opportunity to comment on this matter and please keep the District informed about the progress with this E.I.R. preparation and the progress with this development proposal in general.

Response 3.2: Comment noted; individual responses to previous comments submitted by Fresno Metropolitan Flood Control District are included below.

Comment 3.3: *The Fresno Metropolitan Flood Control District (District) bears responsibility for storm water management within the Fresno-Clovis metropolitan area, including the area of the proposed entitlements. Within the metropolitan area, storm runoff produced by land development is to be controlled through a system of pipelines and storm drainage retention basins.*

Response 3.3: Comment noted; the information is appreciated.

Comment 3.4: *The proposed development will produce storm runoff, which must be properly discharged and mitigated. Such mitigation requires certain planned local drainage facilities inclusive of pipeline and storage basins. The California Environmental Quality Act and the National Environmental Policy Act requires the mitigation of adverse environmental impacts associated with land development projects. It is the position of the District that increased storm runoff associated with land development is a significant adverse impact requiring mitigation at the time of, or prior to development.*

Response 3.4: The comment is noted; the Draft EIR (Mitigation Measure #3.8-1, page 3.8-17) provides for such mitigation.

Comment 3.5: *The community has developed and adopted a Storm Drainage and Flood Control Master Plan. Each property contributes its pro-rata share to the cost of the public drainage system. All properties are required to participate in the community system for everyone. It is this form of participation in the cost and/or construction of drainage system that will mitigate the impact of development.*

Response 3.5: The City will condition the project to participate, as appropriate to the project, in the District's Storm Drainage and Flood Control Master Plan as required by Fresno Municipal Code Section 12-1916 for impacts to storm drains. The EIR referenced the FMC's requirements in this regard; the City and the Flood Control District have an agreement stipulating that the City will require projects compliance with District regulations and policies. These regulations and policies have also been implemented in the Fresno Municipal Code. Therefore, this condition is not a change to the project nor new mitigation but simply compliance with an existing policies and fee program, as well as the City's own municipal code. EIR recirculation is therefore not required.

Comment 3.6: *The proposed project lies within the District's Drainage Areas "CD" and "CG" as shown on the attached exhibit. The proposed project shall be subject to the comments provided on Exhibit No. 1 attached hereto.*

Response 3.6: The project Applicant is hereby advised of the District's comments in Exhibit No. 1. Responses to the individual comments in Exhibit No. 1 are provided as Responses 7.12 through 7.33 hereof.

Comment 3.7: *The subject site shall pay drainage fees at the time of development based on the fee rates in effect at that time. The fees are currently estimated, for the Tract 5915, at \$620,000 in Drainage Area "CG" and \$3.44 million in Drainage Area "CD" based upon the tentative map dated September 17, 2007. An updated drainage fee for the area of proposed improvements will be calculated with the submittal to the District of the building entitlement, site grading plan and future maps or entitlements.*

Response 3.7: The City will condition the project to pay, as appropriate to the project, applicable District drainage fees as required by FMC Section 12-1916 for impacts to storm drains. The EIR referenced the FMC's requirements in this regard; the City and the Flood

Control District have an agreement stipulating that the City will require projects compliance with District regulations and policies. Additionally, the City has adopted a Code to require compliance with the FMFCD Master Plan. Such participation is not a change to the project nor new mitigation but simply compliance with an existing policy and fee program. EIR recirculation is therefore not required.

Comment 3.8: *The Master Plan system has been designed such that during a two-year event flow will not exceed the height of the 6 inch curb. Should wedge curb (4.5 inches height) be used the same criteria shall apply whereby flow remains below the top of curb. Any extensions or pipe size increases due to meeting the requirement listed above shall be at the developer's expense. The major storm flow breaks through the proposed project. Post project conditions must be able to pass the major storm flows. The project does not appear to be located within the flood prone area designated on the latest Flood Insurance Rate Map available to the District.*

Response 3.8: The City will condition the project to comply with the design constraints described in the comment. The noted constraints and storm flow routing require no change in the design of the project as evaluated in the Draft EIR. They identify no new significant impact nor, no increase to draft EIR-identified impacts. Neither do they require any new or modified mitigation measures. EIR recirculation is therefore not required.

Comment 3.9: *A State National Pollutant Discharge Elimination System (NPDES) general permit for storm water discharges associated with construction activities is required for all clearing, grading and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre if part of a larger common plan of development or sale).*

Response 3.9: The comment is noted and appreciated. The Draft EIR (page 3.8-16, Impact #3.8-1a) notes this requirement.

Comment 3.10: *Permittees are required to submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.*

Response 3.10: The comment is noted and appreciated. The Draft EIR (page 3.8-16, Impact #3.8-1a) notes this requirement.

Comment 3.11: *Thank you for the opportunity to comment. Please keep our office informed on the development of this project. If you should have any questions or comments, please contact the District at (559) 456-3292.*

Response 3.11: The City is appreciative of the District's comments and will keep the District advised regarding project development.

Comment 3.12: *Developer must relocate the District's Basin "CD" to a location approved by the District. Drainage Area "CD" must be served by an FMFCD basin and not the private lake.*

Response 3.12: The conceptual design of the project is in accord with the comment (Figures 2-8 and 2-9, pages 2-12 and 2-13 of the Draft Program EIR).

Comment 3.13: *Developer must re-master plan Drainage Area's "CD" and "CG" to accommodate the development, including any changes to the existing 2025 General Plan land use. The re-master planning shall be in accordance with the District's Policy for Modification of FMFCD Systems and Recovery of Costs ("Modification Policy"). The policy is attached. All master planning costs shall be at the developer's expense. The developer shall have a Qualified Professional Engineer perform the system analysis. Such engineer being preapproved by the District in accordance with the Modification Policy.*

Response 3.13: The subject Drainage Areas, as evaluated in the Draft EIR had been re-master planned in accord with the District's "Modification Policy".

Comment 3.14: *The developer may desire to study an alternate that reduces the drainage area size to delete the area west of Garfield Avenue from the drainage Area "CD" Master Plan. Such an alternate must receive approval of the District's Board of Directors.*

Response 3.14: The City will require, as a condition of project approval, that such deletion be authorized by the District's Board of Directors. Such authorization does not create any Draft EIR-evaluated environmental impact nor does it create the need for or change any Draft EIR mitigation measure. It does not, therefore, require EIR recirculation.

Comment 3.15: *The new Master Plan shall not have a fiscal impact on the drainage fee rate structure to other properties within the drainage areas. Any increased costs for the new drainage systems beyond the current Master Plan cost shall require implementation of a surcharge fee on the developer's property to offset the cost increases.*

Response 3.15: The comment is noted and the project Applicant will be so advised.

Comment 3.16: *The development must comply with the District's Private Lake policy attached.*

Response 3.16: The EIR-analyzed preliminary design of the project-incorporated lake complies with the comment-appended Private Lakes policy. The City will condition the project to comply, to the extent applicable to the project, with the District's Policies with respect to fees, maintenance and operation.

Comment 3.17: *The developer shall enter into an operational agreement with the District. Said agreement shall describe the formal operation and maintenance program of the lake in order to protect the urban drainage system.*

Response 3.17: Please see the response to Comment 3.16.

Comment 3.18: *The lake shall be designed to accommodate rainfall from a major storm as there may only be a limited discharge to the District's drainage system.*

Response 3.18: Please see the response to Comment 3.16.

Comment 3.19: *The development shall pay drainage fees for the entire area of the tract, including the lake property.*

Response 3.19: The City will require, as a condition of project approval, that drainage fees imposed in accord with FMC Section 12-1916 be paid. This requirement does not change the analysis in the Draft EIR, and does not require Draft EIR recirculation.

Comment 3.20: *Any proposed basin location for Basin “CD” shall have soils testing performed to determine the soil composition at the new location.*

Response: The requested soils testing was performed as a basis for review of Basin CD’s preliminary design.

Comment 3.21: *The Notice of Preparation document states that the lake will receive its water primarily from the Fresno Irrigation District (FID). It should be noted that while this has been planned on other lakes, this source has historically been discontinued within a few years and replaced with underground well water.*

Response 3.21: The comment is noted. The comment regarding past water agreements is noted, but in the absence of documenting and detailed background information does not provide information which can be utilized in evaluating this project. It is emphasized that the project Applicant intends to provide an independent and adequate groundwater supply if needed.

Comment 3.22: *The re-master planning shall include a rough grading plan to distinguish where areas within the development will drain storm water runoff (i.e. to the lake or to the District system).*

Response 3.22: The comment is noted; the City will advise the project applicant thereof.

Comment Letter #4

Central Unified School District
4605 North Polk Avenue
Fresno, CA 93722

Comment 4.1: *This letter presents the comments of the Central Unified School District on the Draft Program Environmental Impact Report for the Westlake Project. We would like to preface our comments by indicating that Westlake is the largest residential project ever proposed in the District. As such, this project will be extremely important to the future growth and development of the District. The applicant, Granville Homes, has an excellent track record in the District, and we are supportive of their efforts with this project.*

The project comprises 460 acres, and at full development will have an estimated population of nearly 8,000 residents in 2,053 single family units and 547 multiple family units. The project will also include 295,000 square feet of commercial development.

The issues that need to be addressed are related to the generation of students by the project, which will affect District facilities, and compatibility/safety issues related to existing and planned District facilities, including the Koligian Educational Complex and the proposed new elementary school site within the project at the northwest corner of Grantland and Dakota Avenues. We look forward to working with the City and applicant to address the concerns contained in this letter.

Response 4.1: The comment is noted and appreciated.

Comment 4.2: *The project, at full development, would generate an estimated 808 elementary school students, 236 middle school students and 351 high school students.¹*

The project, by itself, would result in the need for an entire elementary school. A school site is shown on the project plans at the northwest corner of Grantland and Dakota Avenues. School site development is estimated at approximately \$20 million.

Middle school students would attend Glacier Point Middle School at the nearby Koligian Educational Complex. Glacier Point has a current enrollment of 928 students (CBEDS 2012-13 school year) and a capacity of 1,216. The 236 middle school students generated by the project would bring the enrollment up to 1,164. Other development currently planned in the attendance area will likely impact Glacier Point such that the capacity of the school will be exceeded.

High school students would attend the planned high school in the Koligian Educational Complex, which could be constructed by about 2016, provided that the state passes a school construction bond measure in 2014. Otherwise, high school students will attend Central High School until the new school is constructed.

Response 4.2: The District's estimates and projections of student generation and attendance figures are incorporated in the Draft Program EIR.

Comment 4.3: *Although state law currently indicates that the school fees are to be considered full mitigation for school facilities needs resulting from development projects, the reality of the matter is that school impact fees do not provide for the full cost of school facilities. The state limit on Level 1 school fees for residential development is currently \$3.20 per square foot. The most recent Development Fee Justification Study prepared for the District indicates that the cost of school facilities is \$6.76 per residential square foot. The difference is supposed to be provided by state and local bond funds. Although the District passed a local bond in 2008, there is currently no state funding available for new schools as the state has not passed a bond measure since 2006.*

¹ Based on the following student generation rates considered appropriate for the project:
Single Family Residential Units: K-6 .353; 7-8 .104; 9-12 .154
Multiple Family Residential Units: K-6 .152; 7-8 .041; 9-12 .064

Response 4.3: The comment is noted; the District correctly quotes the state law. The District's concern that needed school facilities might not be built on the project site because of a lack of funding is speculative and would be difficult to accurately analyze and lacks any substantial evidence of an unidentified significant impact. No further analysis is required.

Comment 4.4: *The DEIR text on page 3.12-2 states that the current Level 1 fee amounts are \$2.97 per square foot for residential development and \$0.47 per square foot for commercial/industrial development. As of June 2012, the District's Level 1 fees were increased to the state maximums of \$3.20 per square foot for residential development and \$0.51 per square foot for commercial/industrial development.*

Response 4.4: The Draft Program EIR has been corrected as noted.

Comment 4.5: *Page 3.12-12 of the DEIR indicates that the District operates 19 schools with an enrollment of more than 13,500. The District actually operates 20 schools and serves more than 15,000 students. The official enrollment for the 2012-2013 school year is 15,179. This number can be added as an update to Table 3.12-1 on page 3.12-13.*

Response 4.5: The addition has been made.

Comment 4.6: *The northern portion of the project site is immediately west of the Koligian Educational Complex, which contains a stadium, transportation facility, parking areas, a middle school, an elementary school, and a high school site. The stadium and other facilities on the Koligian Educational Complex site generate noise, light and traffic as part of normal operations. As such, the responsibility for mitigating any impacts from existing uses that may affect the proposed project lies with the project applicant.*

The bulk of the proposed 295,000 square feet of commercial development is to be located at the northwest corner of Ashlan and Grantland Avenues, immediately west of the high school site. Various commercial uses can be an attractive nuisance to high school students and business owners (loitering, littering), such as fast food restaurants, convenience stores and liquor stores. It will be important for the developer to work with the District to address this potential problem when specific commercial development is proposed.

Response 4.6: The commenter's concern regarding any potential impacts on the project do not provide any data, nor indicate its availability, regarding any Koligian Education Complex facilities' conceivable impacts on the project. The Draft EIR, however, includes consideration and analysis of traffic and noise impacts based on both existing and project-related increases in traffic flows.

The Draft EIR's noise, aesthetics and traffic analyses, all based on Draft EIR text which recognized the existence of the Koligian Education Complex at the northwest corner of Ashlan and Bryan Avenues (Draft EIR page 2-23, "Public Schools", page 3.10-22, Existing Stationary Noise Levels, [page 3.10](#), "Surrounding Areas", page 3.14-28, "Existing Traffic Volumes", found no significant impacts on the project from the Complex.

The EIR is not required to address social concerns, such as loitering or littering adjacent to student-frequent businesses, absent a related environmental impact. CEQA Guidelines Section 15064(e) provides that “economic and social changes resulting from a project shall not be treated as a significant effect on the environment”.

Comment 4.7: *A 12 acre elementary school site is proposed by the developer within the project site at the northwest corner of Grantland and Dakota Avenues. While an elementary school site will be needed within the project site, there are some potential issues with this site, as follows:*

- *The elementary school site is narrower than normally desired by the District, which could constrain school design and layout, especially as it relates to playfield facilities.*

Response 4.7: The comment is noted, and will be transmitted by the City to the project Applicant. It is not an environmental issue (but see Responses to Comments 4.8 through 4.11).

Comment 4.8:

- *The school site abuts Grantland Avenue on its east side, which will result in high noise levels on the school site. The narrowness of the site in relation to Grantland worsens this problem. Noise mitigation for the site will need to be addressed.*

Response 4.8: Onsite transportation noise was determined in the DEIR to be less than significant given compliance by any development on Grantland Avenue with Mitigation Measure #3.10.1d requiring an acoustical study and sound wall construction “to reduce noise levels by 10 db or as determined necessary by the acoustical study...” (See Onsite Roadway Traffic Noise discussions at pages, 3.10-33 to 3.10-34.) The commenter’s concerns about the “narrowness of the site in relation to Grantland” worsening the onsite noise levels is not substantial evidence of a potentially significant environmental impact resulting from the project.

Comment 4.9:

- *The elementary school site is immediately west of the Lamanuzzi & Pantaleo fruit processing plant. The plant generates high noise levels, handles hazardous materials, and generates hazardous air emissions. Obtaining state site approval for an elementary school at this location will require studies that demonstrate that potential health and safety risks to students and employees on the site are acceptable. Final school site designation within the application should be subject to California Department of Education site approval.*

Response 4.9: The Draft EIR discusses, under Section 3.10.2, offsite stationary noise including any potential impacts from the cited industrial facilities, and finds such impacts to be less than significant with the implementation of Mitigation Measure #3.10.1b.

The Draft EIR reviewed, under Section 3.7.1, Phase One Environmental Assessment, the Lamanuzzi and Pantaleo facilities status and operations and found no conditions creating, or potential for the creation by the facility of, any adverse impacts to the project site.

The comment provides no substantial evidence to controvert the Draft EIR's evaluation and findings.

The commenter's statement regarding school site locations approvals by the California Department of Education is correct, but it raises no environmental issues with respect to the concerns expressed by the comment.

Comment 4.10:

- *The Draft EIR indicates that there is a 70 KV power transmission line and a high pressure gas main within the project site; however, the location of these facilities is not given. The location of these facilities in relation to the school site is a concern as existing regulations prohibit a 70 KV power line easement from being located within 100 feet of a school site and any high pressure pipeline within 1,500 feet of a school site must be analyzed to determine if there would be a significant safety risk to the site.*

Response 4.10: The 70 KV power line is located within 100 feet of the proposed school site boundary. The high pressure gas line is approximately 1,100 feet from the school site boundary. The Draft EIR, Sections 3.7.1 and 3.7.2 described the power line and gas transmission line within the project boundaries and evaluated their hazards-related environmental significance as, with the implementation of Mitigation Measure 3.7.4c, less than significant.

The commenter's concerns relate to the California Department of Education's (CDE's) recommended site selection process (mandatory only if State funding is involved) involving multiple selection factors. The Education Code requires CEQA evaluation of the site selection recommendations or conclusions prior to school construction.

The California Education Code contains regulations regarding "high pressure gas mains" at sites containing or within 1,500 feet of hazardous pipelines or within 100 feet of power lines. Acquisition of a school site is prohibited if the site: "[C]ontains one or more pipelines, situated underground or aboveground, which carries hazardous substances, acutely hazardous materials, or hazardous wastes, unless the pipeline is a natural gas line which is used only to supply natural gas to that school or neighborhood." (Educ. Code §17213; 5 C.C.R. §14010[h]; Pub. Res. Code §21151.8 (a)(1)(c))

"A school may not be located within 1,500 feet of an underground or above-ground pipeline if the pipeline is a safety hazard, determined by a risk analysis study." Title 5, C.C.R. §14010(h) states: If the school is within 1,500 feet of a pipeline (pressurized above 80 psi), a risk analysis is required to examine the potential for pipeline failure to occur, and the potential for a fatality resulting from that failure. **CDE then evaluates the results of the study to determine if the**

risk is within acceptable limits. CDE periodically revises the risk analysis protocols, which can be found in the School Site Selection and Approval Guide.²

With respect to proximity to high-voltage transmission lines: Electric power transmission lines maintained by power companies may or may not be hazardous to human health. However, given the uncertainty of scientific knowledge, CDE has established conservative limits and grants limited exceptions. “No school site property line may be located closer than:

- 100 feet from the edge of an easement for a 50-133 kV line,
- 150 feet from the edge of an easement for a 220-230 kV line, or
- 350 feet from the edge of an easement for a 500-500 kV line.²”

The comments therefore do not raise an environmental issue but note school site design constraints and raise school siting preference considerations.

Comment 4.11: *Thank you for the opportunity to comment on the Draft EIR. We look forward to reviewing the Final EIR. Please contact me if you have any questions regarding this letter.*

Response 4.11: The comment is noted. The Final EIR contains responses to the District’s comments.

Comment Letter #5

San Joaquin Valley Air Pollution Control District
Central Region
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244

Comment 5.1: *The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the DPEIR for the Westlake Development Project (Project), the proposed Project is to develop a master planned 460 acre project with residential and commercial uses developed around a man-made lake. The Project will consist of approximately 2,600 residential units, and up to 295,000 square feet of community and neighborhood commercial buildings located in Fresno, California. The District offers the following comments:*

Response 5.1: The comments of the District are appreciated, and responses will be provided to each such comment.

Comment 5.2: *The DPEIR (page 3.3-6, Table 3.3-2-Current Attainment Designations) demonstrates the District is Federally designated as Unclassified/Unclassified for Nitrogen Dioxide. The District would like to clarify that it is Federally designated as Attainment/Unclassified. For more information relative to the District’s Attainment Status, more information can be found online by visiting the District’s website at: <http://www.valleyair.org.aginfo.agdataidx.htm>.*

² Underlining added to quoted information from California School Facilities Planning, Solano Press, 2006, page 116

Response 5.2: The comment is noted; the Draft Program EIR has been corrected.

Comment 5.3: *The DPEIR (page 3.3-30) identifies the District’s annual thresholds of significance. The District would like to clarify that it applies the following thresholds of significance for criteria pollutants.*

- 10 tons per year oxides of nitrogen (NOx)
- 10 tons per year reactive organic gases (ROG)
- 15 tons per year particulate matter of 10 microns or less in size (PM10)

In addition, the above thresholds of significance are applied separately to assess significance to a project’s short-term (construction) emissions and long-term (operational) emissions. The short-term emissions are mainly related to the construction phase of a project and are recognized to be short in duration. The long-term emissions are mainly related to the activities that will occur indefinitely as a result of project operations. As a result, the District recommends amending Table 3.3-6-Air Pollutant Emissions (page 3.3-34) and Table 3.3-7-Mitigated Air Pollutant Emissions to reflect assessing the Project’s significance (annually) for construction and operation separately.

Response 5.3: PM 2.5, in response to the comment, has been excised from the Draft Program EIR text (page 3.3-30) and Tables (3.3-6 and 3.3-7) as a threshold of significance. The PM 2.5 emissions remain analyzed. The “threshold” change is simply made to reflect the Board’s commented clarification. This makes no substantive modification in the Draft EIR’s air quality analysis and, thus, no recirculation is required. Tables 3.3-6 and 3.3-7, as presented, separately analyze construction and operations emissions while evaluating total emissions for each representative calendar year.

Comment 5.4: *The DPEIR (page 3.3-37, Table 3.3-7 – Mitigated Air Pollutant Emissions) demonstrates annual mitigated emissions for the Project after applying the percent reductions that would be achieved for construction and operation each year for compliance with District Rule 9510 (Indirect Source Review). As such, the District recommends amending Table 3.3-7 (section Rule 9510 Reductions), and appropriate apply the percent reductions per section 6.0 of the District Rule 9510 (as provided in the table below).*

<i>Percent Reductions Required per District Rule 9510 (Indirect Source Review)</i>	
<i>Construction</i>	<i>Operation</i>
<i>NOx – 20%</i>	<i>NOx – 33.3%</i>
<i>PM10 – 45%</i>	<i>PM10 – 50%</i>

Response 5.4: The text of the Draft Program EIR describes (page 3.3-36) the emissions reductions required in compliance with Rule 9510. The emission levels evaluated against calculated significance thresholds in Table 3.3-7 reflect such compliance requirements. The suggested modification of Table 3.3-7 would obfuscate the project’s compliance or non-compliance and status and emissions significance and, respectfully, have not been made.

Comment 5.5: *The DPEIR provides “The SJVAPCD has recommended that large projects whose emissions exceed the thresholds of significance consult with the Air District to develop and implement a Feasible Implementation Plan (FIP) with the goal of reducing project specific impacts on air quality to a less than significant level. This recommendation has been incorporated into the project as Mitigation Measure #3.3.1o and #3.3.1p” (page 3.3-36).*

The Feasible Implementation Plan (FIP) as identified in the DPEIR is equivalent to a Voluntary Emission Reduction Agreement (VERA) that is a binding agreement between the District and the project proponent currently used as a tool to mitigate project impacts on air quality to a less than significant level under CEQA.

Response 5.5: The comment is noted. Absent a finding that the VERA program is a part of a “reasonable, enforceable plan or program that is sufficiently tied to the actual mitigation of the impacts at issue” it cannot provably provide real mitigation. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App. 4th 1173, 1180.) The Draft Program EIR has not been able to make such a finding. Rather, it has incorporated all of the elements of the District-recommended Feasible Implementation Plan, in its mitigation measures but found, as a conservative analysis, that implementation of these measures may not result in less than significant environmental impacts.

Comment 5.6: *As presented in the DPEIR, after implementation of all feasible mitigation measures, the project is considered to have potentially significant air quality impacts. As discussed below, the District believes that mitigation through a VERA (or FIP) is feasible.*

A VERA (or FIP) is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District servicing a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort.

To implement a VERA (or FIP), the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds to the District. The funds are disbursed in the form of grants for projects that achieve emission reductions. Thus, the project specific impacts on air quality can be fully mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of old farm tractors.

In implementing a VERA (or FIP), the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. The initial agreement is generally based on the projected maximum emissions increases as calculated by the District approved air quality impact assessment, and contains the corresponding maximum fiscal obligation. However, because the goal is to mitigate actual emissions, the District has designed flexibility into the VERA (or FIP) such that the final mitigation is based on actual emissions related to the project as determined by actual equipment used, hours of operation, etc., and as calculated by the

District. After the project is mitigated, the District certifies to the lead agency that the mitigation is completed, providing the lead agency with an enforceable mitigation measure demonstrating that project specific emissions have been mitigated to less than significant.

The District has been developing and implementing VERA contracts with project developers to mitigate project specific emissions since 2005. It is the District's experience that implementation of a VERA (or FIP) is a feasible mitigation measure, and effectively achieves the emission reductions required by a lead agency, by mitigating project related impacts on air quality by supplying real and contemporaneous emission reductions.

Response 5.6: The comment is noted. The Draft Program EIR describes in Mitigation Measures #3.3.10 the requirement that the project Applicant consult with the Air Pollution Control District regarding the development and implementation of a Feasible Implementation Plan for both construction and operation of the project.

Comment 5.7: *To ensure all feasible mitigation measures are incorporated into the Project to reduce project air quality impact to less than significant, the District recommends the project proponent engage in discussion with the District resulting in the adoption of the VERA (or FIP) prior to the finalization of the Final Program Environmental Impact Report (FPEIR).*

This process will allow the Program EIR to appropriately characterize the project emissions and demonstrate that the project impact on air quality will be mitigated to less than significant under CEQA as a result of the implementation of the adopted VERA.

Response 5.7: Please refer to the Response to Comment 5.6. It is additionally noted that the District has not taken exception to the Draft EIR's methodology or results. The Comment does not provide substantial evidence of any Draft EIR unidentified impact or any conclusion related to Draft EIR-identified impacts.

Comment 5.8: *Based on information provided, at full build-out the proposed project would be equal to or greater than fifty (50) residential dwelling units. Therefore, the District concludes that the proposed project is subject to District Rule 9510 (Indirect Source Review).*

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before insurance of the first building permit.

If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at <http://www.valleyair.org/ISR/ISRHome.htm>.

Response 5.8: The comment is noted. Further discretionary approvals of the project and its components will be required after certification of the Draft Program EIR.

Comment 5.9: *The DPEIR includes a screening health risk assessment (HRA). The HRA considered emissions from heavy heavy-duty diesel trucks, diesel-fired transportation refrigeration units, and two (2) restaurants. Idling of diesel trucks was assumed to be limited to five (5) minutes per truck because of the airborne Toxic Control Measure (ATCM) for diesel truck idling. It does not include an ambient air quality analysis (AAQA).*

Response 5.9: The Draft EIR's screening health risk assessment results precluded the necessity for an ambient air quality analysis to adequately define health risk impacts. Please see the District's Comment 5.14 noting their concurrence.

Comment 5.10: *The DPEIR does not provide sufficient information to verify the predicted health risks. No copy of the screening analysis was provided. As such, the District recommends a copy of the screening analysis with all emission calculations documented, be included in the DPEIR.*

Response 5.10: Appendix C of the Draft Program EIR contains the base data supporting the requested analysis.

Comment 5.11: *The District does not consider the ATCM sufficient to ensure that idling times will not exceed five (5) minutes. The District assumes in lieu of some other enforceable mechanism that trucks will idle for fifteen (15) minutes. The analysis should be redone using the assumption or mitigation measure should be included in the DPEIR to ensure that trucks will not idle longer than five (5) minutes.*

Response 5.11: The California Air Resources Board's Airborne Toxic Control Measure (ACTM) limits diesel vehicle idling time to five minutes (see Draft Program EIR page 3.3-57). The California Air Resources Board's Airborne Toxic Control Measure limits appear to be the overriding authority on this issue (see 13 CCR 2580), that with which the trucking industry would thus expect to comply, and therefore the proper basis for toxics emissions calculations. The District's disagreement with that calculations basis is acknowledged.

Comment 5.12: *Emissions from diesel buses at the proposed elementary school should be considered as a potential toxic source.*

Response 5.12: The proposed onsite school to serve the development will, from a worst-case air quality standpoint, be built at some time prior to the completion of the project and its attendant commercial development with its related toxic air emissions. When the project is completed, school attendance from the project will negate the need for bussing of students (non-bussed project students will utilize the elementary school). With these counteracting factors no numeric calculation of the already minimal project-related toxic emissions is required. School buses are prohibited by 13 CCR 2480 from idling more than 30 seconds at school locations (compared to 13 CCR 2485's prohibiting of idling by commercial diesel vehicles more than 5 minutes.

Comment 5.13: *There is a permitted facility across the street from the proposed elementary school. As such, diesel buses that service Deran Koligan Education Center. There may be other permitted facilities in the vicinity of the site that may cause a health risk to residents. Such sources should be considered in the analysis and risk assessed quantitatively or qualitatively.*

Response 5.13: There is no viable method of quantitatively analyzing these sources based on available data. The SJVAPCD Draft Guidance for Assessing and Mitigating Air Quality Impacts – 2012, page 40, provides guidance with respect to the cited source or sources:

“For projects being impacted by existing sources (Type B projects), one screening tool is contained in the ARB Handbook: *Air Quality and Land Use Handbook: A Community Health Perspective*. The document includes a table (reproduced in this guidance as Table 2 (*Recommendation on Siting New Sensitive Land Uses Such As Residences, Schools, Daycare Centers, Playgrounds, or Medical Facilities*))...”

The table provides buffer distances for sensitive receptors and certain types of potentially harmful uses, such as ports, freeways and refineries.

In reviewing the referenced Table 2, as well as a supplemental Table (Table 1-3, page 33) in the ARB Handbook, there is no recommendation from these sources for more detailed screening or analyses. Based upon this, and the comment providing no substantial evidence of new or increase to identified impacts, no further analysis is required.

Comment 5.14: *An AAQA would not appear to be required.*

Response 5.14: The comment is noted, and the City concurs.

Comment 5.15: *Since this is a DPEIR, there should be a mitigation measure that requires reassessment of the risk if the development of the commercial area results in greater toxic emissions.*

Response 5.15: This EIR has analyzed all reasonable foreseeable emissions. The quantitatively assessed emissions are so low that there is no reasonable likelihood that reanalysis based on actual occupancy and activity would result in a significant impact.

Comment 5.16: *Based upon the above comments, it's not possible to determine if the health risk is caused by the commercial development or caused by the existing toxic sources in the vicinity of the planned development will not be significant. In addition to fully documenting the screening analysis performed, the HRA should be extended to include other potential sources such as school buses and toxic sources in the vicinity of the development.*

Response 5.16: Please see the Responses to Comments 5.12, 5.13 and 5.15.

Comment 5.17: *The proposed project may require District permits. Prior to the start of construction the project proponent should contact the District's Small Business Assistance Office at (559) 230-5888 to determine if an Authority to Construct (ATC) is required.*

Response 5.17: The comment is noted; such possible contact will be made a condition of project approval.

Comment 5.18: *The proposed project may be subject to the following District rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).*

Response 5.18: The comment is noted and appreciated.

Comment 5.19: *The District recommends that a copy of the District's comments be provided to the project proponent.*

Response: The District's comments will be provided to the project Applicant.

Comment 5.20: *The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.*

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Mark Montelongo at (559) 230-5905.

Response 5.20: The comment is noted and appreciated.

Comment Letter #6

Department of Transportation, District 6
1352 West Olive Avenue
Fresno, CA 93778-2616

Comment 6.1: *Thank you for providing Caltrans with the opportunity to review the traffic impact study for the proposed development of the 460-acre site bounded by Gettysburg, Shields, Garfield, and Grantland Avenues. This development would include approximately 2,600 residential units (single and multi-family) and approximately 27 acres of neighborhood commercial. A large artificial lake would be constructed at the center of the proposed site, the residences and commercial developments would be built around the lake. Caltrans offers the following comments:*

Response 6.1: The comment is noted and the project description is essentially correct.

Comment 6.2: *The study calculated that the proposed development would generate approximately 2,130 trips during the A.M. peak travel period. Approximately 3,580 trips would be generated during the P.M. peak travel period. The study also calculated that 75% of the generated morning trips would impact the State Route (SR) 99 interchanges at Herndon Avenue, Veteran’s Boulevard, Shaw Avenue, Ashlan Avenue, Golden State Boulevard, and Clinton Avenue. Approximately 68% of the generated trips would impact these same interchanges in the P.M.*

Response 6.2: The comment is noted and the commenter’s characterization of the data is correct.

Comment 6.3: *Previous traffic studies had indentified the need for improvements to the SR 99 interchange at Herndon Avenue in order to accommodate projected future demand; however, due to the proposed “El Paseo” development, there is already a currently funded project that incorporates these improvements. In addition, the El Paseo development appears to be the reason behind the development of the new SR 99 interchange at Veteran’s Boulevard. Given that the improvements to the interchange at Herndon Avenue are fully funded, and given that the proposed interchange at Veteran’s Boulevard is still in the development stage, proposed developments impacting these interchanges do not have impacts that would require mitigation.*

Response 6.3: The comment is noted and the information supplied is appreciated. The EIR concurs.

Comment 6.4: *No previous traffic studies have identified the need for improvements to the SR 99 interchanges at Golden State Boulevard or Clinton Avenue; however, due to the proposed High Speed Rail Project, a project is currently being developed that would slightly shift the location of these two interchanges. Thus, traffic impacts from this proposed development will not require mitigation.*

Response 6.4: The comment is noted and the EIR concurs.

Comment 6.5: *Previous traffic studies have identified the need for improvements to the SR 99 interchange at Shaw Avenue in order to accommodate projected future demand. These improvements include widening the southbound exit-ramp (\$1,069/trip), widening the northbound exit-ramp (\$345/trip), and widening the overcrossing structure in the eastbound direction (\$685/trip). Since most failure is expected to occur primarily in the P.M. peak travel period, the P.M. Peak Hour Trips shown on Table 9.4 of the traffic study were used to determine the proposed project’s proportional share for the identified improvements (SB Off 21, NB Off 43, EB Through 163). Thus, this proposed development’s share for the improvements to the southbound exit-ramp is calculated to be \$22,449. Its calculated share for the improvement to the northbound exit-ramp is \$14,835. The share for the eastbound structure widening is \$111,655. The total for the interchange is **\$148,939**.*

Comment 6.6: *Previous traffic studies have identified the need for improvements to the SR 99 interchange at Ashlan Avenue in order to accommodate projected future demand. These improvements include widening the southbound exit-ramp (\$2,500/trip), widening the*

northbound exit-ramp (\$1,300/trip), and adding a second left-turn lane from eastbound Ashlan Avenue to northbound Golden State Boulevard (\$1,500/trip). Since most failure is expected to occur primarily in the P.M. peak travel period, the P.M. Peak Hour Trips shown on Table 9.4 of the traffic study were used to determine the proposed project's proportional share for the identified improvements (SB Off 84, NB Off 59, EB Through 148). However, the freeway project that is currently being developed to accommodate the proposed High Speed Rail Project will include the widening of the southbound exit-ramp. Also, Caltrans estimates that only 10% of the eastbound through traffic shown on Table 9.4 (approximately 15 trips) would impact the eastbound to northbound left-turn movement. Thus, this proposed development's share for the improvement to the northbound exit-ramp is calculated to be \$76,700. The calculated share for the improvement to the eastbound to northbound left-turn lane is \$22,500. The total for the interchange is **\$99,200**.

Response 6.5 and 6.6: The Draft EIR analyzed traffic impacts at the subject interchanges at the "trip trace" levels; the estimated number of project-related trips to occur at such interchanges. It was determined by such analysis that there would not be significant project-related traffic impacts at these interchanges. Operational analyses of the interchanges were not required by the affected agency (Caltrans) (Section 3.14, Introduction, of the Draft EIR).

Caltrans comments state that traffic studies have identified the need for improvements to the interchanges to accommodate future traffic demand and have requested payment of the comment-incorporated amounts - \$148,939 for the Shaw Avenue interchange and \$99,200 for the Ashlan Avenue interchange – by the project applicant as his share of total interchange improvement costs.

However, Caltrans did not take exception to the City's methodology, data or analysis. Therefore, Caltrans has not provided substantial evidence of a new significant impact or increase to an identified significant impact. No further analysis is required.

With that said, the Developer has informed the City it is agreeable to paying the Caltrans payments as described in Caltrans letter and the City will condition the project on the payment of these fees.

Comment 6.7: *The total fair cost for all interchanges for the proposed project is \$248,139.*

Response 6.7: Payment of the calculated fees will be a condition of City project approval.

Comment 6.8: *If you have any further questions, please contact David Padilla, Transportation Planner, North Planning Division at (559) 444-2493.*

Response 6.8: The comment is noted and appreciated.

Comment Letter #7

Fresno Irrigation District
2907 S. Maple Avenue
Fresno, CA 93725-2218

Comment 7.1: *The Fresno Irrigation District (FID) has reviewed the EIR 1040, VTTM 5915, PAA A-07-12 and RA R-07-008 development located west of State Route 99 bounded by West Gettysburg Avenue, West Shields Avenue, North Garfield Avenue, and North Grantland Avenue which impacts FID's Silvia No. 47 Canal and Minor Thornton No. 459 Canal. FID approves the proposed development with the following conditions:*

Response 7.1: The comment is noted and appreciated.

Comment 7.2: *FID's Silvia No. 47 Canal traverses the subject property as shown on the enclosed map. The reach of canal affected by the development can be contained in a 48-inch inside diameter ASTM C-361 rubber gasket reinforced concrete pipe pipeline (RGRCP) for the segment of the canal located upstream of the Minor-Thornton Canal headgates. The reach of canal located downstream of the Minor-Thornton Canal headgates shall be contained in a 36-inch inside diameter ASTM C-361 RGRCP. FID requires the applicant grant to FID an exclusive pipeline easement and pipe the open canal across the development in accordance with FID standards, and that the applicant enter into an agreement for piping the canal with costs to be borne by the applicant.*

The exclusive easement will be 40-foot wide minimum and the applicant will need to meet with FID to determine the pipeline alignment. The easement but may be reduced if it's adjacent to a major road right of way. FID recommends that the pipeline be centered in the easement. FID also recommends that the pipeline be aligned adjacent to a major City street and FID may consider reducing the easement to 20 feet. FID has had preliminary discussions with the applicant's Engineer and with owner of the proposed project to the north (Tract 5864 – McCaffery Group), and discussed realigning the canal along Veterans Boulevard, Gettysburg Ave., Westlake Ave. and Ashlan Ave. (see attached map prepared by McCaffery's Engineer).

Response 7.2: The comment is noted; it is a design requirement, not a mitigation measure for any identified environmental impact. Compliance with the comment will be a condition of City project approval.

Comment 7.3: *FID's Minor-Thornton No. 459 Canal traverses the subject property as shown on the enclosed map. The reach of canal affected by the development can be contained in a 36-inch inside diameter ASTM C-361 rubber gasket reinforced concrete pipe pipeline (RGRCP). FID requires the applicant grant to FID an exclusive pipeline easement and pipe the open canal across the development in accordance with FID standards, and that the applicant enter into an agreement for piping the canal with costs to be borne by the applicant.*

The exclusive easement will be 40-foot wide minimum and the applicant will need to meet with FID to determine the pipeline alignment. FID recommends that the pipeline be centered in the easement. The easement but may be reduced if it's adjacent to a major road right of way.

Response 7.3: The comment is noted; it is a design requirement, not a mitigation measure for any identified environmental impact. Compliance with the comment will be a condition of City project approval.

Comment 7.4: *FID does not have records indicating the age of or the materials used for the culvert located at Gettysburg, Grantland, and Garfield Avenues. Should any street or intersection improvements be necessary FID recommends the culvert be replaced as part of the project.*

Response 7.4: The comment is noted; it is a design requirement, not a mitigation measure for any identified environmental impact. Compliance with the comment will be a condition of City project approval.

Comment 7.5: *FID will require proper access to the diversion structure where the Minor-Thornton Canal's headgates will be located. The access will be located in close proximity to the structure to allow FID staff to safely and quickly make necessary observations and changes to the structure.*

Response 7.5: The comment is noted; it is a design requirement, not a mitigation measure for any identified environmental impact. Compliance with the comment will be a condition of City project approval.

Comment 7.6: *For informational purposes, a private pipeline known as the Wheaton No. 518 traverses the subject property as shown on the enclosed map. If there are still users on this private line, it will need to remain active. FID can supply the developer/Engineers with a list of user for this private line.*

Response 7.6: The comment is noted; it is a design requirement, not a mitigation measure for any identified environmental impact. Compliance with the comment will be a condition of City project approval.

Comment 7.7: *The applicant shall install the necessary infrastructure to supply water to all existing neighboring water users which will be impacted by the proposed project. FID staff will assist the applicant with the gate and pipeline sizes.*

Response 7.7: The comment is noted; it is a design requirement, not a mitigation measure for any identified environmental impact. Compliance with the comment will be a condition of City project approval.

Comment 7.8: *The report indicates that a manmade lake will "receive its water primarily from FID; FID currently supplies the subject property with 500 to 1,000 acre-feet of surface water*

annually for irrigation.” The report later indicates “authorization for multiple use of irrigation ‘entitlement’ water in Drainage Basin ‘CG’ and in the proposed project lake.”

Response 7.8: The comment is noted, and concurs with the EIR.

Comment 7.9: *Generally, when lands on “water service” are developed within the City, through agreement the City acquires the entitlement at the same rate paid by farmers. This is referred to as “contract” entitlement.*

Response 7.9: The comment is noted, and the information is appreciated.

Comment 7.10: *FID will most likely divert the City “entitled” water to the FMFCD Basin CG or CD. The water diverted into the manmade lake will most likely not be “City entitled” water and will need to enter into a separate Water Purchase Agreement with FID. This agreement will need to be finalized and executed prior to approval of the Final Map. The cost of water is currently estimated at \$58/Acre-Foot by 2010 and will most likely increase each year.*

Response 7.10: The comment is noted, and the information is appreciated as assurance of surface water availability for the proposed project lake.

Comment 7.11: *Recharge – It’s FID’s understanding that the manmade lake will be lined and will not recharge or percolate. During previous meetings with the applicant, FID urged them to increase the size of the proposed FMFCD basin which may be located south of the project or Shields Avenue. A larger basin will help offset the potential negative impacts on the local groundwater supply caused by the proposed basin.*

Response 7.11: The size of the basin has been increased over that originally proposed for the drainage area to assure recharge capability; the increased size is utilized in the EIR’s environmental analysis.

Comment 7.12: *FID will require water meters on all turnout gates for deliveries made to the project.*

Response 7.12: The comment is noted; it is a design requirement, not a mitigation measure for any identified environmental impact. Compliance with the comment will be a condition of City project approval.

Comment 7.13: *FID’s typical irrigation season can range from 3 to 8 months depending on the amount of snowfall and precipitation received. FID assumes that the applicant will have another source of water for their water features.*

Response 7.13: The Draft Program EIR, page 3.8-21, notes the need for a well or wells to supply lake fill when absent surface water for this purpose. That same need will apply when surface water supply is not sufficient or timely, supplementing storm water and incidental inflow.

Comment 7.14: *Discharges into FID Canals –*

- a. *There has been discussion that water from the manmade lake may be diverted back into FID's Silvia Canal. FID will not allow this discharge for numerous reasons, including it's a violation of FID's Rules and Regulations, and the impact it will have during the Operations and Maintenance Seasons. FID conveyed this to the applicant during a meeting on January 2, 2007.*
- b. *FID has met with FMFCD to discuss a proposed discharge from Basin CD and/or Basin CG into the Silvia Canal. At this time, the Silvia Canal is not masterplanned to accept FMFCD's discharges, but FID may consider if improvements are made to the canal and both Agencies come to an agreement.*

Response 7.14: The comment is noted. The Draft Program EIR project does not propose or evaluate discharge from the lake or the basins into the Silvia Canal.

Comment 7.15: *FID requires its easement be shown on the final map with proper recording information, and that FID be made a party to signing all plans which affect its easement and canal/pipeline facility and also be made party to signing the final map.*

Response 7.15: The comment is noted and will be made a condition of City project approval.

Comment 7.16: *FID requires the applicant submit a grading and drainage plan for FID approval which shows that the proposed development will not endanger the structural integrity of the pipeline, or result in drainage patterns that will adversely affect FID or the applicant.*

Response 7.16: The comment is noted and will be made a condition of City project approval.

Comment 7.17: *FID requires it review, approve and be made a party to signing all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer and Water, FMFCD, Street, Landscaping, Dry Utilities, and all other utilities.*

Response 7.17: The comment is noted and will be made a condition of City project approval.

Comment 7.18: *FID does not allow FID owned property or easements to be in common use with public utility easements but will, in certain instances, allow its property to be in common use with landscape easements if the City of Fresno enters into an appropriate agreement with FID. FID prefers all block walls and fences be located outside of its property and easements.*

Response 7.18: The comment is noted; it is a design requirement, not a mitigation measure for any identified environmental impact. Compliance with the comment will be a condition of City project approval.

Comment 7.19: *FID will require a Common Use of Easements Agreement between FID and the City of Fresno for all Landscape easements which overlap FID's easement.*

Response 7.19: The comment is noted; it is a design requirement, not a mitigation measure for any identified environmental impact. Compliance with the comment will be a condition of City project approval.

Comment 7.20: *FID requests the applicant be exempted from any condition that would require the construction of public facilities or conveyance of deeds or easements within FID's canal easement to any other party without FID's written consent.*

Response 7.20: The comment is noted, and the City will assure such exemption.

Comment 7.21: *FID may have additional comments regarding the subject proposal and requires the applicant and or the applicant's engineer contact FID at their earliest convenience to discuss specific requirements, e.g. easement width and alignment, pipeline alignment, depth and size, fees, etc.*

Response 7.21: The comment is noted, and appreciated.

Comment 7.22: *Thank you for submitting this for our review. Please feel free to contact Bill Stretch with any questions or concerns at 233-7171 extension 318 or bstretch@fresnoirrigation.com.*

Response 7.22: The District's comments are appreciated.

Comment Letter #8

County of Fresno
Department of Public Works and Planning
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

Comment 8.1: *The center travel lanes and median should be constructed for that segment of Ashlan between Polk Avenue and Bryan Avenue prior to occupancy exceeding 10% of the homes that are constructed with the associated development.*

Response 8.1: The comment is noted and will be considered by the City as to timing and necessity when project development is initiated, imposing appropriate conditions for project approval. The comment identifies no new impact or required mitigation measure.

Comment 8.2: *The proposed configuration of the development would appear to create a peninsula which could be problematic from the standpoint of the standards of annexation and the City of Fresno/County MOU.*

Response 8.2: Please refer to Response 2.4.

Comment 8.3: *Figure 3.9-6 of the DEIR shows the project site to be within the Fresno city limits. The subject site is within the City of Fresno's sphere of influence but not within the city limits.*

Response 8.3: The correction is noted. It is the intention of the map, as referenced in Table 3.9-8, to depict the project site within the City limits when annexation occurs. Figure 3.1-1 shows the current City Sphere of Influence and City boundary lines.

Comment 8.4: *Figures 2-5, 3.9-4 and 3.9-5 show the 29.99-acre parcel located on the southwestern part of the project area (APN 512-043-27) as not a part of the project however Figure Nos 2-2, 2-3, 2-6, 3.1-1, 3.2-1, 3.2-2, 3.2-3, 3.4-1, 3.6-1, 3.9-1, 3.9-2, 3.9-6 and 3.10-1 show APN 512-043-27 as part of the project area.*

Response 8.4: The comment is correct. For the purposes of environmental analysis the 29.99 acre parcel is part of the project area. Figures 2-5, 3.9-4, and 3.9-5 are more precise as to actual proposed development and are reflective of Tentative Tract Map No. 5915. The stated parcel identification issues, resolved here, do not change the EIR's analysis related to physical impacts to the environment.

Comment 8.5: *The annexation of the subject property is shown on Figure No. 3.9-6 extends an existing peninsula making the by-passed area between Shaw, Hayes, Gettysburg and Grantland Avenue difficult to annex in the future. This may create an issue with the Standards of Annexation for annexing the subject property for the City of Fresno.*

Response 8.5: It is not evident that the annexation of the project increases in any way any perceived difficulties in the annexation of the Comment-subject area. Please also refer to Response 2.4.

Comment 8.6: *Portions of the project area have been pre-zoned, however other sections of the project area will be subject to the pre-zoning and General Plan Amendment (GPA) process before annexation of the project area to the City of Fresno can be initiated. (See Figure Nos. 2-4 and 2-5).*

Response 8.6: The comment is noted; please refer to Draft EIR pages 3.9-7 through 3.9-24 and 3.9-59 for background and discussion of this matter.

Comment 8.7: *We appreciate the opportunity to comment on the project. If you have any questions you may email me at bsholars@co.fresno.ca.us or call me at (559) 600-4207.*

Response 8.7: The comment is noted and appreciated.

SECTION FOUR

ERRATA

SECTION FOUR – ERRATA

4.1 *Errata Pages*

This section contains the corrections that have been made to the DEIR based on comments received on the DEIR and updated information that has become available. The corrections on the following pages are formatted as follows: deletions to the text are shown in ~~striketrough~~ text and additions to the text are underlined.

Project Description and Location

PROJECT DESCRIPTION

~~Granville at Westlake, Inc.~~ Westlake Development Company, Inc. (the project Applicant) is proposing to develop a master planned 460 acre (Note: The analysis in the DEIR describes impacts from a 460 acre development. However, subsequent to circulation of the DEIR, the project was reduced to 430 acres. The impacts of the 430 acre development will be slightly less than the 460 acres analyzed in the DEIR. The project reduction, however, does not change any of the impact determinations contained in the DEIR. *The change is a non-substantive correction and does not change the analysis in the Draft EIR.*) project with residential and commercial uses developed around a man-made private lake. The project will consist of approximately 2,600 residential units and up to 295,000 square feet of community and neighborhood commercial buildings. At full buildout, the project would accommodate 7,956 residents (based on a 3.06 person per household ratio). This is the maximum population figure utilized for environmental analysis in this EIR; it is based on the latest available census data. The project will consist of approximately ~~111~~ 82 acres of Medium Low Density Residential, ~~196~~ 207 acres of Medium Density Residential (approximately 12 acres of which is planned for an elementary school at the northwest corner of Grantland and Dakota Avenue), 34 ~~39~~ acres of Medium High Density Residential, ~~27~~ 30 acres of Neighborhood/Community Commercial, and ~~92~~ 70 acres open space consisting of the 55 acre lake feature, ~~17 acres of~~ roadway and ~~20 acres of~~ open space.

Generally, the project will be built out in a north to south pattern with excavation and construction of the lake occurring ~~during~~ over 2 phases beginning during initial development (see the description of the lake in Chapter Two). A review and analysis of the Draft EIR's discussion of possible lake impacts (Impacts #3.7-2, pages 3.7-18 and 3.7-19, #'s 3.8-1(a), 3.8-2(b) and 3.8-3(c)(d)(e), page 3.8-16 through 3.8-20) discloses no change in impacts, or any additional impacts, nor in required mitigation measures, to be engendered by the construction of the lake in two phases. Air quality impacts from lake construction would be lessened by phased construction, spreading, such impacts over more than one year. (The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

Commercial development will occur as build-out of the residential portions of the project occur. Smaller commercial entities that would serve a smaller population may be built out earlier than larger commercial entities that require a larger population base. Specific tenants and timing of commercial build-out have not yet been determined. However, in order to provide a program-level analysis of environmental impacts, phasing assumptions were developed to provide a worst-case scenario (a faster than anticipated construction schedule). See Chapter Two for a full project description. The phasing assumptions are as follows:

Summary of Project Phasing

Year of Completion	Single Family	Multi-Family	Commercial	Lake
2016	648 units	-	-	Constructed and filled - 1 st Phase
2018	703 units	274 units	147,500 sq. ft.	Constructed and filled - 2 nd Phase
2020	702 units	273 units	147,500 sq. ft.	-
Total:	2,053 units	547 units	295,000 sq. ft.	-

PROJECT LOCATION

The proposed project is located adjacent to the Fresno City limits, in north-central Fresno County (reference Figures 2-1 and 2-2). The project site is located west of State Route 99 and is bounded by West Gettysburg Avenue, West Shields Avenue, North Garfield Avenue, and North Grantland Avenue. More specifically, the project site is located on the west side of Grantland adjacent to the Fresno City limits and across the street from the Deran Koligian Education Center, a facility owned and operated by the Central Unified School District.

The project site is within the adopted Sphere of Influence (SOI) of the City of Fresno. The project site is outside the corporate limits of the City of Fresno, but has been planned for a variety of urban

uses in the 2025 General Plan and portions have been pre-zoned by the City. The Project will be proposed by the applicant for annexation approval by the Fresno County Local Agency Formation Commission.

PROPOSED ENTITLEMENTS

This Program EIR will be used for approval of the following discretionary entitlements/actions necessary for the project:

- The annexation of approximately ~~460~~ 430 acres from Fresno County into the City of Fresno (LAFCo);
- A General Plan Amendment changing some of the land use designations (reference Figures 2-3 and 2-5 and Table 2-2);
- Pre-zoning (reference Figure 2-4 and Table 2-2). Pre-zoning is required to be completed prior to submittal of an annexation application; it will take effect upon annexation;
- A request for approval of the vesting tentative tract map for the broad scale division of the property into ~~28~~ 29 residential, commercial, and open space/recreation parcels. (These broad scale parcels will be further subdivided with subsequent multiple tentative and final maps during the pre-construction phase of the project and filed at a later date); *(The change from 28 to 29 parcels corrects a typographic error. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)*
- A Conditional Use Permit (CUP) (to be filed at a later date). The CUP will help define the theme of Westlake and provide details of project design and development standards;
- A Development Agreement to vest development rights, and create mutual obligations and certainties for the Westlake project. The Development Agreement will provide for the orderly development of identified residential units within the project area over the course of a pre-determined buildout schedule. It will also address infrastructure and amenities and will present realistic construction projections. The Development Agreement will provide certainty with respect to cost estimates for proposed mitigation measures and project development fees. Community benefits will be identified. Until such time as the Development Agreement is finally negotiated, all terms, conditions and other components of the Development Agreement will not be fully known. In the event any aspect of the Development Agreement leads to potentially significant environmental effects not otherwise considered in this DEIR, additional CEQA review will be required;
- Approval to relocate and revise the shape of designated drainage and recharge basin 'CD' (see Figures 2-8 and 2-9) and revise drainage district boundaries for drainage basins 'CD' and 'CG';
- Detachment from the Kings River Conservation District; and
- Detachment from the North Central Fire Protection District.

~~The project proposes to bifurcate planned major street segments of West Ashland and West Dakota Avenues west of Grantland Avenue, to modify West Gettysburg Avenue in conjunction with an Official Plan Line modification of that collector street to be processed by the City of Fresno, and a potential plan line modification for West Ashlan and West Dakota.~~

- Plan Line modifications to depict the Project-related modifications of West Dakota and West Gettysburg Avenues. (The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

Impact #	Impact	Mitigation Measure	Level of Significance Before Mitigation	Mitigation Measure	Level of Significance After Mitigation
		3.3.1c		<p>Prior to issuance of grading permits, the project proponent will provide the City of Fresno with a traffic control plan that describes in detail safe detours around the project construction site, provides temporary traffic control (i.e., flag person) during construction-related truck-hauling activities, and minimizes traffic flow interference from construction activities. The plan may include:</p> <ul style="list-style-type: none"> ▪ Advance public notice of alternative routes; ▪ Use of public transportation and satellite parking areas with a shuttle service for construction personnel; ▪ Schedule operations that affect traffic for off-peak hours; ▪ Minimize obstruction of through-traffic lanes; and <p>Provide a flag person to guide traffic properly and ensure safety at construction sites.</p>	
		3.3.1d		<p>Construction staging and queuing areas shall not be located within 500 feet of sensitive receptors.</p>	
		3.3.1e		<p>The project shall utilize high albedo construction materials (Cool Paving) to increase the reflectivity of roads, driveways, and other paved surfaces, in a manner and in locations/applications consistent with the adopted City of Fresno Public Works Department Standard Drawings and Specifications. Project site plans shall indicate locations where the special paving will be installed. Standard paving materials will only be allowed in areas where technical or safety considerations (as determined by the City's Public Works Director) preclude use of the Cool Paving materials. <i>(The change is a non-substantive correction and does not change the analysis in the Draft EIR.)</i></p>	
		3.3.1f		<p>Construction plans shall provide for the installation of automated lighting and thermal controls in all non-residential facilities. The City of Fresno will verify compliance during review of construction plans.</p>	

Impact #	Impact	Mitigation Measure	Level of Significance Before Mitigation	Mitigation Measure	Level of Significance After Mitigation
3.3.1n		<ul style="list-style-type: none"> ▪ Telephone numbers of the building facilities manager and the California Air Resources Board shall be posted on signs at truck entrances to report idling violations. 	<p>Prior to issuance of grading permits for each development within the Westlake Development project site, the project applicant shall demonstrate compliance with all applicable requirements of San Joaquin Valley Air Pollution Control District, Rule 9510 via the submittal of a Rule 9510 Air Impact Assessment Application (AIA) to the City of Fresno Air District for review and approval. The AIA shall achieve a 45-20 percent reduction in NOx statewide average construction emissions and a 40-45 percent reduction in PM10 statewide average construction exhaust emissions. The AIA shall also achieve a 33-percent reduction in NOx and a 45-50-percent reduction in PM10 over the first 10 years of operations through the use of onsite emissions reduction measures or through the payment of offsite mitigation fees to the SJVAPCD for purchase of emission reductions. The requirements of the approved AIA shall be incorporated into the proposed project.</p> <p><u><i>(The Application was erroneously identified in the Draft EIR as being submitted to the City of Fresno. The percentage changes reflect the requirements of the Air District. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)</i></u></p>	<p>Prior to issuance of grading permits, the project applicant will work with the San Joaquin Valley Air Pollution Control District to determine project emissions based on a more refined construction schedule and proposed construction equipment to determine if construction emissions exceed the Air District thresholds of significance after compliance with the Indirect Source Review Rule. If construction emissions exceed the Air District thresholds of significance, the applicant shall consult with the SJVAPCD to develop and implement a Feasible Implementation Plan with a goal of reducing construction emissions to below annual thresholds of 10 tons per year of ROG, 10 tons per year of NOx, and 15 tons per year of PM10. The Feasible Implementation Plan as</p>	
3.3.1o					

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Impact #	Impact	Mitigation Measure	Level of Significance Before Mitigation	Mitigation Measure	Level of Significance After Mitigation
4.				Kit foxes are attracted to den-like structures such as pipes and may enter stored pipe, becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.	
5.				All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in closed containers and removed at least once a week from a construction or Project Site.	
6.				No firearms should be allowed on the Project Site during the construction phase.	
7.				To prevent harassment, mortality of kit foxes or destruction of dens by dogs or cats, no pets should be permitted on the Project Site during construction those portions of the project site that are under construction or involved in any phase of the construction of the project. <u>(This modification of the Draft EIR language was made to preclude the otherwise apparent prohibition of pet ownership by residents of already-developed portions of the project. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)</u>	

Impact #	Impact	Mitigation Measure	Level of Significance Before Mitigation	Mitigation Measure	Level of Significance After Mitigation
8.	Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal.				

Impact #	Impact	Mitigation Measure	Level of Significance Before Mitigation	Mitigation Measure	Level of Significance After Mitigation
				<p>g) The applicant shall provide a permanent storm drain message "No Dumping - Flows to CreekLake" or other approved message at each storm drain inlet within the proposed project site. This may be accomplished with a stamped concrete impression (for curbs) or manufactured colored tiles, which are exposed in place adjacent to the inlet (for parking lots and areas without curbs).</p> <p><i>(The DEIR required sign message was obviously incorrect; there is no "Creek" on the project site. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)</i></p>	
				<p>h) Street and storm drain maintenance activities. These activities control the movement of pollutants and remove them from pavements through catch basin cleaning, storm drain flushing, street sweeping, and by regularly removing illegally dumped material from storm channels and creeks. (The City of Fresno would be responsible for regular storm drain maintenance within the public right-of-way; grease traps and other storm water quality control devices on private property must be maintained by the property owners).</p>	
				<p>i) Incidental storm drainage shall be directed to the lined onsite lake for disposal.</p> <p><i>(Previously-stated mitigation measures direct all storm drainage to the Lake. The intent of this measure is to clarify that lawn irrigation drainage and similar non-storm event runoff, be so directed. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)</i></p>	

Impact #	Impact	Mitigation Measure	Level of Significance Before Mitigation	Mitigation Measure	Level of Significance After Mitigation
3.8.2	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would		Less than Significant	<p>None are required.</p> <p>However, the Applicant proposes, as conditions of project approval, to implement the following measures to reduce water demands and achieve water demand offset:</p> <ul style="list-style-type: none"> Provide for the ultimate irrigation of all public green spaces with non potable water and install "purple pipe" within those areas. This system could, at a future date, accommodate Title 22 treated effluent for the purposes of irrigation of public green spaces. 	

Impact #	Impact	Mitigation Measure	Level of Significance Before Mitigation	Mitigation Measure	Level of Significance After Mitigation
		3.10.1b		uses (as determined by the City of Fresno's General Plan, refer to Table 3.10-5). Potential impacts in exceedance of the City of Fresno's standards including: Maximum Allowable Noise Exposure-Stationary Noise Sources, Maximum Allowable Noise Exposure from Transportation Noise Sources, City of Fresno Incremental Noise Impact Criteria for Noise-Sensitive Uses, and Exterior Noise Standards shall require incorporation of mitigation such as increased setbacks, sound walls, equipment enclosures, site design, and enhanced building materials to reduce impacts to levels below the City of Fresno standards. Development that cannot incorporate mitigation to reduce impacts to acceptable City of Fresno standards shall not be approved.	
		3.10.1c		Construction within the project of two story homes along Grantland Avenue and adjacent to commercial uses within the project site shall be prohibited unless a detailed acoustical analysis, prepared by a certified professional, can document compliance with the city's 45 dB DNL standard at the upper floor elevation.	
		3.10.1d		Prior to issuance of building permits for noise-sensitive land uses adjacent to Grantland Avenue a sound wall shall be constructed to reduce noise levels by 10 db or as determined necessary by the acoustical study required by Mitigation Measure #3.10.1b.	
		3.10.1e		Prior to issuance of building permits for development within the project site, a detailed acoustical study shall be prepared by a certified professional to analyze noise levels generated by the existing water pumping facility located 1,000 feet south from the northwest corner of the project site. The acoustical study shall include recommendations for noise mitigation by the project developer based on the noise levels produced by the facility, and regarding the locations of the	

Impact #	Impact	Mitigation Measure	Level of Significance Before Mitigation	Mitigation Measure	Level of Significance After Mitigation
		<p>closest noise sensitive land uses, to ensure that the project is in compliance with the City's General Plan noise standards. These mitigation measures shall be incorporated into the project design prior to issuance of the building permit. Under the City's General Plan, the City must ensure that the project complies with the General Plan noise standards. Pursuant to the General Plan, prior to issuance of building permits for development within the project site, a detailed acoustical study shall be prepared by a certified professional to analyze noise levels generated by the existing water pumping facility located 1,000 feet south from the northwest corner of the project site. The acoustical study shall include noise reduction mechanisms to ensure that the project is in compliance with the City's General Plan noise standards. These noise reduction mechanisms shall be incorporated into the project design prior to issuance of the building permit but are not independent mitigation measures under CEQA.</p>			
3.10.2	Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels.	N/A	Less than Significant		None are required.
3.10.3	Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.	N/A	Potentially Significant		No mitigation measures are feasible.
3.10.4	Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.		Potentially Significant	Implement Mitigation Measures #3.10.1a and #3.10.1b.	

Impact #	Impact	Mitigation Measure	Level of Significance Before Mitigation	Mitigation Measure	Level of Significance After Mitigation
3.11	Population and Housing				
3.11.1	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).	N/A	Less than Significant	None are required.	N/A

Impact #	Impact	Mitigation Measure	Level of Significance Before Mitigation	Mitigation Measure	Level of Significance After Mitigation
3.14	Transportation/Traffic				
3.14.1	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	3.14.1-1 through 3.14.1-117	Potentially Significant	As determined by the City of Fresno, the Project shall mitigate its fair share of cumulative impacts by paying into the City of Fresno TSMI, FMSI, and RTMF fee program and/or constructing the improvements and receiving credits and reimbursements for the portion of construction that is included in the fee program as identified in Mitigation Measures 3.14.1-1 through 3.14.1-117 in Section 3.14 of the Draft EIR. <i>(The addition of the Section provides a more precise definition of the location of the referenced Mitigation Measures. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)</i>	Significant and Unavoidable
	Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				

Impact #	Impact	Mitigation Measure	Level of Significance Before Mitigation	Mitigation Measure	Level of Significance After Mitigation
	[Evaluation Criteria (a) and (b)]				
	3.1.4.2	Potentially Significant	Potentially Significant	<p>An updated traffic study shall be provided by the developer as necessary in order that the most recent traffic impact study for the project is no older than 5 years prior to the recording date of any final map or the granting of a Conditional Use Permit. The timing of mitigation measures may be adjusted pursuant to a Development Agreement for the project and pursuant to subsequent amendments to a Development Agreement, based upon the updated traffic impact studies for the project. At five (5) year intervals commencing after the certification of the EIR, the Project Applicant shall cause to have prepared such Traffic Impact Studies necessary to (1) update the Traffic Impact Study prepared for this EIR, (2) refine the timing of the construction of the traffic mitigation measures set forth in Mitigation Measures #3.1.4.1 through #3.1.4.117 and (3) refine the payment of impact fees and imposition of development conditions related to traffic circulation. The updated Traffic Impact Studies shall be used to ensure that there will be no new significant impacts or increases to identified significant impacts, other than those identified in the EIR and ensure that any necessary subsequent environmental review will be required consistent with the requirements of CEQA. The Project Applicant (or its successors or assigns) shall be responsible for all costs of the preparation of the Traffic Impact Study called for in this mitigation measure.</p> <p>Traffic Impact Studies shall be prepared using the Level of Service (LOS) methodology and standards consistent with the Traffic Impact Study provided as Appendix I of this EIR and shall incorporate all applicable fees and development standards in effect at the time, including without limitation the City's TSMI and FMSI programs, the Fresno County</p>	Significant and Unavoidable

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Impact #	Impact	Mitigation Measure	Level of Significance Before Mitigation	Mitigation Measure	Level of Significance After Mitigation
				<p><u>RTM/F program, and applicable Caltrans' requirements unless the applicable fees and development standards are otherwise subject to the terms of a Development Agreement entered into between the City and the Project Applicant. The traffic analyses shall include, without limitation, updated information on the status of local and regional capital improvements, capital improvement plans and programs and planned development. Notwithstanding anything to the contrary herein, the City's Traffic Engineer shall approve in writing the scope of all Traffic Impact Studies prepared pursuant to this mitigation measure and have the right to reject any consultant selected by the Project Applicant. Before any Traffic Impact Study may be used or relied upon by the City, the City Traffic Engineer shall perform a technical review and accept the study as complete and correct.</u></p> <p><u>As the Project Applicant applies for discretionary entitlements or building permits (collectively, "entitlements") for the Project, the City shall condition the approval of the entitlements on the payment of all applicable traffic mitigation fees and on the construction of all necessary traffic mitigation measures (Mitigation Measures #3.14.1-1 through #3.14.1-117) identified as necessary in the most recent Traffic Impact Study to mitigate the significant impacts, if any, caused by the entitlement. Notwithstanding the requirement, the City may, at its direction, override any impact deemed significant and unavoidable in a subsequent or supplemental environmental impact report. The applicable threshold of significance shall be based on the Traffic Impact Study Thresholds utilized in the Traffic Impact Study for this EIR.</u></p> <p><u>In all events, including if a Traffic Impact Study concludes an identified mitigation measures is no longer required, the</u></p>	

Impact #	Impact	Mitigation Measure	Level of Significance Before Mitigation	Mitigation Measure	Level of Significance After Mitigation
		City shall comply with CEQA Guidelines Sections 15162-15164 to determine if subsequent environmental review, including a subsequent or supplemental EIR or an addendum, is required. Nothing in this mitigation measure would control the scope or requirements for a traffic impact study prepared pursuant to a subsequent or supplemental EIR or negative declaration (including a mitigated negative declaration).			
3.14.2	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. [Evaluation Criteria (c)]	N/A	No Impact	None are required	N/A
3.14.3	Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). [Evaluation Criteria (d)]	3.14.3	Potentially Significant	All roadways and access points shall be designed according to current City or County of Fresno roadway improvement standards, to the satisfaction of either or both the City or County Public Works Departments, depending upon jurisdiction.	Less than Significant
3.14.4	Result in inadequate emergency access. [Evaluation Criteria (e)]	3.14.4	Potentially Significant	Proposed project site plans will be required to be reviewed by the City fire and police departments to ensure adequate emergency access.	Less than Significant

CHAPTER ONE – INTRODUCTION

This section of the Environmental Impact Report (EIR) briefly describes the proposed project, delineates the procedure and methodology for environmental evaluation of the project and outlines the contents of the Program EIR.

1.1 Overview of the CEQA Process

This Draft Environmental Impact Report (Draft EIR) is prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with implementation of the Westlake Development Project (State Clearinghouse No. 2007121033). This document is prepared in conformance with CEQA (California Public Resources Code, Section 21000, et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000, et. seq.). This Draft EIR is intended to serve as an information document for the public agency decision makers and the public regarding the proposed project.

1.1.1 PROJECT OVERVIEW

The proposed project for which this Draft EIR has been prepared is for the adoption and implementation of the Westlake development project (~~460~~ 430 acres) located adjacent to the City of Fresno on the west side of the community. ~~Granville at Westlake, Inc.~~ Westlake Development Company is proposing to develop a ~~460~~ 430-acre project with residential and commercial uses in an area located west of State Route 99 bounded by West Gettysburg Avenue, West Shields Avenue, North Garfield Avenue, and North Grantland Avenue (reference Figures 2-1 through 2-6 in Chapter Two). The project will consist of approximately 2,600 residential units at various densities and construction of up to 295,000 square feet of community and neighborhood commercial buildings, and a private lake. Reference Chapter Two for a complete project description.

The project description set forth in this EIR is intended for programmatic evaluation in this EIR. More specific project buildout configurations and schedules will be determined when future entitlements are processed, including but not limited to, a Conditional Use Permit and tract maps. At that time, aspects of the project may be subject to additional CEQA analysis to determine whether the analysis contained in this Program EIR covers the proposed activities. If future project activities are determined to be outside the assumptions and analysis in this EIR, additional CEQA analysis would be necessary.

1.1.2 TYPE AND PURPOSE OF THIS DRAFT EIR

According to Section 15121(a) of the CEQA Guidelines, the purpose of an EIR is to:

Inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

subsequent project proposals, as may be allowable, for permit applications on the site which are determined to be consistent with, and covered by, the Westlake Development ~~Project~~ Program EIR.

This Draft EIR was prepared by Quad Knopf, Inc., an environmental consultant under contract to the City of Fresno. Prior to public review, the Draft EIR was extensively reviewed and evaluated by the City of Fresno. This Draft EIR reflects the independent judgment and analysis of the City of Fresno as required by CEQA. Lists of organizations and persons consulted and the report preparation personnel are provided in Chapter 9 of this Draft EIR.

1.2 Scope of the EIR

This Draft EIR addresses the potential environmental effects of the proposed project. The City of Fresno issued a Notice of Preparation (NOP) for the proposed project on December 7, 2007, which circulated between December 7, 2007 and January 7, 2008 for the statutory 30-day public review period. The scope of this Draft EIR includes the potential environmental impacts identified in the NOP and issues raised by agencies in the public response to the NOP. The NOP is contained in Appendix A of this Draft EIR.

Eleven comment letters were received in response to the NOP. Copies of the written comments received during the public review period are contained in Appendix A. This DEIR has taken into consideration the comments received from the various agencies in response to the NOP. Table 1-1 summarizes the issues identified by the commenting agencies, along with a reference to the section of this DEIR where the issues are addressed.

**Table 1-1
NOP Comment Letters**

Commenting Agency/Person	Comment Type/Summary	Issue Addressed in:
California Department of Transportation, District 6 Joanne Striebich, Office of Transportation and Planning	Transportation Requested that Traffic Impact Study (TIS) for the project reference the Caltrans Guide for Traffic Impact Studies. Requested that the project's TIS analyze impacts along State Route (SR) 99 between the Herndon Avenue Interchange and the Clinton Interchange and include a queue analyses for all traffic movements that potentially impact SR 99 ramp, ramp junction, and ramp intersection operation for existing and proposed intersections/interchanges. Requested that the EIR identify the project's impacts and calculate fair share payments to mitigate for those impacts in accordance with Caltrans' Interim Agreement with the City of Fresno.	Section 2.15 <u>3.14</u> Transportation and Traffic <i>(This is a correction of typographic error. <u>The change is a non-substantive correction and does not change the analysis in the Draft EIR.</u>)</i>

**Table 1-1
NOP Comment Letters (Continued)**

Commenting Agency/Person	Comment Type/Summary	Issue Addressed in:
Central Unified School District David Deel, Facilities Planning Manager	The School District provided an estimate of the total number of students the project would generate and indicated adequate capacity for grades 7-12, but a need to construct a new elementary school to accommodate K-6 grade levels. The existing General Plan includes a 20-acre site designated for an elementary school; the District requested that the EIR analyze the impacts of changing this designation.	Section 3.9 Land Use, Section 3-13 <u>3.12</u> Public Services <i>(This is a correction of typographic error. <u>The change is a non-substantive correction and does not change the analysis in the Draft EIR.</u>)</i>
City of Kerman Luis Patlan, Director of Planning and Development Services	No Comments	Not Applicable
County of Fresno, Department of Community Health Glenn Allen, R.E.H.S., Environmental Health Specialist III	Noise/Hazards Requested that the noise impact analysis for the project evaluate short-term localized noise impacts to noise sensitive receptors caused by the operation of construction equipment. Requested that the EIR discuss the proper abandonment of individual domestic and agricultural wells.	Section 3.7 Hazards, Section 3-11 <u>3.10</u> Noise <i>(This is a correction of typographic error. <u>The change is a non-substantive correction and does not change the analysis in the Draft EIR.</u>)</i>
Fresno Irrigation District Steve Bloem, Engineering Technician	Hydrology/Utilities The Fresno Irrigation District (FID) provided a list of requested conditions be placed on the project approval. The conditions involve easements to relocate existing FID facilities. FID provided information on water supply to the existing and proposed project and recommendations for maintaining pre-project recharge of groundwater. Water provided to the lake will most likely not be City "entitled" and will need to enter into a separate Water Purchase Agreement.	Section 3.8, Hydrology, Section 3-16 <u>3.15</u> Utilities <i>(This is a correction of typographic error. <u>The change is a non-substantive correction and does not change the analysis in the Draft EIR.</u>)</i>

**Table 1-1
NOP Comment Letters (Continued)**

Commenting Agency/Person	Comment Type/Summary	Issue Addressed in:
Fresno Local Agency Formation Commission Darrel Schmidt, Deputy Executive Officer	Land Use/Public Services The Local Agency Formation Commission (LAFCO) provided clarification that the rezoning by the City must be completed before the submittal of an annexation application. LAFCO requested that the EIR consider impacts to special districts, such as the Kings River Conservation District and the North Central Fire Protection District where detachment will be necessary and other districts where detachment will not be necessary. LAFCO requested that the EIR analyze the peninsula effect created by the project and whether this project would be considered orderly growth and development. LAFCO requested that the City and County meet to discuss this specific annexation proposal prior to completion of the EIR.	Section 3.9 Land Use, Section 3.13 <u>3.12</u> Public Services <i>(This is a correction of typographic error. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)</i>
Fresno Mosquito and Vector Control District Gary Bye, Biologist	Hazards The Fresno Mosquito and Vector Control District expressed concern that the manmade lake could be a source of mosquito activity and provided recommendations for natural mosquito control. The District also wanted the project applicant to be aware that the lake is also attractive to midges and can create a nuisance for residents and that control of this insect would require a private pest control service.	3.7 Hazards and Hazardous Materials
Native American Heritage Commission Dave Singleton, Program Analyst	Cultural Lead agency is required to perform a record search per state guidelines in order to assess whether the proposed project will have an adverse impact on cultural or archeological resources. Requested that lead agency contact the Native American Heritage Commission (NAHC) and Native American contacts provide by the NAHC. Provided recommendations to include in mitigation monitoring plan in the event cultural and/or archeological finds are made.	Section 3.5 Cultural Resources
State of California Governor's Office of Planning and Research (OPR) Scott Morgan, Project Analyst	General OPR has identified the agencies involved with the project and issues that may be impacted by the project. OPR requested that copies of responses to the NOP from agencies also be sent to the State Clearinghouse.	Not Applicable

Source: City of Fresno, Responses to NOP for the Westlake Development Project, 2008

- To provide for alternative forms of transportation (pedestrian, bicycle) within the project, in accord with 2025 Fresno General Plan Goal No. 6 (coordinate land uses and circulation system to promote a viable and integrated multi-modal transportation network), thereby reducing dependency upon the automobile;
- To provide opportunities for mixed-uses - residential, professional or commercial - which combine a variety of uses on one parcel;
- To design and build an environmentally and economically sustainable community with safe walking or biking for all residents, including children, to schools and activity centers, in accord with 2025 Fresno General Plan Goal No. 14 (protect and improve public health and safety); and
- To provide for effective groundwater recharge and water conservation through project design.

2.3 Project Description

~~Granville at Westlake, Inc.~~ Westlake Development Company, Inc. (the project Applicant) is proposing to develop a master planned 460 430 acre (Note: The analysis in the DEIR describes impacts from a 460 acre development. However, subsequent to circulation of the DEIR, the project was reduced to 430 acres. The impacts of the 430 acre development will be slightly less than the 460 acres analyzed in the DEIR. The project reduction, however, does not change any of the impact determinations contained in the DEIR. The change is a non-substantive correction and does not change the analysis in the Draft EIR.) project with residential and commercial uses developed around a man-made private lake. The project will consist of approximately 2,600 residential units and up to 295,000 square feet of community and neighborhood commercial buildings. At full buildout, the project would accommodate 7,956 residents (based on a 3.06 person per household ratio). This is the maximum population figure utilized for environmental analysis in this EIR; it is based on the latest available census data. The project will consist of approximately ~~44~~ 82 acres of Medium Low Density Residential, ~~496~~ 207 acres of Medium Density Residential (approximately 12 acres of which is planned for an elementary school at the northwest corner of Grantland and Dakota Avenue), ~~34~~ 39 acres of Medium High Density Residential, ~~27~~ 30 acres of Neighborhood/Community Commercial, and ~~92~~ 70 acres open space consisting of the 55 acre lake feature, ~~47~~ acres of roadway and ~~20~~ acres of open space. Figure 2-3 shows the existing City of Fresno General Plan land use designations for the project site and surrounding area. Figure 2-4 shows the approved pre-zoning for a portion of the project site. Table 2-2 summarizes the existing and proposed project area land use designations and zoning.

Generally, the project will be built out in a north to south pattern with excavation and construction of the lake in 2 phases occurring during initial development (see the description of the lake later in this Chapter). Each phase will be constructed in concert with the abutting development. (The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

Commercial development will occur as build-out of the residential portions of the project occur. Smaller commercial entities that would serve a smaller population may be built out earlier than larger commercial entities that require a larger population base. Specific tenants and timing of commercial build-out have not yet been determined. However, in order to provide a program-level analysis of environmental impacts, phasing assumptions were developed to provide a worst-case scenario (a faster than anticipated construction schedule). The phasing assumptions (see Table 2-1) were used in the Air Quality and Traffic Impact sections (See Chapter 3).

**Table 2-1
Summary of Project Phasing**

Year of Completion	Single Family	Multi-Family	Commercial	Lake
2016	648 units	-	-	Constructed and filled – 1 st Phase
2018	703 units	274 units	147,500 sq. ft.	Constructed and filled – 2 nd Phase
2020	702 units	273 units	147,500 sq. ft.	-
Total:	2,053 units	547 units	295,000 sq. ft.	-

(The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

THE LAKE

The focus of the project will be a 55 acre manmade ("artificial") lined lake, oriented in a north-south direction and over one mile in length. In addition to being a recreational amenity (for non-contact activities such as non-motorized gas powered boating), the lake will also detain storm water and incidental drainage flows. The Westlake Homeowners Association (HOA) will own and operate the lake facility. The cross-section design of the lake has not yet been finalized but it is anticipated that typical "edge" depths will be 3 to 4 feet and "center" depths 12 feet (see Figure 2-7). It will be designed with north-to-south "stepped" water level control structures to assure required level depths and provide adequate freeboard for drainage detention. ~~Potential alternatives for the lake design include a bulkhead shoreline (which includes a retaining wall along with a concrete veneer liner at the lake edges) or an eroded concrete shoreline with earth cover ("sandy beach entrance").~~ Operational activities associated with the 55-acre lake would require the use of chemicals and filtering to maintain the lake and lake "draw-down" for maintenance at ten year intervals. No vegetation will be allowed on the surface or at the shoreline of the lake, in order to eliminate potential mosquito sources.

The design of the lake feature will be in accordance with the guidelines established by the City of Fresno in its "Guidelines for Ponding Basin/Pond Construction and Management to Control Mosquito Breeding", as applicable. ~~The design will further confirm to the detailed design criteria embodied in a recognized artificial lake design engineer's (PACE, Pacific Advanced Civil Engineering, in Appendix B of this Final EIR) summary of current best artificial lake design features to control mosquitoes and other insect vectors while providing Best Management Practice stormwater treatment.~~

(The intent of the original wording was to illustrate that boating which would create environmental issues such as noise, bank erosion, hazards, or air contamination would not be allowed. Electric powered watercraft, with their slow speed and noiseless operation, create none of these issues. The change is a non-substantive correction and does not change the analysis in the Draft EIR).

~~The increased mosquito/insect vector control provided by these further improvements in lake design introduce no significant changes in basic lake design nor any required modifications in the analysis and associated mitigation measures in Draft EIR Impact #3.7.2 ("create a significant health hazard to the public or the environment through the introduction of a man made lake", pages 3.7.18 and 3.7.19). No additional impacts are created by these further palliative measures, and the project description is not significantly modified. The change is non-substantive and recirculation of the EIR is not required.~~

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~~It is emphasized that the applicant must continue to conform with Draft EIR Mitigation Measures #3.7-2a and #3.7-2b requiring submittal of a Mosquito Control Plan for the maintenance and operation of the proposed lake, and compliance with the City of Fresno's "Guidelines for Ponding Basin/Pond Construction and Management to Control Mosquito Breeding", as applicable.~~

The approved Water Supply Assessment for the project assumed a worst-case water quantity of approximately 550 acre feet contained within the lake and 224 acre feet per year to maintain lake levels. Such water requirements were included in the Water Supply Assessment for the project approved by the Fresno City Council in 2011.

RECHARGE BASIN

The Fresno Metropolitan Area Flood Control District (FMFCD) owns 20 acres of the intended project site at the southeast corner of the Garfield and Dakota alignments that is planned for a ponding/recharge basin. The property is included within the acreage of the project. The ponding/recharge basin site will be reconfigured to be integrated within the design of the project and its function and capacity will be replicated by a 25-acre replacement basin located just south of Shields Avenue outside the project site (see Figures 2-8 and 2-9). The replacement basin will be owned and operated by FMFCD. The basin is a permitted use in the existing agricultural land use designation. It is anticipated that, recharge from the area will be the same as at present because of the diversion of storm drainage and ten-year maintenance drawdown water from the lined lake to the FMFCD recharge basin, effectively replacing current runoff/percolation recharge (see Section 2.8 of this EIR). Although the replacement basin may be outside the project site, anticipated impacts caused by the development of the replacement basin at the new location are assessed in this EIR as required by CEQA.

**Table 2-2
Existing and Proposed Project Area Land Use Designations and Zoning**

Land Use Designation	Acres	Prezoned by the City of Fresno	Allowable Density per Acre	Area not Prezoned ¹	Proposed Acreage	Proposed Zoning
Medium Low Density Residential	182	R-1/UGM ¹	2.19 to 6.0 DU/acre		4482	R-1/UGM
Medium Density Residential	93	R-1/UGM ¹	4.99 to 10.37 DU/acre		44207	R-1/UGM
Medium High Density Residential	40	R-2/UGM ¹	10.38 to 18.15 DU/acre		2432	R-2/UGM
Neighborhood Commercial	19	C-1/UGM ¹	25% FAR ²		2730	C-1/UGM & C-2/UGM
Public Facilities (Elementary School)	17	R-1/UGM ¹	---		12	O/UGM & R-1/UGM
Open Space	19	AE-5/UGM ¹	---		9670	O/UGM & R-1/UGM
Total	370			90 58 ³		
Site Total					460428	

¹ County Zoning, AE-20, 20 acre minimum

² FAR = Floor area ratio

³ Area not prezoned

In reality, groundwater recharge may be slightly increased. Evapotranspiration from either crops or weed growth on the ~~460~~ 430 acre site, reducing recharge, will be replaced in part by evaporation from the lake surface and by evapotranspiration from residential lawns and landscaping. The direct recharge from precipitation may thus be less. Indirect recharge from storm drainage runoff will be greater than at present due to greater runoff from impervious surfaces. Accurate numeric "calculations" of these facts, because of the immeasurable variables involved, are not feasible.

Project runoff and drainage will be routed through the lake to a drainage basin replacing, and increasing in size (from 20 to 25 acres), that was previously planned for the drainage area which includes the project. Preliminary engineering calculations have verified that the proposed basin is of adequate size and design to serve the drainage area. Final design criteria will be furnished to the Fresno Metropolitan Area Flood Control District before initiation of project development.

(This is a correction of a grammatical error. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

Two FID canals currently traverse the site. These canals will remain in operation but will be piped through the site underground. There will be no loss of groundwater recharge, or beneficial use through agricultural crop irrigation, as a result of pipelining the FID canals traversing the site. Such recharge will either occur in further unlined facilities downstream from the project site or any water not recharged in unlined canals will, as at present, be used for irrigation.

(This statement simply acknowledges the existence and intended disposition of the canals identified and their pipe-conversion discussed in the Draft EIR and its Water Supply Assessment. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

SITE ACCESS AND CIRCULATION

Access to the project site (see Figure 2-6) from the north or south is primarily from Grantland Avenue, currently developed as a 2-lane road but planned by the 2025 Fresno General Plan as a 4- to 6-lane divided super arterial. State Route (SR) 99 is located approximately 3.5 miles east of the project site. Ashlan and Shields Avenues are both designated as arterials with ultimate 4-lane divided configurations, and Dakota and Gettysburg Avenues are planned to eventually be 4-lane undivided collectors. The project proposes to bifurcate planned major street segments of West Ashlan and West Dakota Avenues west of Grantland Avenue, to modify West Gettysburg Avenue in conjunction with an Official Plan Line modification of that collector street to be processed by the City of Fresno, and a potential plan line modification for West Ashlan and West Dakota.

The circulation system within the project will be public streets and will incorporate roundabouts rather than stop-sign controlled intersections or traffic signals wherever possible. A series of trails/bike lanes are planned that will link the various neighborhoods to each other and to the Central Unified School District facilities on the east side of Grantland Avenue. The major project trail around the lake will tie into smaller trails that are planned to cross the lake on a bridge or series of bridges. An option also exists to reroute the Regional Multiple Use trail from the west side of Grantland Avenue to the interior trail configuration of the project.

As part of the project, the applicant will be responsible for the following improvements:

- Construction of the entire frontage of Grantland Avenue to its ultimate right-of-way configuration prior to full buildout of the project;

- Construction of Gettysburg Avenue west of Grantland Avenue prior to completion of 648 residential units; and
- Construction of Dakota Avenue between Grantland Avenue and Hayes Avenue prior to full buildout of the project.

SUPPORTIVE PUBLIC FACILITIES

The proposed project will be supported by the City of Fresno's municipal water supply system and its wastewater collection system (including the Grantland trunk sewer) and wastewater/treatment disposal facilities. It is bordered by an existing public elementary school, and is proposed to contain a grammar school site. The major serving public utility, Pacific Gas and Electric, has provided a "will serve" letter to the project developer. Chapter Three, Sections 3.13 and 3.16, provides requisite details regarding such supportive public facilities.

LAKE AND CLUB HOUSE FACILITIES

The project applicant states that it intends to create a Homeowner's Association to own and operate the lake facility. Additionally, the Association will own, maintain, and/or operate a clubhouse, public areas adjacent to streets (landscaped setbacks, sidewalks, etc.), and a trail system, for all of which final designs will be prepared concurrent with conditional use permit applications. The clubhouse is anticipated to house various facilities for the residents' use including fitness/workout rooms, lockers, banquet facilities, pools, administrative offices, restrooms, meeting rooms, and a child care center. The applicant anticipates that the building will be 8,000 to 12,000 square feet in size and that it will likely be located on the eastern edge of the lake near West Ashlan Avenue.

PROGRAMMATIC EVALUATION

The project description set forth herein is intended for programmatic evaluation in this EIR. At this point the City's review is limited to ~~the Tentative Tract Map No. 5915 parcel map~~, plan amendment and rezone applications submitted by the applicant and the applicant's representations as to the proposed project. More specific project build-out configurations and schedules will be determined when the applicant submits conditional use permit(s) applications and/or a development agreement. At that time, aspects of the project will be subject to additional CEQA analysis, as described in CEQA Guidelines, Section 15168, to determine whether the analysis contained in this EIR adequately covers the proposed activities. If future project activities are determined to be outside the assumptions and analysis in this EIR, additional CEQA analysis may be necessary (See Chapter One). *(The numeric identification of the specific Project Tract Map is a clarification. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)*

EXISTING 2025 FRESNO GENERAL PLAN DESIGNATIONS AND ZONING

Currently, the ~~460~~ 430-acre project site is designated for urban uses by the 2025 Fresno General Plan. The project site has approved pre-zoning for approximately 370 of the ~~460~~ 430 acres (Rezone No. R-04-81 was approved by the Fresno City Council on July 26th, 2005; see Figure 2-4). This zoning would become effective upon annexation of the site; however, the site is currently zoned AE-20

(Exclusive Agricultural District, 20-Acre Minimum Lot Size, Fresno County Zone District) by the County.

Approximately 40 acres of the project site were subject to Williamson Act contracts AP-5269 and AP-5270. Notices of Non Renewal were filed in 1995 and these contracts expired in 2005. There are no additional parcels subject to Williamson Act contracts on the project site.

The Fresno Metropolitan Area Flood Control District owns 20 acres of the project site at the southeast corner of the Garfield and Dakota alignments. The property is included within the acreage of the project. The ponding basin site will be reconfigured to be integrated within the design of the project. Its function and capacity will be replicated in a 25-acre replacement basin located just south of Shields Avenue (see Figure 2-8). The replacement basin will be located on land currently designated as Agriculture by the Fresno County General Plan and zoned as AE-20. The basin is a permitted use in the existing agricultural land use designation. A 'Director Approval' would be required. Alternatively, the basin site could be annexed to the City and zoned/conditional use permitted appropriately. It would be owned and operated by the Flood Control District.

Table 2-2 shows existing general plan land use designations and zoning for the project site.

AGENCIES, PERMITS/APPROVALS, ENVIRONMENTAL REVIEW AND CONSULTATION

Agency Usage of the EIR

The following agencies will use the EIR in their decision-making process:

- The City of Fresno (City);
- The Fresno Local Agency Formation Commission (LAFCo);
- The Fresno Metropolitan Flood Control District (FMFCD);
- The Fresno Irrigation District (FID); and
- The San Joaquin Valley Air Pollution Control District (SJVAPCD).

Permits/Approvals

This Program EIR will be used for approval of the following discretionary entitlements/actions necessary for the project:

- The annexation of approximately ~~460~~ 430 acres from Fresno County into the City of Fresno (LAFCo);
- A General Plan Amendment changing some of the land use designations (reference Figures 2-3 and 2-5 and Table 2-2);
- Pre-zoning (reference Figure 2-4 and Table 2-2). Pre-zoning is required to be completed prior to submittal of an annexation application; it will take effect upon annexation;

B. REZONE APPLICATION NO. R-07-008. The applicant proposes rezoning of the project site to implement the land use designations in the General Plan Amendment shown in Table 2-3. The proposed zone districts will become effective upon recordation of annexation to the City of Fresno. The project will therefore be pre-zoned by the City prior to LAFCo's approval of the annexation application.

C. VESTING TENTATIVE TRACT MAP NO. 5915. This vesting tentative tract map will provide for the broad scale division of the property into ~~28~~ 29 residential, commercial, and open space/recreational parcels. These broad scale parcels will be further subdivided through the approval of multiple subsequent tentative and final maps during the pre-construction phase of the project, to be filed at a later date. (The number of parcels change is in correction of a typographic error. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

D. PROJECT CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT (to be filed at a later date).

2. Fresno Metropolitan Flood Control District

- Approval to relocate and revise shape of designated Drainage Basin "CD"
- Approval of revision of Drainage District Boundaries for Drainage Basins "CD" and "CG" (see Figures 2-8 and 2-9)

3. Fresno Local Agency Formation Commission (application to be filed upon approval of City entitlement applications)

- Annexation to the City of Fresno
- Detachment from the Kings River Conservation District and the North Central Fire Protection District

4. Fresno Irrigation District

- Authorization for use of surface irrigation water for the proposed project lake, and for drainage from the lake to relocated Drainage Basin "CE"

5. San Joaquin Valley Air Pollution Control District

- Indirect Source Review Rule permitting
- Grading Dust Control Plan

OTHER AGENCY ENVIRONMENTAL REVIEW AND CONSULTATION

In addition to EIR usage by the listed agencies, and the permits and approvals required by such agencies, the project approval process may involve consultation with and approvals by the California Regional Water Quality Control Board, Central Valley Region (with respect to the lake) or by the California Department of Fish and Game or U.S. Fish and Wildlife Service if pre-construction surveys provide evidence of endangered or threatened species.

2.4 Environmental Setting

As set forth in Section 15125(a) of the State CEQA Guidelines: "An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice or preparation was published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives."

Chapter Three, Setting, Impacts and Mitigation Measures contains topic-specific additional information on the environmental setting together with analysis of the project's effect on this setting.

SURROUNDING AREA

Much of the land surrounding the project site is in agricultural production or occupied by rural residential homes and ancillary structures. The CUSD Deran Koligian Education Center is located east of Grantland Avenue and south of Ashlan Avenue proximate to the proposed project site. Large lot single family homes are located along West Rialto Avenue adjacent to, and north of, the project site.

AESTHETICS / VISUAL RESOURCES

The Sierra Nevada mountain range, with elevations ranging from approximately 5,000 to 14,500 feet above mean sea level, is the only natural and visual resource in the project area. Currently, distant views of this mountain range are afforded only during clear conditions. Typical views of the project site and surrounding areas are shown in Figures 3.1-2 and 3.1-3.

AGRICULTURAL RESOURCES

The project site sits on ~~460~~ 430 acres of unimproved land. The site is currently (January, 2013) fallow farmland. Previously, this land had been in agricultural production for decades with a mixture of orchard and row crops. There are no parcels within the project site that are under Williamson Act contract.

The project site contains mostly Exeter sandy loam (Es) (87 percent) with minor amounts of San Joaquin sandy loam (ScA) (9 percent), San Joaquin sandy loam shallow (SdA) (2 percent), San Joaquin loam (ScA) (1 percent), and Hanford sandy loam (Hd) and Exeter sandy loam shallow (Et) (1 percent combined). The Fresno County General Plan Background Report characterizes the soils in the project vicinity as excessively drained to moderately well drained soils of young alluvial fans.

or landmarks; see Section 3.5, Cultural Resources). Views of the project site are not unique in the region.

The project site is generally flat with unobstructed views of the surrounding agricultural lands, educational, rural residential and light industrial land uses. Neither the project site nor any of the surrounding land uses contains features typically associated with scenic vistas (e.g. ridgelines, peaks, overlooks). Therefore, little opportunity exists for project development to obscure views of scenic vistas that may be located within the immediate area of the project site.

As stated previously, the Sierra Nevada Mountains are the only natural and visual resource in the project area. Views of these distant mountains are afforded only during clear conditions. Due to poor air quality in the valley, this mountain range is not visible on most days. Distant views of the Sierra Nevada Mountains would largely be unaffected by the development of the project because of the distance and limited visibility of these features. The proposed zoning designations for the project site allow buildings up to 35 feet; therefore, some obstruction of these features may occur on and, potentially, off-site, as a result of project implementation. The City of Fresno does not identify views of these features as required to be “protected.” Based upon this, and the lack of view of the features on a majority of days in the year both on and off site, any obstruction that may occur that would be caused by the project would not cause a significant impact.

Conclusion: Impacts to scenic vistas would be *less than significant*.

Mitigation Measures: No mitigation measures are required.

Impact #3.1.2 - Substantially degrade the existing visual character or quality of the site and its surroundings which are open to public view.

Implementation of the proposed project will alter the visual character of the project site from agricultural fields to an urban mixed-use development. Although this land use conversion could be perceived by some as a negative aesthetic impact in comparison with the project site’s current pastoral appearance, based upon the subjective nature of aesthetics, the City does not anticipate that the development of the proposed project with residences, commercial uses and a lake, in a master planned development, will create a visually degraded character or quality to the project site or to the properties near and around the project site. The more visually intrusive commercial uses are expected to be developed at or near the heavier travelled arterial street intersections of Shields Avenue and Grantland Avenue and Ashlan Avenue and Grantland Avenue. Additionally, all of the development will be required to comply with the substantial design review and design limitations required by the General Plan, the West Area Community Plan, and the City’s adopted design guidelines and zoning regulations identified above, which require setbacks, landscaping and designs to limit impact to neighboring properties. Finally, development of farmland is not unknown or unexpected in this area of the County, that is adjacent to the City of Fresno.

(The change corrects a typographic error. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

**Table 3.2-6
Land Evaluation and Site Assessment Model Scoring Summary**

Category	Factor	Points	Factor Weigh	Weighted Points	Remarks	
Land Evaluation	Land Capability Class	59.67	0.25	14.9	The project site contains a majority of Class III soils, which have agricultural limitations.	
	Storie Index	30.2	0.25	7.5	The project site has a low Storie Index because of the low agricultural value of the soils and limitations.	
	Subtotal		0.50	22.5	—	
Site Assessment	Project Size	100	0.15	15	The project site size rating is 100. The soils are not high quality, however the project is of sufficient size to warrant a high point value.	
	Water Resources Availability	95	0.15	14.3 14.3	The project site is assumed to have access to well water, although economic restrictions may limit water availability during drought years.	
	Surrounding Agricultural Lands	20	0.15	3.0	Farmland accounts for 48 percent of the surrounding land uses, which translates to 50 points.	
	Surrounding Protected Resource Lands	0	0.05	0.0	Protected resource lands account for 33 percent of surrounding acreage, which translates to zero points.	
	Subtotal		0.50	30.0 32.3	—	
Total				52.5	54.70	—

Notes:
LESA scoring sheet provided in Appendix B.
Source: Quad Knopf, Inc, 2011.

(The minor changes in Land Evaluation and Site Assessment scores are necessitated by calculation errors. They do not affect the LESA rating in the EIR. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

The 2025 City of Fresno General Plan designates the project site for urban uses. Current land use designation on the project site include Medium Low, Medium and Medium High Density Residential, Neighborhood Commercial, Commercial Office, Public Facility (elementary school), Open Space, and Neighborhood Park (see Figure 2-3). The project site has approved pre-zoning for approximately 330 of the 460 acres (Rezone No. R-04-81 was approved by the Fresno City Council on July 26th, 2005; see Figure 2-4). This zoning would become effective upon annexation of the site to the City of Fresno; currently, the land is still AE-20 (Exclusive Agricultural District, 20-acre minimum lot size, Fresno County Zone District). These land use designations indicate that the City has contemplated the conversion of this agricultural land to

**Table 3.3-2
Current Attainment Designations**

Pollutant	Designation Status	
	Federal ¹	State ²
Ozone – 1 Hour	No Federal Standard ³	Nonattainment/Severe
Ozone – 8 Hour	Nonattainment/Extreme ⁴	Nonattainment
PM10	Attainment ⁵	Nonattainment
PM2.5	Nonattainment ⁶	Nonattainment
Carbon monoxide	Attainment/Unclassified	Attainment/Unclassified
Nitrogen dioxide	Unclassified/ Unclassified/Attainment/Unclassified	Attainment
Sulfur dioxide	Attainment/Unclassified	Attainment
Lead	No Designation/Classification	Attainment
Sulfates	No Federal Standard	Attainment
Hydrogen sulfide	No Federal Standard	Unclassified
Visibility-reducing particles	No Federal Standard	Unclassified

Notes:

1. See 40 CFR Part 81
 2. See CCR Title 17 Sections 60200-60210
 3. Effective June 15, 2005, the U.S. Environmental Protection Agency (EPA) revoked the federal 1-hour ozone standard, including associated designations and classifications. EPA had previously classified the SJVAB as extreme nonattainment for this standard. EPA approved the 2004 Extreme Ozone Attainment Demonstration Plan on March 8, 2010 (effective April 7, 2010). Many applicable requirements for extreme 1-hour ozone nonattainment areas continue to apply to the SJVAB.
 4. Though the Valley was initially classified as serious nonattainment for the 1997 8-hour ozone standard, EPA approved Valley reclassification to extreme nonattainment in the Federal Register on May 5, 2010 (effective June 4, 2010).
 5. On September 25, 2008, EPA redesignated the San Joaquin Valley to attainment for the PM10 National Ambient Air Quality Standard (NAAQS) and approved the PM10 Maintenance Plan.
 6. The Valley is designated nonattainment for the 1997 PM2.5 NAAQS. EPA designated the Valley as nonattainment for the 2006 PM2.5 NAAQS on November 13, 2009 (effective December 14, 2009).
- Source: SJVAPCD, Draft Guidance for Assessing and Mitigating Air Quality Impacts – 2012, May 2012

(The change results from a correction of a typographic error. The EIR's analysis is not affected. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

Federal nonattainment areas are further divided into classifications—severe, serious, or moderate—as a function of deviation from standards. As of June 15, 2005, the EPA revoked the 1-hour ozone standard in all areas except the 8-hour ozone nonattainment Early Action Compact Areas. Therefore, the federal 1-hour ozone standard is only applicable to certain areas. The SJVAPCD is not listed as an Early Action Compact area; therefore, the federal 1-hour ozone standard does not apply to the project area. However, the SJVAPCD is still subject to anti-backsliding requirements such as continuation of 1-hour ozone control strategies.

As described above under Federal and State Regulatory Agencies, a State Implementation Plan is a federal requirement; each state prepares a plan to describe existing air quality conditions and measures that will be followed to attain and maintain the National Ambient Air Quality

dioxide standard. Even though project emissions of NOx are relatively high, the emissions will be distributed throughout the State and will be dispersed. Rule 9510 will also reduce NOx emissions in the Air Basin. However, to be conservative and because there is no certain way to determine this impact on a regional basis, this impact is potentially significant and the project could contribute to an exceedance of the nitrogen dioxide standard.

Accordingly, mitigation is proposed to reduce project-related emissions. Mitigation measure #3.3.1a through #3.3.1m would reduce emissions from ROG, NOx, and PM10. The potential reductions from measures #3.3.1a through #3.3.1m are not calculated because the mitigation would not be enough to reduce pollutants below the significance thresholds because the emissions are so high. Mitigation measure #3.3.1n requires that each development plan comply with Rule 9510, which would reduce 20 percent of the construction-related NOx emissions and 45 percent of the construction PM10 (exhaust) emissions, 33 percent of operational NOx over the first 10 years, and 50 percent of the operational PM10 emissions over the first 10 years. However, ROG emissions are not reduced through the rule and reductions would not be sufficient to reduce combined emissions to less than significance thresholds.

The San Joaquin Valley Air Pollution Control District has recommended that large projects whose emissions exceed the thresholds of significance consult with the Air District to develop and implement a Feasible Implementation Plan (FIP) with the goal of reducing project specific impacts on air quality to a less than significant level. This recommendation has been incorporated into the project as Mitigation Measure #3.3.1o and #3.3.1p.

The project would produce minimal emissions of sulfur oxides (SOx), primarily due to increased regulations for reducing SOx from fuel. As shown in Appendix C, SOx emissions are less than one ton per year. As shown in Table 3.3-4, the highest background 24-hour concentration of sulfur dioxide is 0.005 ppm, substantially under the state ambient air quality standard of 0.04 ppm and the federal ambient air quality standard of 0.14 ppm. The project emissions would not cause or contribute to an air quality standard violation for sulfur dioxide. ~~This impact is less than significant.~~

Other pollutants such as visibility reducing particles, lead, hydrogen sulfide, and vinyl chloride emissions would either not be emitted or would be at low levels. The project would emit CO during construction and operation. Operational emissions of CO are discussed in Impact 3.3.2. The air basin is in attainment of CO standards. The national 1-hour CO standard is 35 ppm and the highest reported concentration of CO is 2.26 ppm, which is well below 35 ppm. While construction emissions of CO are substantial, it is dispersed rapidly, therefore it would not contribute to an exceedance of the CO standards which are regulated on an air basin, not site-specific, basis. ~~This impact is less than significant.~~

(The significance analyses are correct; they simply do not belong at this point in the EIR format; see the following subsections of Section 3 of the Draft EIR. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

Emissions after Mitigation

Table 3.3-7 shows the project's estimated emissions after incorporation of mitigation measures based on the programmatic evaluation of the project. As noted in the mitigation measures, the project applicant will work with the San Joaquin Valley Air Pollution Control District to develop an emissions reduction plan ~~refine the modeling~~ based on actual construction and operational information that is presently unavailable because of the conceptual nature of the project at this time.

(The modeling refinement must be incorporated in an emissions reduction plan format. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

- Construction workers shall be encouraged to carpool to and from the construction site. Workers shall be informed in writing and a letter shall be placed on file in the City office documenting efforts to carpool.

Mitigation Measure #3.3.1b: Construction contracts shall include a provision that requires all architectural coatings to be zero-volatile organic compound (VOC) paints (assumes no more than 100 grams/liter of VOC) and coatings. All paints shall be applied using either high-volume low-pressure (HVL) spray equipment or by hand application. For a list of low-VOC paints, see www.aqmd.gov/prdas/brochures/paintguide.html.

Mitigation Measure #3.3.1c: Prior to issuance of grading permits, the project proponent will provide the City of Fresno with a traffic control plan that describes in detail safe detours around the project construction site, provides temporary traffic control (i.e., flag person) during construction-related truck-hauling activities, and minimizes traffic flow interference from construction activities. The plan may include:

- Advance public notice of alternative routes;
- Use of public transportation and satellite parking areas with a shuttle service for construction personnel;
- Schedule operations that affect traffic for off-peak hours;
- Minimize obstruction of through-traffic lanes; and
- Provide a flag person to guide traffic properly and ensure safety at construction sites.

Mitigation Measure #3.3.1d: Construction staging and queuing areas shall not be located within 500 feet of sensitive receptors.

Mitigation Measure #3.3.1e: The project shall utilize high albedo construction materials (Cool Paving) to increase the reflectivity of roads, driveways, and other paved surfaces, in a manner and in locations/applications consistent with the adopted City of Fresno Public Works Department Standard Drawings and Specifications. Project site plans shall indicate locations where the special paving will be installed. Standard paving materials will only be allowed in areas where technical or safety considerations (as determined by the City’s Public Works Director) preclude use of the Cool Paving materials. *(The change is a non-substantive correction and does not change the analysis in the Draft EIR.)*

Mitigation Measure #3.3.1f: Construction plans shall provide for the installation of automated lighting and thermal controls in all non-residential facilities. The City of Fresno will verify compliance during review of construction plans.

Mitigation Measure #3.3.1g: Construction plans shall include one or more of the following roofing technologies to reduce energy consumption:

- High albedo and low-emissive roofs;
- EPA “Energy Star” approved roofing materials; and

- Telephone numbers of the building facilities manager and the California Air Resources Board shall be posted on signs at truck entrances to report idling violations.

Mitigation Measure #3.3.1n: Prior to issuance of grading permits for each development within the Westlake Development project site, the project applicant shall demonstrate compliance with all applicable requirements of San Joaquin Valley Air Pollution Control District, Rule 9510 via the submittal of a Rule 9510 Air Impact Assessment Application (AIA) to the ~~City of Fresno Air District~~ Air District for review and approval. The AIA shall achieve a ~~45~~ 20 percent reduction in NOx statewide average construction emissions and a ~~50~~ 45 percent reduction in PM10 statewide average construction exhaust emissions. The AIA shall also achieve a 33-percent reduction in NOx and a ~~45~~50-percent reduction in PM10 over the first 10 years of operations through the use of onsite emissions reduction measures or through the payment of offsite mitigation fees to the SJVAPCD for purchase of emission reductions. The requirements of the approved AIA shall be incorporated into the proposed project.

(The Application was erroneously identified in the Draft EIR as being submitted to the City of Fresno. The percentage changes reflect the requirements of the Air District. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

Mitigation Measure #3.3.1o: Prior to issuance of grading permits, the project applicant will work with the San Joaquin Valley Air Pollution Control District to determine project emissions based on a more refined construction schedule and proposed construction equipment to determine if construction emissions exceed the Air District thresholds of significance after compliance with the Indirect Source Review Rule. If construction emissions exceed the Air District thresholds of significance, the applicant shall consult with the SJVAPCD to develop and implement a Feasible Implementation Plan with a goal of reducing construction emissions to below annual thresholds of 10 tons per year of ROG, 10 tons per year of NOx, and 15 tons per year of PM10. The Feasible Implementation Plan as identified above shall identify offsite mitigation measures proposed to be implemented by the applicant and agreed upon by the San Joaquin Valley Air Pollution Control District to be appropriate and effective to reduce emissions. Alternatively, the Feasible Implementation Plan shall identify the mitigation fee required to be paid by the applicant based on the amount of emission reductions needed to bring the project's construction impacts below the annual thresholds. The project applicant shall provide this funding prior to the start of construction to help facilitate emission offsets that are as real-time as possible. The San Joaquin Valley Air Pollution Control District will use the funds to purchase the required emission reductions through offsite mitigation strategies. The agreement requires the San Joaquin Valley Air Pollution Control District's approval prior to receiving final grading permits from the City of Fresno. The emissions reduction agreement must be implemented in addition to the required measure to reduce construction-related diesel equipment exhaust emissions listed in Mitigation Measure #3.3.1a. Development and implementation of the emissions reduction agreement shall be fully funded by the project applicant. Preference shall be given to offsite emission reduction projects that are located in or in close proximity to the City of Fresno. The applicant shall submit documentation to the City of Fresno verifying that this has been successfully completed.

Mitigation Measure #3.3.1p: Prior to issuance of building permits, the project applicant will work with the San Joaquin Valley Air Pollution Control District to determine if the project's operational emissions exceed the Air District thresholds of significance based on the incorporation of onsite mitigation measures and detailed project information. If the operational

materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals.

4. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipe, becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.
5. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in closed containers and removed at least once a week from a construction or Project Site.
6. No firearms should be allowed on the Project Site during the construction phase.
7. To prevent harassment, mortality of kit foxes or destruction of dens by dogs or cats, no pets should be permitted on ~~the Project Site during construction~~ those portions of the project site that are under construction or involved in any phase of the construction of the project. *(This modification of the Draft EIR language was made to preclude the otherwise apparent prohibition of pre ownership by residents of already-developed portions of the project. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)*
8. Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restriction deemed necessary by the Service. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox.
9. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured, or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the Service.
10. An employee education program should be conducted for any project that has anticipated impacts to kit fox or other endangered species. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the project. The program should include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this

Implementation of these mitigation measures will prevent disrupting the natural activities of San Joaquin kit fox and American badger. This will result in impacts from the project to San Joaquin kit fox and American badger being *less than significant*.

Impact #3.4.2 – Aquatic Invasive Species (man-made lake).

The focus of the project will be a 55 acre manmade ("artificial") lined lake, oriented in a north-south direction and over one mile in length. In addition to being a recreational amenity (for non-contact activities such as ~~non-motorized non-gas powered~~ boating), the lake will also detain storm water and incidental drainage flows. (It should be noted in this regard that the Draft EIR assumed that all boating would be non-motorized. This Final EIR provides that boating must not be gas-powered; that is, that electrically powered boating will be allowed. Such allowance does not introduce any air quality impacts, any safety impacts because electrically-powered boats operate at minimal speeds, create no hazards or air emissions, no noise impacts, and no other reasonably determinable significant impacts. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

It is anticipated a homeowners association will own and operate the lake facility. The cross-section design of the lake has not yet been finalized but it is anticipated that typical "edge" depths will be 3 to 4 feet and "center" depths of up to 12 feet (see Figure 2-7). It will be designed with north-to-south "stepped" water level control structures to assure required level depths and provide adequate freeboard for drainage detention. Operational activities associated with the 55-acre lake may require the use of chemicals to maintain lake water quality. Lake "draw-down" for maintenance would be scheduled at ten year intervals. No vegetation shall be allowed on the surface or at the shoreline of the lake, in order to eliminate potential mosquito sources.

There is the potential that non-native species may infest the proposed lake by indirect methods such as through the project storm drainage system and direct methods such as watercraft attachment and illegal dumping of material into the lake. Of particular concern in Central California are overgrowths of duckweed (*Lemnaoideae* spp.), "rock snot" algae (*Didymosphenia geminata*), purple loosestrife (*Lythrum salicaria* L.), water hyacinth (*Eichhornia* spp.), zebra and quagga mussels (*Dreissena polymorpha* and *D. rostriformis bugensis*), New Zealand mudsnail (*Potamopyrgus antipodarum*), Asian clams (*Corbicula fluminea*), Asian carp (eight invasive species, with grass carp, *Ctenopharyngodon idella*, being a particular problem), largemouth bass (*Micropterus salmoides*), African clawed frogs (*Xenopus laevis*), and exotic catfish (especially walking catfish, *Clarias batrachus*).

The California Department of Fish & Wildlife prepared the *California Aquatic Invasive Species Management Plan* (2008), which identified potential aquatic invasive species as well as management control. According to the document "Prevention is the most effective and environmentally sensitive method of managing AIS [Aquatic Invasive Species]. Prevention revolves around the interception of AIS at the point of entry or release." (Page 63). The United States Department of Agriculture also provides guidance on control and management of invasive species.

It should be noted that neither the lake nor the drainage / recharge basin have any connection to waters of the state. Any impacts from invasive species would be confined to the lake only. However, measures will be required to protect the lake from aquatic invasive species.

Conclusion: Impacts from aquatic invasive species are *potentially significant*.

Mitigation Measure #3.4.2a: Source control Best Management Practices shall be implemented by the developer and include:

- a) Public Education/Participation activities. Information shall be provided to new project residents and tenants regarding aquatic invasive species and potential dangers associated therewith.
- b) Material Disposal and Recycling, which includes storm drain system signs and stenciling with language to discourage illegal dumping of unwanted materials.
- c) Illegal Dumping Controls. Any Covenants, Conditions, and Restrictions (CC&R's) for the developments of the proposed project shall include a prohibition on the dumping of waste products (solid waste/liquid waste and yard trash) into storm drain systems and open space areas.
- d) Watercraft Attachment Controls. Any CC&R's shall include a provision to clean and scrub any vessels that have been utilized elsewhere to remove any potential invasive species attached to the vessel.
- e) The applicant shall provide a permanent storm drain message "No Dumping - Flows to Lake" at each storm drain inlet within the proposed project site. This may be accomplished with a stamped concrete impression (for curbs) or manufactured colored tiles, which are epoxyed in place adjacent to the inlet (for parking lots and areas without curbs).

Mitigation Measure #3.4.2b: The Homeowners Association, as a part of the lake's routine maintenance plan, utilize a qualified professional to inspect the lake for aquatic invasive species and eradicate any found species in accordance with CDFW and USDA guidelines and procedures.

Effectiveness of Mitigation Measures: These measures will result in impacts from the project from aquatic invasive species being *less than significant*.

Impact #3.4.3 – Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

No riparian or other sensitive natural vegetative communities occur on the project site.

Conclusion: The proposed project will have *less than significant impacts* on sensitive natural communities.

Mitigation Measures: No mitigation measures are required.

Impact #3.4.4 – Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

~~There are no jurisdictional waters or wetlands on the site that would be impacted by the proposed project. Although there are two irrigation canals on the project site, they are fed by a series of~~

~~larger canal systems, do not connect to and are far removed from navigable waters that would be considered jurisdictional under Section 404 of the Clean Water Act. FID recommends that these canals be piped underground, with an easement preferably centered over each pipeline so that irrigation water can continue to be delivered to downstream users. These two canals terminate less than one mile downstream of the project site in agricultural lands. No wetlands occur along or at the terminus of either canal, either on site or downstream of the project site. There are no jurisdictional waters or wetlands on the site that would be impacted by the proposed project. Although there are two irrigation canals on the project site, they are fed by a series of larger canal systems, do not connect to and are far removed from navigable waters that would be considered jurisdictional under Section 404 of the Clean Water Act. FID recommends and it is standard requirement on all projects that these canals will be piped underground, with an easement preferably centered over each pipeline so that irrigation water can continue to be delivered to downstream users. These two canals terminate less than one mile downstream of the project site in agricultural lands. No wetlands occur along or at the terminus of either canal, either on site or downstream of the project site. Additionally, based on the extensive experience of City staff with undergrounding canals on prior projects and the fact that canal undergrounding is not expected to cause more ground disturbing activities than construction of the lake and other aspects of the project it is not expected that undergrounding the canals will result in any unforeseeable impacts that have not otherwise been evaluated in this EIR. (The change is a non-substantive correction and does not change the analysis in the Draft EIR.~~

Conclusion: The irrigation canals that occur on the project site are not considered wetlands or jurisdictional waters impacts are considered to be *less than significant*.

Mitigation Measure: No mitigation measures are required.

Impact #3.4.5 – Interfere substantially 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.

The project site contains no obvious wildlife movement corridors or topographic constrictions.

Conclusion: The proposed project will have *less than significant impacts* on movement corridors.

Mitigation Measure: No mitigation measures are required.

- g) The applicant shall provide a permanent storm drain message "No Dumping - Flows to ~~Creek Lake~~" or other approved message at each storm drain inlet within the proposed project site. This may be accomplished with a stamped concrete impression (for curbs) or manufactured colored tiles, which are epoxied in place adjacent to the inlet (for parking lots and areas without curbs).

(The DEIR required sign message was obviously incorrect; there is no "Creek" on the project site. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

- h) Street and storm drain maintenance activities. These activities control the movement of pollutants and remove them from pavements through catch basin cleaning, storm drain flushing, street sweeping, and by regularly removing illegally dumped material from storm channels and creeks. (The City of Fresno would be responsible for regular storm drain maintenance within the public right-of-way; grease traps and other storm water quality control devices on private property must be maintained by the property owners).

- i) Incidental Storm drainage shall be directed to the lined onsite lake for disposal.

(Previously-stated mitigation measures direct all storm drainage to the Lake. The intent of this measure is to clarify that lawn irrigation drainage and similar non-storm event runoff be so directed. After reviewing the Draft EIR, we find that the change does not change the analysis in the Draft EIR and does not have the potential to create new impacts or increases to identified impacts to the water quality and hazard.)

Effectiveness of Mitigation: Implementation of the above mitigation measure and compliance with applicable local, State and Federal regulations will reduce project-induced water quality impacts to *less than significant*.

Impact #3.8.2(b) - Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).

The Water Supply Assessment (WSA) prepared for the project (Appendix G) (adopted by the City in October 2011) provides an overview of estimated water demands and water sources for the proposed project. According to the WSA, the proposed project's estimated average annual demand of 1,506 acre-feet (af) can be met by the City of Fresno and the Fresno FID. The water demand estimate per the 2025 General Plan Land Use and 2008 UWMP Water Use Factors is 1,520 acre-feet per year.

Further reviewing the analysis and conclusions of the Water Supply Assessment, the project is proposed to fill the 55 acre lake incorporated in its design with 224 acre feet per year of surface water from the Fresno Irrigation District and assumes approval of such usage by the City and the District. It should be noted that this surface water usage for the lake fill is included in the 1,506 acre feet total project water usage (Water Supply Assessment, Westlake Development Project, October, 2011). The balance of the project's water demand must be supplied from the City of Fresno's municipal system.

It should be noted that the City's Urban Water Management Plan does not, of course, discuss the water usage of the project lake. That usage is fully evaluated in the Water Supply Assessment for the project, as adopted by the City Council. It is again emphasized that the Project's total water usage including usage for the lake is essentially the same as, or slightly less than, that

The City's General Plan currently designates the project site as Medium Low, Medium and Medium High Density Residential, Neighborhood Commercial, Commercial Office, Public Facility (elementary school), Open Space, and Neighborhood Park (reference Figure 3.9-1).

The proposed project includes the following actions/entitlements:

- The annexation of approximately 460 acres from Fresno County into the City limits;
- A General Plan Amendment changing some of the land use designations (reference Figure 3.9-1 and Table 3.9-1);
- Pre-zoning. Pre-zoning is required to be completed prior to submittal of an annexation application; it will take effect upon annexation;
- A request for approval of the vesting tentative tract map for the broad scale division of the property into ~~28~~ 29 residential, commercial, and open space/recreation parcels. (The vesting tentative tract map will be implemented with multiple tentative and final maps during the pre-construction phase of the project and filed at a later date); (The change is in correction of a typographic error. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)
- A Project Conditional Use Permit (CUP) (to be filed at a later date), and Development Agreement as requested by the applicant, to provide for flexibility in the application of development standards. The Project CUP will help define the theme of Westlake and provide details of project design and development standards;
- Approval to relocate and revise the shape of designated drainage basin 'CD' and revise drainage district boundaries for drainage basins 'CD' and 'CG';
- Detachment from the Kings River Conservation District; and
- Detachment from the North Central Fire Protection District.

IMPACT EVALUATION CRITERIA

The CEQA Guidelines set forth criteria for the determination of whether a project will have a significant impact on land use and planning. A project's effect will normally be considered significant if it will:

- a) *Physically divide an established community.*
- b) *Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.*
- c) *Conflict with any applicable habitat conservation plan or natural community conservation plan.*

**Table 3.9-4
Tentative Tract Map No. 5915 Densities**

Lot #	Area (Acres ±)	Proposed General Plan Designation	Proposed Zoning	DU/AC Density	Units Proposed
1	8.15	Medium	R-1/UGM	7	5781
2	8.40	Medium	R-1/UGM	7	59
3	12.1	Medium	R-1/UGM	7	84
4	14.6	Medium	R-1/UGM	7	102
5	11.3	Medium	R-1/UGM	7	79
6	9.6	Medium	R-1/UGM	7	67
7	14.4	Medium	R-1/UGM	7	101112
8	8.7	Medium	R-1/UGM	7	61
9	12.0	Med/School	R-1/UGM	7	84120
10	8.3	Medium Low	R-1/UGM	5	42
11	5.9	Mixed Use	R-1/UGM	*	44 du/32,071 sf
12	7.0	Medium Low	R-1/UGM	5	35
13	6.3	Medium Low	R-1/UGM	5	32
14	12.8	Medium Low	R-1/UGM	5	64
15	11.6	Medium Low	R-1/UGM	5	5869
16	11.6	Medium Low	R-1/UGM	5	5869
17	6.65	Medium Low	R-1/UGM	5	400133
18	4.04	Community Commercial	C-2/UGM	25% coverage	43,996 sf
19	12.9	Medium Low	R-1/UGM	5	6477
20	10.83	Medium	R-1/UGM	7	76108
21	17.6	Medium	R-1/UGM	7	123141
22	14.1	Community Commercial	C-2/UGM	25% coverage	153,440 sf
23	13.3	Medium High	R-2/UGM	15	200266
24	11.6	Medium High	R-2/UGM	15	175185
25	12.0	Medium	R-1/UGM	7	84
26	13.1	Medium	R-1/UGM	7	92131
27	13.0	Medium	R-1/UGM	7	94130
28	5.6	Neighborhood Commercial	C-1/UGM	25% coverage	60,984
29	18.7	Medium	R-1/UGM	7	134224
Outlot A	55.8	Open Space		Total	2,163 2,592du 290,491 sf

du = dwelling unit sf = square feet

Source: Gary G. Giannetta Civil Engineering and Land Surveying, Tentative Tract Map No. 5915; corrections by Quad Knopf

(The table was in error. The corrected figures are accurate and correspond to those utilized elsewhere in the EIR (e.g., Table 2-1). The corrected figures continue to demonstrate that the proposed land uses are consistent with the General Plan land use designations (see Table 3.9-5). The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

Table 3.9-5 shows the proposed land use designation for the project and demonstrates that based on the densities provided in Table 3.9-4, the proposed project land uses would be consistent with the proposed General Plan designations as described in Table 2-Planned Land Use and Zone District Consistency Matrix in the City of Fresno General Plan.

**Table 3.9-8
Consistency with State Law for Annexation**

Standard	Consistency Determination
<p>56841. Factors to be considered in the review of a proposal shall include, but not limited to, all of the following:</p> <p>a) Population, population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.</p> <p>b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.</p> <p>"Services," as used in this subdivision, refers to governmental services whether or not the services are services that would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.</p> <p>c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.</p> <p>d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies and priorities set forth in Section 56377.</p> <p>e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, and defined by Section 56016.</p> <p>f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.</p>	<p>Consistent: These factors are all evaluated in this subsection (3.9) of the EIR, and found to be less than significant. The project is proximate to other populated area; these are not natural boundaries which affect is design; the 2025 General Plan has planned population growth for the area including the project site; there are no topographic constraints on project development.</p> <p>Consistent This EIR's environmental analysis demonstrates that efficient delivery of City services (e.g., wastewater disposal by the project site-adjacent Granham <u>Grantland</u> Trunk Line, designed to serve the northwest Sphere of Influence library services, fire services, etc.) can be effected. <i><u>(This is a correction of a typographic error. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)</u></i></p> <p>Consistent: These effects have been evaluated for both the project and for project alternatives - agricultural "border" effects, noise impacts, including those of adjacent industrial and residential facilities, for example.</p> <p>Consistent: The proposed project is evaluated in the EIR as in conformity. The EIR evaluates the LAFCO concern regarding the "peninsula" effect and has found it to be less than significant (see also Figure 3.9-6).</p> <p>Consistent: The proposed project, as evaluated in the EIR, does not affect agricultural lands except for those displaced by the project itself.</p> <p>Consistent: An Initial Study letter of comment from LAFCO (see Appendix A) expressed concern that the project was not in compliance with a portion of Factor f): "... the creation of islands or corridors of unincorporated territory is,". Figure 3.9-6 demonstrates that neither islands nor corridors are created by the project - that the</p>

3.10 Noise

INTRODUCTION

This section addresses regulations pertaining to noise within and around the City of Fresno, the noise environment at the proposed project location, noise generated from proposed project activities, and potentially affected noise-sensitive receptors. Potential long and short-term project related noise is discussed in this section based on information contained in the Environmental Noise Assessment Westlake Development Project, Fresno California (October 26, 2012) prepared by Brown-Buntin Associates, Inc. (see Appendix H). *(The deleted clause simply emphasized that no noise analysis based on project phasing was necessary or practical. That emphasis is unnecessary. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)* ~~It should be noted that this impact analysis is based upon project buildout; it is not useful or practical to evaluate noise impacts on construction phases.~~

3.10.1 REGULATORY AND PHYSICAL SETTING

Regulatory

Noise is regulated at the federal, state, and local levels through regulations, policies, plans, and/or local ordinances. Local policies are commonly adaptations of federal and state guidelines, based on prevailing local conditions or special requirements.

The federal Department of Housing and Urban Development (HUD) and the Federal Transit Administration (FTA) both provide standards related to noise.

FEDERAL

Department of Housing and Urban Development (HUD)

HUD environmental noise regulations, presented in the Code of Federal Regulations (24 CFR Part 51B) require that new HUD-financed housing construction meet the following noise standards. Exterior noise levels are considered:

- Acceptable at 65 A-weighted decibels (dB(A)) day-night average level (DNL also known as Ldn) or less;
- Normally unacceptable if they exceed 65 dB(A) Ldn but not 75 dB(A) Ldn, unless appropriate sound attenuation measures are provided which include 5 decibels additional attenuation over standard construction in the 65 to 70 dB(A) Ldn zone or 10 dB of additional attenuation in the 70 to 75 dB(A) Ldn zone; and
- Unacceptable if they exceed 75 dB(A) Ldn.

Interior noise levels and attenuation requirements are geared toward achieving an interior noise level of 45 dB(A) Ldn. The HUD guidelines assume that standard construction will provide sufficient attenuation to achieve interior levels of 45 dB(A) Ldn or less if the exterior noise level is 65 dB(A) Ldn or less. These regulations apply to new residential projects that receive federal

**Table 3.10-7
Exterior Noise Standards**

District	Time Period	Municipal Code ^{1,2,3}		General Plan ^{4,5,6}	
		dBA L ₂₅	dBA Leq	dBA L _{max}	
Residential	10 PM to 7 AM	50	45	65	
	7 AM to 7 PM	60	50	70	
	7 PM to 10 PM	55	50	70	
Commercial	10 PM to 7 AM	60	NA	NA	
	7 AM to 10 PM	65	NA	NA	
Industrial	Anytime	70	NA	NA	

Source: City of Fresno Municipal Code, Chapter 10, Article 1, Noise Regulations, Sections 10-102 and 10-106; Fresno 2002.

1 For the purpose of this ordinance, ambient noise level is the level obtained when the noise level is averaged over a period of fifteen minutes, without inclusion of the offending noise, at the location and time of day at which a comparison with the offending noise is to be made.

2 Where the ambient noise level is less than that designated in this section, however, the noise level specified herein shall be deemed to be the ambient noise level for that location.

3 Any noise or sound exceeding the ambient noise level at the property line of any person offended thereby, or, if a condominium or apartment house, within any adjoining living unit, by more than five decibels shall be deemed to be prima facie evidence of a violation of Section 8-305.

4 New noise-sensitive land uses impacted by stationary sources shall include mitigation measures so that resulting levels do not exceed the standards shown in Table 9 of the City of Fresno General Plan (H-1-K Policy).

5 Noise created by new proposed stationary noise sources or existing stationary noise sources which undergo modifications that may increase noise levels shall be mitigated so as not to exceed the noise level standards of Table 9 in the City of Fresno General Plan at noise sensitive land uses (H-1-L Policy).

6 As determined at outdoor areas. Where the location of outdoor activity areas is unknown or not applicable, the noise exposure standard shall be applied at the property line of the receiving land use. When ambient noise levels exceed or equal the levels in this table, mitigation shall only be required to limit noise to the ambient plus five (5) dB.

City of Fresno Municipal Code, Construction Hours

The City of Fresno exempts noise generated by construction, site preparation, grading, repair, or remodeling work permitted by the City from the stationary noise limits of the Municipal Code (Section 10-102) provided such work occurs between the hours of 7 AM and 10 PM on weekdays and Saturdays. However, an analysis of construction noise impacts is included herein. (The added clause simply notes the inclusion in the EIR of analysis corroborating the applicability of that exemption. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

Physical Setting (Existing)

NOISE FUNDAMENTALS

Sound is mechanical energy transmitted by pressure waves in a compressible medium such as air. Noise is defined as unwanted sound. Sound becomes unwanted when it interferes with normal activities, when it causes actual physical harm, or when it has adverse effects on health. Sound is characterized by various parameters that describe the rate of oscillation of sound waves, the distance between successive troughs or crests, the speed of propagation, and the pressure level or energy content of a given sound wave. In particular, the sound pressure level has become the most common descriptor used to characterize the loudness of an ambient sound

Other existing noise sensitive receptors in and around the project site include:

- Five rural residential homes north of the project site's northern boundary. The nearest home is located 50 feet from the northern project boundary;
- Five rural residential homes on the south side of Shields between Grantland and Garfield Avenues south of the project's southern boundary. The least setback is 100 feet from Shields Avenue;
- 14 rural residential homes on the east side of Grantland from Shields Avenue to Ashlan Avenue. The majority of the homes are set back more than 75 feet from Grantland's center line; however, two of the homes just south of Ashlan Avenue are set back approximately 60 feet from the roadway center line; and
- 18 rural residential homes located west of the project site's western boundary. These homes are set back at least 100 feet from Chateau Fresno Avenue and are located a minimum of 1,600 feet from the project site's western boundary.

Existing sources of noise affecting the project site include nearby and distant roadway traffic, intermittent farming operations, commercial activities at ALW Enterprises and Lamanuzzi & Pantaleo, and institutional (school) activities at Deran Koligian Stadium. Existing sources of noise affecting the project site include nearby and distant roadway traffic, intermittent farming operations, commercial activities at ALW Enterprises and Lamanuzzi & Pantaleo, and institutional (school) activities at Deran Koligian Stadium. Although under *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App. 4th 455, there is no requirement under CEQA to assess the environment's effect on a proposed project, for informational purposes the EIR will include discussion and analysis of the foreseeable impacts from existing noise sources on the project. (The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

AMBIENT NOISE LEVEL MEASUREMENTS

Ambient noise level measurements were conducted at two locations within the project site on June 22, 2009 and on October 4, 2012. The measurement sites are noted on Figure 3.10-1. Site 1 was located near the northwest corner of the project site and Site 2 was located approximately 200 feet from the center of Grantland Avenue near the southeast corner of the site. These two locations are considered appropriate measurement locations due to their proximity to existing residences and major roadways (Grantland Avenue).

There is no noise impact mitigation that the project should be required to implement for existing or potential, speculative, development of offsite residential receptors on properties not owned by the project applicant. The Noise Study for this project (Appendix_H) notes that the proposed Veterans Boulevard street is the only roadway that may have significant offsite traffic-related noise impacts. When that roadway and adjacent development is constructed, adequate noise screening, restriction of dwelling structure placement, orientation and design, and restrictions on two-story development along the Boulevard may be required by the City.

Offsite Stationary Noise

Noise levels from the Lamanuzzi & Pantaleo plant would be expected to generate hourly noise levels in the range of 50-55 dBA Leq at the eastern edge of the project site. Such levels would exceed the city's hourly Leq standards for stationary noise sources by up to 5 dB during the daytime hours and by up to 10 dB during the nighttime hours. Maximum noise levels (Lmax) from typical activities within the plant would be expected to be in the range of 55-60 dBA at the eastern boundary of the project site. Such levels would not exceed the city's Lmax standards for stationary noise sources. ~~This would be a potentially significant impact.~~

It was not possible to quantify noise levels that could be generated by the stadium at the Deran Koligian Education Center as they may affect the project. Noise sources related to the facility include parking lot movements, public address announcements, cheering by the crowd and band music. It is expected that noise from stadium activities would be clearly audible within nearby sections of the project site during football games and other major events. The City of Fresno prohibits the use of loudspeakers or sound-amplifying equipment without first obtaining approval from the City. However, in this instance since school districts are State agencies, the City has no authority to require such approval. For commercial and non-commercial use of sound amplifying equipment, operation is restricted to between the hours of 7 AM and 10 PM and prohibited within 300 feet of churches, schools, or hospitals. Stadium activities would not occur during the nighttime hours between 10:00 p.m. and 7:00 a.m. However, it is estimated that stadium-related activities could occasionally exceed the 50 dBA hourly Leq and 70 dBA Lmax daytime standards of the city's noise element by up to 5 dB. ~~This would be a potentially significant impact.~~

Noise levels associated with intermittent farming operations adjacent to the project site could occasionally be audible along the western boundary of the project site. Such levels would not be expected to exceed the daytime hourly standards of the noise element. However, it is possible that the existing water pumping facility located about 1,000 feet south of the northwest corner of the project site could exceed the city's nighttime 45 dBA hourly Leq standard if the facility operates during the nighttime hours.

Development of noise-sensitive uses within the project along Grantland Avenue would require that properly designed sound walls be constructed to ~~mitigate reduce~~ traffic noise exposure within the site to comply with General Plan Policies. It is estimated that 5-10 dB of noise reduction will be required for a typical residential setback along Grantland Avenue. This would be sufficient to ~~mitigate reduce~~ noise from the Deran Koligian Education Center stadium but possibly would not be sufficient to ~~mitigate reduce~~ noise from the Lamanuzzi & Pantaleo plant to meet the City's General Plan policies. To reduce these noise impacts to meet General Plan policies, sound walls directly across Grantland Avenue from the

Lamanuzzi & Pantaleo plant should be designed and constructed to reduce noise levels from the plant by 10 dB at the first floor level. ~~It is~~ Additionally, it would be recommended that two story homes not be constructed on the first row of lots directly across Grantland Avenue from the plant.

~~It is~~ To reduce sounds to meet City standards, it is recommended that a detailed analysis of noise levels generated by the existing water pumping facility located about 1,000 feet south of the northwest corner of the project site be conducted prior to development of the project. The study should include recommendations for noise mitigation by the project developer based on the noise levels produced by the facility and the locations of the closest proposed noise-sensitive uses.

Conclusion: The proposed project would expose people to noise levels in excess of standards established in the General Plan and noise ordinance. Noise impacts from construction, onsite and offsite transportation, and onsite ~~and offsite~~ stationary sources would be *potentially significant*. To the extent that some of the mitigation measures address noise caused by offsite stationary sources, they are imposed in exercise of caution and with the understanding that they would also be required under the City's General Plan policies.

Mitigation Measure #3.10.1a: The City of Fresno shall require that construction contractors comply with all applicable local regulations regarding noise suppression and attenuation. The following requirements shall be included in the construction specifications:

- The hours of future construction within the Westlake Development Project site shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday;
- Construction activities shall be prohibited on Sundays and holidays (President's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, Day after Thanksgiving, Christmas Day, and New Year's Day);
- Locate fixed construction equipment such as compressors and generators at distances no less than 300 feet from sensitive receptors (including occupied residential property boundaries);
- Shroud or shield impact tools, and muffle or shield intake and exhaust ports on power construction equipment; and
- All engine-driven equipment shall be in proper tune and shall be fitted with mufflers according to manufacturers' specifications.

Mitigation Measure #3.10.1b: Prior to issuance of building permits for development within the Westlake Development Project site, a detailed acoustical study shall be prepared by a certified professional to document potential impacts to onsite noise-sensitive land uses (as determined by the City of Fresno's General Plan, refer to Table 3.10-5). Potential impacts in exceedance of the City of Fresno's standards including: Maximum Allowable Noise Exposure-Stationary Noise Sources, Maximum Allowable Noise Exposure from Transportation Noise Sources, City of Fresno Incremental Noise Impact Criteria for Noise-Sensitive Uses, and Exterior Noise Standards shall require incorporation of mitigation such as increased setbacks, sound walls, equipment enclosures, site design, and enhanced building materials to reduce impacts to levels below the City of Fresno standards. Development that cannot incorporate mitigation to reduce impacts to acceptable City of Fresno standards shall not be approved.

Mitigation Measure #3.10.1c: Construction within the project of two story homes along Grantland Avenue and adjacent to commercial uses within the project site shall be prohibited unless a detailed acoustical analysis, prepared by a certified professional, can document compliance with the city's 45 dB DNL standard at the upper floor elevation.

Mitigation Measure #3.10.1d: Prior to issuance of building permits for noise-sensitive land uses adjacent to Grantland Avenue a sound wall shall be constructed to reduce noise levels by 10 db or as determined necessary by the acoustical study required by Mitigation Measure #3.10.1b.

~~**Mitigation Measure #3.10.1e:** Prior to issuance of building permits for development within the project site, a detailed acoustical study shall be prepared by a certified professional to analyze noise levels generated by the existing water pumping facility located 1,000 feet south from the northwest corner of the project site. The acoustical study shall include recommendations for noise mitigation by the project developer based on the noise levels produced by the facility, and regarding the locations of the closest noise sensitive land uses, to ensure that the project is in compliance with the City's General Plan noise standards. These mitigation measures shall be incorporated into the project design prior to issuance of the building permit. Under the City's General Plan, the City must ensure that the project complies with the General Plan noise standards. Pursuant to the General Plan, prior to issuance of building permits for development within the project site, a detailed acoustical study shall be prepared by a certified professional to analyze noise levels generated by the existing water pumping facility located 1,000 feet south from the northwest corner of the project site. The acoustical study shall include noise reduction mechanisms to ensure that the project is in compliance with the City's General Plan noise standards. These noise reduction mechanisms shall be incorporated into the project design prior to issuance of the building permit but are not independent mitigation measures under CEQA.~~

Effectiveness of Measures: Implementation of mitigation measures would reduce the project's noise impacts. The residual impacts exposing persons to or generating noise levels defined in the 2025 General Plan or City Noise Ordinance, for the following areas are:

- Construction Noise – *Less than Significant.***
- Onsite Transportation Noise – *Less than significant.***
- Offsite Transportation Noise – *Significant and unavoidable*¹**
- Onsite Stationary Noise – *Less than significant.***
- ~~**Offsite stationary sources – *Less than significant.***~~

[These corrections are made to recognize the court's decision in *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, holding that, CEQA does not require an EIR to consider impacts from the environment on a proposed project. As offsite stationary sources would be impacts from the environment on the proposed project, they are not subject to review and findings related to significant impacts under CEQA. As such, these changes to the EIR do not result in the identification of new significant impacts or an increase in identified significant impacts.]

Impact #3.10.2 – Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels.

The effects of ground-borne vibration include movement of building floors, rattling of windows, shaking of items on shelves or hanging on walls, and rumbling sounds. In extreme cases, the vibration can cause damage to buildings.

¹ See discussion regarding mitigation infeasibility under Impact #3.10.3.

The important sources of man-made vibration are sonic booms, blasting, pile driving, pavement breaking, demolition, diesel locomotives, and rail-car coupling. None of these sources are anticipated during construction of the project or operation of mechanical equipment after project construction. The primary vibratory source during the construction of the project could be large bulldozers and loaded trucks. Typical bulldozer or loaded truck activities generate an approximate vibration level of 0.076 to 0.089-inch per second PPV, and 86-87 VdB at a distance of 25 feet. Typically, vibration levels must exceed 80 VdB before annoyance occurs or 100 VdB before building damage occurs. (The Caltrans Transportation and Construction-Induced

- Planning and design;
- Energy efficiency;
- Water efficiency and conservation;
- Material conservation and resource efficiency; and
- Environmental air quality.

AB 109 Public Safety Realignment

Assembly Bill (AB) 109 Public Safety Realignment took effect in October 2011 and has shifted responsibility for thousands of criminals from the state to the counties. These criminals, many with multiple felony convictions, are no longer eligible for prison or supervision on state parole when released from prison, until they commit a violent or serious crime such as rape, armed robbery, aggravated assault, or residential burglary. Under Realignment, criminals who violate the conditions of their parole, or are convicted of theft-related crimes and felonies such as spousal abuse, assault, and some drug offenses, can only be sentenced to county jail, probation, or treatment programs. As a result, local jails (including the Fresno County jail) are overcrowded.

AB 2926 School Impact Fees

As of January 1987, State law allows school districts to levy three different levels of development fees directly on new residential, commercial, and industrial development (Government Code Section 65995). Level-one fees cannot exceed ~~\$2.97~~ \$3.20 per square foot of residential construction and ~~\$0.47~~ \$0.51 per square foot of commercial/industrial construction for K-12 facilities. Districts set their own fees within this limit based on a nexus study establishing their funding requirements. Since Proposition 1A was passed by the voters and SB 50 was passed by the State Legislature in 1996, school fees generated by new development are deemed legally sufficient mitigation of any impacts based on generation of students on school facilities.

(Updated figures have been furnished by the Central Unified School District which serves the project area. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

SB 50

The Leroy F. Greene School Facilities Act of 1998 (SB 50) and the bond procedures under Proposition 1A of 1998 regulate school facilities financing and mitigation of land use approvals by setting fee caps, removing entitlement application denial authority from lead agencies, and setting the CEQA standard for full and complete mitigation for school facilities. Prior to enactment of the legislation, a city or county had the authority to deny or require full mitigation for projects that required an amendment to a General Plan and/or a zone change. State law now prohibits a local agency from either denying approval of a land use project because of inadequate school facilities, or imposing school impact mitigation measures other than the designated fees provided for in the Government Code. Effective subsequent to 2006, if a statewide bond measure fails, SB 50 would again permit a city or county to deny or refuse to approve a development project that requires a legislative act on the basis of the inadequacy of school

Central Unified School District

Funding for schools and impacts for school facilities impacts is preempted by State law (Proposition 1A/SB 50, 1998, Government Code Section 65996) which governs the amount of fees that can be levied against new development. These fees are used to construct new schools. Payment of fees authorized by the statute is deemed “full and complete mitigation.”

Physical Setting (Existing)

FIRE PROTECTION

The North Central Fire Protection District (Fire District) provides fire protection and emergency medical services to the project site. The Fire District contracts with the Fresno Fire Department to staff fire stations and respond to calls. The contract became effective July 1, 2007 and is for a 30 year term. The Fire District receives the proceeds of fire transition fees ~~levied by the Fresno County Local Agency Formation Commission (LAFCo) which are collected and distributed by the City of Fresno via a transition agreement~~ for annexations.

(The change correctly notes the fund collection and distribution process. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

The City of Fresno Fire Department offers a full range of fire prevention, fire suppression, and emergency medical care services within the city limits. Fire prevention services are provided to all commercial, industrial, and various residential establishments by routine inspections each year, depending upon the occupancy type. Adoption of an ordinance requiring installation of automatic fire sprinklers in all new large buildings, except dwellings and lodging houses, has substantially reduced fire risk factors, thereby reducing overall costs to the city's fire protection services budget.

Fire protection is provided from 24 city fire department stations. Other fire station sites have been purchased or planned to ensure that the established level of fire protection is maintained as growth occurs. The Fresno Fire Department currently has 309 sworn safety personnel, 15 sworn non-safety personnel, and 25 non-sworn support personnel (Letter from Rob Brown, Fire Chief January 14, 2013). Under guidelines established by the city's Urban Growth Management (UGM) Policy, the permanent service area of fire stations, for urban development, has been set at a two-mile "running" distance. On an interim basis, until new stations can be constructed, the "running" distance from an existing fire station may be extended to three miles to allow the development of standard residential projects.

The city has instant aid agreements with surrounding agencies and districts whereby the nearest fire station responds to an emergency regardless of the jurisdiction within which it is located. These agreements, plus the city's own resources, provide a high quality of fire suppression and emergency medical care services.

Temporary Fire Station 18, located at 5398 N. LaVentana Avenue is the closest station to the project site and is approximately 1.6 miles north-east of the northern boundary of the project site. Station 16, located at 2510 North Polk is the closest permanent fire station to the proposed project site and is approximately two miles from the southeastern boundary of the project site.

Central High School – East Campus. The District will need to construct a new elementary school within the vicinity of the proposed project to accommodate the new students generated at the K-6 grade levels. A 12-acre parcel within the project boundaries is presently planned for an elementary school site.

Table 3.12-1 shows CUSD’s enrollment from 1996-97 to 2011-12. The District’s student enrollment increased 69 percent (6,092 students) during that period. Central Unified anticipates continued growth despite the present economic uncertainty. In 2009, the voters within the Central Unified school district approved Measure B. It is a 10-year building program to build four new schools, and hundreds of essential projects district-wide.

**Table 3.12-1
CUSD Enrollment
1996-97 to ~~2011-12~~2012-13**

Academic Year	No. of Students
2011-12 2012-13	15,179
2010-11	14,896
2009-10	14,817
2008-09	14,547
2007-08	14,266
2006-07	14,180
2005-06	13,515
2004-05	12,713
2003-04	12,375
2002-03	11,851
2001-02	11,289
2000-01	10,548
1999-00	10,290
1998-99	9,885
1997-98	9,696
1996-97	9,347
	8,804

Source: Education Data Partnership

(The change updates CUSD enrollment. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

PARKS AND RECREATION

Recreational amenities and attractive open spaces are crucial for maintaining an urban area's image and desirability, on a citywide scale as well as at a neighborhood level. The Fresno-Clovis Metropolitan Area is a major urban center with a diverse population that includes a high proportion of children. Therefore, numerous and varied forms of recreation are required to adequately serve this population. A wide range of recreational facilities and activities needs to be physically and financially accessible to people throughout the metropolitan area.

Aside from city facilities and programs, the Fresno-Clovis Metropolitan Area offers the following recreational opportunities:

- Federal, state, county, and special district outdoor recreation areas;
- School playgrounds;

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Impact #3.12.3 - Increased Demand on Public Schools.

At build-out, the proposed project would generate approximately 1,498 students in grades K-12. If schools in the area do not have adequate capacity this could be a potentially significant impact.

According to the District's January 16, 2008 letter on the NOP for the project, the District will be able to accommodate the project for grades 7-8 at the Educational Complex at the northwest corner of Ashlan and Bryan Avenues. New students at the 9-12 grade levels will be accommodated at the existing Central High School – East Campus, until such time as a new high school is built at the same Educational Complex. This would presumably occur prior to 2019 given the 10-year building program adopted as part of Central Unified's Measure B (not related to the Library Measure B). A new elementary school will be needed in the vicinity to accommodate students in grades K-6. A 12-acre parcel within the project boundaries is planned for an elementary school site at the northwest corner of Grantland and Dakota Avenue.

A site for the new school is included in the project description and is therefore included in the environmental analysis contained in this DEIR. However, because this is a Program EIR, prior to development of the new school the school site must be evaluated by the School District to determine whether additional CEQA documentation needs to be prepared. The construction of a new elementary school is not likely to result in additional significant environmental impacts. Several similarly sized elementary school projects (SCH#2010051030-Fresno Unified-8.43 acres, 800 elementary students; SCH#2009031075-Sanger Unified-13 acres, 600 students; SCH#2005121133-Kerman Unified- 20 acres, 600-800 students) in Fresno County have undergone environmental review utilizing Mitigated Negative Declarations.

(The change notes the legal responsibility of the School District to conduct such evaluation. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

As discussed in the regulatory section, funding for schools and school facilities impacts are proscribed by State law (Proposition 1A/SB 50, 1998, Government Code Section 65996) which governs the amount of fees that can be levied against new development. These fees are used to construct new schools. Payment of fees authorized by the statute is deemed "full and complete mitigation." The project will comply with the payment of school impact fees to Central Unified.

Conclusion: Payment of impact fees will result in a *less than significant impact* to the increased demand on public schools.

Mitigation Measures: No mitigation measures are required.

Impact #3.12.4 - Increased Demand on Parks and Recreation.

Implementation of the proposed project will result in an increase in population and subsequently an increased need for parks and recreation facilities. If the passive and active recreational needs of existing and future residents are not met, this could be a potentially significant impact.

Policy F-1-f states that the City of Fresno will continue to pursue implementation of an open space standard of 3.0 acres of public park land for every 1,000 persons residing in the City's Planning Area. The proposed project could have a total population of 8,034 persons at build-out (based on the State Department of Finance's 3.09 persons per household estimate, multiplied by

2,600 units). This would equate to a need for almost 24 acres of parkland based on the City's standard. Per policy F-2-a, the proposed project will construct parkland and/or pay development impact fees for the acquisition and development of parks and recreation facilities to meet the project's needs. The proposed project would create a 55-acre manmade lake approximately one mile in length (this will provide recreational opportunities for non-contact activities such as non-motorized boating). It is anticipated that a homeowners association will own and operate the lake facility. Based on the City's existing lack of accessible parks and public recreational space, project-related park and recreation facilities demand is a *potentially significant impact*.

The City has established Park Facilities Fees. In order to implement the goals and objectives of the City's general plan, and to mitigate the impacts caused by future development in the City, certain park facilities must be constructed. The City Council has determined that a Park Facilities Fee is needed in order to finance these public facilities and to pay for each development's fair share of the construction and acquisition costs.

The proposed project would create a 55-acre manmade lake approximately one mile in length and an 8,000 to 12,000 square foot clubhouse facility with fitness/workout rooms, lockers, banquet facilities, pools, administrative offices, restrooms, meeting rooms, and a child care center. The clubhouse is not fully designed at this time but will serve as a "focal point" of the community and will serve the day to day needs of the residents in Westlake. A lake-side trail (approximately 2.5 acres in total area based on a 10 foot wide swath) will also be included next to the new collector road that will encircle the lake. The lake will be designed per applicable FMFCD policies and be consistent with the policies of the General Plan. The clubhouse facilities will meet health and safety, zoning, building, and other relevant City codes.

Impacts associated with the construction and operation of the lake, trail and clubhouse facilities have been analyzed in the Draft EIR under various topical sections (refer to Section 3.2 Agricultural Resources, Section 3.3 Air Quality, Section 3.4 Biological Resources, Section 3.5 Cultural Resources, Section 3.6 Geology and Soils, 3.7 Hazards and Hazardous Materials, Section 3.8 Hydrology and Water Quality, Section 3.10 Noise, and Section 3.15 Utilities and Service Systems). Where applicable, mitigation measures have been included to reduce potential significant adverse impacts. Mitigation measures are included in Table ES-1. With the exception of Aesthetics, Agricultural, Air Quality, Noise and Traffic resources, impacts in other resource areas have been reduced to a less than significant level. These impacts were found to be significant and unavoidable for buildout of the entire project, which would include the recreational facilities. There are no impacts beyond what was analyzed in other sections.

(The change notes that the Draft EIR environmentally evaluated not only the construction of the lake but also its operation. It notes the location of lake related mitigation measures in the Draft EIR. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

Under Mitigation Measure #3.13.1, the developer may potentially construct or contribute to construction of new or additional park facilities. It is not known where these facilities, if they are constructed or required, would be or the scope or size of these facilities. Therefore, it would be speculative to conduct CEQA analysis at this time. If such facilities are constructed, CEQA analysis will be required.

Conclusion: The project would increase the demand on existing parks and recreation facilities and would also require the construction of new facilities; the impact would be *potentially significant*.

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.*
- b) *Does the project include recreation facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.*

3.13.2 IMPACT ANALYSIS

Impact #3.13.1 - Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

Policy F-1-f states that the City of Fresno will continue to pursue implementation of an open space standard of 3.0 acres of public park land for every 1,000 persons residing in the City's Planning Area. The proposed project could have a total population of 8,034 persons at build-out (based on the State Department of Finance's 3.09 persons per household estimate, multiplied by 2,600 units). This would equate to a need for almost 24 acres of parkland based on the City's standard. Per policy F-2-a, the proposed project will construct parkland and/or pay development impact fees for the acquisition and development of parks and recreation facilities to meet the project's needs. The proposed project would create a 55-acre manmade lake approximately one mile in length (this will provide recreational opportunities for non-contact activities such as non-motorized boating). ~~It is anticipated that a~~ A homeowners association will own and operate the lake facility. Based on the City's existing lack of accessible parks and public recreational space, the project's recreation and park demand is a *potentially significant impact*.

(The change denotes the certainty, not an anticipation, that a homeowners association will own and operate the lake facility; a clarification. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

The City has established Park Facilities Fees. In order to implement the goals and objectives of the City's general plan, and to mitigate the impacts caused by future development in the City, park facilities must be constructed. The City Council has determined that a Park Facilities Fee is needed in order to finance these public facilities and to pay for each development's fair share of the construction and acquisition costs.

Conclusion: The impact would be *potentially significant*.

Mitigation Measure #3.13.1: The developers of the Westlake project shall comply with the adopted City of Fresno open space policy and shall create "onsite" (or participate in the creation "offsite") an equivalent of 3 acres of park space/1000 persons; approximately 24 acres in total. Prior to the processing of the project's Conditional Use Permit, the applicant shall provide a "Parks and Open Space Plan" to the City of Fresno for review and approval. That plan will identify the parks and open spaces within the boundaries of the Westlake project. Parks and other open space facilities located within the project will be linked together by paths and/or Class I trails, or may be developed using traditional development patterns as outlined in the Fresno General Plan policies. Maintenance of public parks and open spaces within the Westlake project boundaries shall be provided by either a Homeowner's Association or a Community Facilities District, or a combination of the two. The developer will be entitled for parks fee credits for parks and other open space facilities associated with the project. In consideration of

receiving these credits, the developer has agreed to renovate an existing City of Fresno park facility to be determined by the City. The value of the fee credits and renovation will be subject to the project's adopted Development Agreement.

Effectiveness of Measure: Implementation of this measure will reduce the impacts to parks and recreation to a *less than significant level*.

Impact #3.13.2 - Does the project include recreation facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

The proposed project would create a 55-acre manmade lake approximately one mile in length and an 8,000 to 12,000 square foot clubhouse facility with fitness/workout rooms, lockers, banquet facilities, pools, administrative offices, restrooms, meeting rooms, and a child care center. The clubhouse is not fully designed at this time but will serve as a “focal point” of the community and will serve the day to day needs of the residents in Westlake. A lake-side trail (approximately 2.5 acres in total area based on a 10 foot wide swath) will also be included next to the new collector road that will encircle the lake. The lake will be designed per applicable FMFCD policies and be consistent with the policies of the General Plan. The clubhouse facilities will meet health and safety, zoning, building, and other relevant City codes.

Impacts associated with the construction and operation of the lake, trail and clubhouse facilities have been analyzed in the Draft EIR under various topical sections (refer to Section 3.2 Agricultural Resources, Section 3.3 Air Quality, Section 3.4 Biological Resources, Section 3.5 Cultural Resources, Section 3.6 Geology and Soils, 3.7 Hazards and Hazardous Materials, Section 3.8 Hydrology and Water Quality, Section 3.10 Noise, and Section 3.15 Utilities and Service Systems). Where applicable, mitigation measures have been included to reduce potential significant adverse impacts. Mitigation measures are shown in Table ES-1. With the exception of Aesthetics, Agricultural, Air Quality, Noise and Traffic resources, impacts in other resource areas have been reduced to a less than significant level. These impacts were found to be significant and unavoidable for buildout of the entire project, which would include the recreational facilities. There are no impacts beyond what was analyzed in other sections.

(The change notes that the Draft EIR environmentally evaluated not only the construction of the lake but also its operation. It notes the location of lake-related mitigation measures in the Draft EIR. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

If new off-site facilities were constructed (See Mitigation Measure #3.13.1), such facilities would be subject to environmental review under CEQA. It is not known at this time where new park/recreational facilities would be located, or their size and scope. However, such an urbanized use would not necessarily be inconsistent with a number of vacant sites in and around the City or County. Therefore, it is not reasonably foreseeable at this time that they would cause significant impacts to the environment. Before they could be constructed, CEQA would be required and feasible mitigation imposed for any significant impacts.

Conclusion: The impact would be *less than significant*.

Mitigation Measures: None are required.

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3.14 Transportation/Traffic

INTRODUCTION

This section analyzes the existing transportation system in the proposed project area and addresses the potential transportation and circulation impacts resulting from development of the proposed project. Additional discussions are included related to transit facilities, bicycle facilities, pedestrian facilities, and regional transportation concepts that are not yet planned and funded. Peters Engineering Group completed a traffic impact study (TIS) for the proposed project that serves as the basis for this section. The complete analysis, inclusive of technical data sheets, is provided as Appendix I.

The proposed project will include up to 2,600 residential units (consisting of both single-family and multi-family structures) and 27 acres of neighborhood commercial uses. A central feature of the proposed project will be a large manmade lake encircled by a loop road providing access to various portions of the project. An amendment to the 2025 Fresno General Plan Circulation Element to delete the planned major street segments of West Ashlan and West Dakota Avenues west of Grantland Avenue will be required to accommodate the proposed project circulation system. The circulation system within the proposed project will consist of dedicated public streets and will incorporate roundabouts rather than stop-signed controlled intersections or internal traffic signals. A series of trails and bike lanes are planned that will link the various neighborhoods to each other and to future site school facilities.

Site access to the proposed project will be oriented to Gettysburg, Ashlan, and Dakota Avenue alignments and Grantland Avenue intersections. On-site access streets will connect with Garfield Avenue along the Ashlan and Dakota Avenue alignments, with another street connection to ~~Dakota~~ Shields Avenue at the approximate midpoint of Grantland and Garfield Avenues. *(The Draft EIR incorrectly listed this additional connection as being to Dakota, an obvious error at geographic, non-feasible, variance with Figure 2-5 and with the Transportation/Traffic Section, 3.14, analysis of proposed project impacts. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)* Each of the proposed on-site access streets will connect to the interior loop road of the proposed project, while providing access to the various project neighborhoods and amenities.

Summary of Project Buildout

Year of Completion	Single Family	Multi-Family	Commercial	Lake
2016	648 units	-	-	Constructed and filled – 1 st Phase
2018	703 units	274 units	147,500 sq. ft.	Constructed and filled – 2 nd Phase
2020	702 units	273 units	147,500 sq. ft.	-
Total:	2,053 units	547 units	295,000 sq. ft.	-

For purposes of this analysis, it is assumed that the proposed project will have constructed the following improvements:

- Construction of the entire frontage of Grantland Avenue to its ultimate right-of-way configuration prior to full buildout of the project;
- Construction of Gettysburg Avenue west of Grantland Avenue prior to completion of 648 residential units; and

These improvements are identical to Mitigation Measure # 3.14.1-19. With implementation of this mitigation the road segment will operate at LOS C.

Mitigation Measure #3.14.1-64: Shields Avenue shall be widened with a two-way left-turn lane and one through lane in each direction between Valentine Avenue and Parkway Drive. With implementation of this mitigation the road segment will operate at LOS C.

Mitigation Measure #3.14.1-65: Clinton Avenue between Cornelia Avenue and Blythe Avenue shall be widened with a raised median and one lane in each direction. With implementation of this mitigation the road segment will operate at LOS D.

Mitigation Measure #3.14.1-66: Veterans Boulevard shall be widened with a raised median and three through lanes in each direction between Barstow Avenue and Bryan Avenue. With implementation of this mitigation the road segment will operate at LOS D.

Mitigation Measure #3.14.1-67: Veterans Boulevard shall be widened with a raised median and three through lanes in each direction between Bryan Avenue and SR 99. With implementation of this mitigation the road segment will operate at LOS D during the a.m. peak hour and LOS F during the p.m. peak hour. The 2025 Fresno General Plan identifies this segment as constrained and accepts LOS F at this location. Therefore, widening this segment to eight lanes would be inconsistent with adopted City plans and there is no other identified mitigation measure that can reduce this impact to less than significant.

(A clarification only as to the intent of the widening inconsistency. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

Mitigation Measure #3.14.1-68: The Project shall coordinate with the Central Unified School District to develop a school route plan for each elementary school served by the Project in accordance with the CMUTCD at each phase of development.

The following mitigation measures shall be implemented prior to 2030 or full buildout:

Mitigation Measure #3.14.1-69: The intersection of Grantland and Whitesbridge Avenues shall be signalized with protected left-turn phasing and the following lane configurations:

- Eastbound: one left-turn lane, two through lanes, and one right-turn lane;
- Westbound: one left-turn lane, two through lanes, and one right-turn lane;
- Northbound: one left-turn lane and one through lane with a shared right turn; and
- Southbound: one left-turn lane and one through lane with a shared right turn.

Intersection improvements shall be constructed in accordance with Caltrans standards. With implementation of this mitigation the intersection will operate at LOS C. Similar, but not identical mitigation measures for signalization and widening are recommended in Mitigation Measure #3.14.1-3.

The West Area study calls for the same intersection configuration with a dedicated right-turn lane on the southbound approach rather than a shared right turn by the year 2035. However, the West Area study does not govern at this State intersection.

achieve acceptable LOS; however, left-turn lanes should be provided at major intersections. With implementation of this mitigation the road segment will operate at LOS C.

This mitigation differs from the West Area study three-lane collector designation but generally conforms to the 2025 Fresno General Plan designation of Shields Avenue as a four-lane arterial. It is noted that existing portions of Shields Avenue west of this segment are already constructed to a four-lane arterial configuration. The West Area study utilized only traffic modeling to study this segment of Shields Avenue and relied heavily on traffic counts west of the segment for model validation. The only traffic counts utilized in the West Area study within a one-mile radius of this segment are the intersection of Clinton and Brawley Avenues and the intersection of McKinley and Marks Avenues. The only intersection studied on Shields Avenue in the West Area is the intersection of Shields and Hayes Avenues 2.5 miles to the west of the segment. This discussion is not intended to discredit the West Area study, but rather to provide support for recommending a mitigation that exceeds the requirements of the West Area study.

Mitigation Measure #3.14.1-114: Veterans Boulevard shall be widened with a raised median and three through lanes in each direction between Shaw Avenue and Barstow Avenue. With implementation of this mitigation the road segment will operate at LOS C. This mitigation conforms to the West Area study six-lane super arterial designation.

Mitigation Measure #3.14.1-115: Veterans Boulevard shall be widened with a raised median and three through lanes in each direction between Barstow Avenue and Bryan Avenue. These improvements are identical to Mitigation #3.14.1-66. With implementation of this mitigation the road segment will operate at LOS D. This mitigation conforms to the West Area study six-lane super arterial designation.

Mitigation Measure #3.14.1-116: Veterans Boulevard shall be widened with a raised median and three through lanes in each direction between Bryan Avenue and SR 99. These improvements are identical to Mitigation #3.14.1-67. With implementation of this mitigation the road segment will operate at LOS D during the a.m. peak hour and LOS F during the p.m. peak hour. The 2025 Fresno General Plan identifies this segment as constrained and accepts LOS F at this location. Therefore, widening this segment to eight lanes would be inconsistent with adopted City plans and there is no other identified mitigation measure that can reduce this impact to less than significant. This mitigation conforms to the West Area study six-lane super arterial designation.

(A clarification only as to the intent of the widening inconsistency. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

Mitigation Measure #3.14.1-117: The Project shall coordinate with the Central Unified School District to develop a school route plan for each elementary school served by the Project in accordance with the CMUTCD at each phase of development.

Mitigation Measure #3.14.2: ~~An updated traffic study shall be provided by the developer as necessary in order that the most recent traffic impact study for the project is no older than 5 years prior to the recording date of any final map or the granting of a Conditional Use Permit. The timing of mitigation measures may be adjusted pursuant to a Development Agreement for the project and pursuant to subsequent amendments to a Development Agreement, based upon the updated traffic impact studies for the project. At five (5) year intervals commencing after the certification of the EIR, the Project Applicant shall cause to have prepared such Traffic Impact~~

Studies necessary to (1) update the Traffic Impact Study prepared for this EIR, (2) refine the timing of the construction of the traffic mitigation measures set forth in Mitigation Measures #3.14.1-1 through #3.14.1-117 and (3) refine the payment of impact fees and imposition of development conditions related to traffic circulation. The updated Traffic Impact Studies shall be used to ensure that there will be no new significant impacts or increases to identified significant impacts, other than those identified in the EIR and ensure that any necessary subsequent environmental review will be required consistent with the requirements of CEQA. The Project Applicant (or its successors or assigns) shall be responsible for all costs of the preparation of the Traffic Impact Study called for in this mitigation measure.

Traffic Impact Studies shall be prepared using the Level of Service (LOS) methodology and standards consistent with the Traffic Impact Study provided as Appendix I of this EIR and shall incorporate all applicable fees and development standards in effect at the time, including without limitation the City's TSMI and FMSI programs, the Fresno County RTMF program, and applicable Caltrans' requirements unless the applicable fees and development standards are otherwise subject to the terms of a Development Agreement entered into between the City and the Project Applicant. The traffic analyses shall include, without limitation, updated information on the status of local and regional capital improvements, capital improvement plans and programs and planned development. Notwithstanding anything to the contrary herein, the City's Traffic Engineer shall approve in writing the scope of all Traffic Impact Studies prepared pursuant to this mitigation measure and have the right to reject any consultant selected by the Project Applicant. Before any Traffic Impact Study may be used or relied upon by the City, the City Traffic Engineer shall perform a technical review and accept the study as complete and correct.

As the Project Applicant applies for discretionary entitlements or building permits (collectively, "entitlements") for the Project, the City shall condition the approval of the entitlements on the payment of all applicable traffic mitigation fees and on the construction of all necessary traffic mitigation measures (Mitigation Measures #3.14.1-1 through #3.14.1-117) identified as necessary in the most recent Traffic Impact Study, to mitigate the significant impacts, if any, caused by the entitlement. Notwithstanding the requirement, the City may, at its direction, override any impact deemed significant and unavoidable in a subsequent or supplemental environmental impact report. The applicable threshold of significance shall be based on the Traffic Impact Study Thresholds utilized in the Traffic Impact Study for this EIR.

In all events, including if a Traffic Impact Study concludes an identified mitigation measures is no longer required, the City shall comply with CEQA Guidelines Sections 15162-15164 to determine if subsequent environmental review, including a subsequent or supplemental EIR or an addendum, is required. Nothing in this mitigation measure would control the scope or requirements for a traffic impact study prepared pursuant to a subsequent or supplemental EIR or negative declaration (including a mitigated negative declaration).

Effectiveness of Mitigation: The mitigation measures that have been identified would improve most of the unacceptable operations to acceptable levels (except those that are identified as

California Integrated Waste Management Act

To minimize the amount of solid waste that must be disposed of by transformation and land disposal, the State Legislature passed Assembly Bill 939, the California Integrated Waste Management Act of 1989 (AB 939), effective January 1990. The legislation requires each local jurisdiction in the State to set diversion requirements of 25 percent in 1995 and 50 percent in 2000; establishes a comprehensive statewide system of permitting, inspections, enforcement, and maintenance for solid waste facilities; and authorizes local jurisdictions to impose fees based on the types or amounts of solid waste generated. In 2007, Senate Bill (SB) 1016, (Wiggins, Chapter 343, Statutes of 2008) introduced a new per capita disposal and goal measurement system which moves the emphasis from an estimated diversion measurement number to using an actual disposal measurement number as a per capita disposal rate factor. As such, the new disposal-based indicator (pounds per person per year) uses only two factors: a jurisdiction's population (or in some cases employment) and its disposal as reported by disposal facilities. The City of ~~Kerman's~~ Fresno's disposal rate goal is 3.7 pounds per person per year.

(Correction of a typographic error. The change is a non-substantive correction and does not change the analysis in the Draft EIR.)

California Public Utilities Commission

The California Public Utilities Commission (CPUC) regulates privately owned telecommunication, electric, natural gas, water, railroad, rail transit, and passenger transportation companies. It is the responsibility of the CPUC to (1) assure California utility customers safe, reliable utility service at reasonable rates; (2) protect utility customers from fraud; and (3) promote a healthy California economy. The Public Utilities Code, adopted by the legislature, defines the jurisdiction of the CPUC.

Title 24, California's Energy Efficiency Standards for Residential and Nonresidential Buildings

Title 24, Part 6, of the California Code of Regulations establishes California's Energy Efficiency Standards for Residential and Nonresidential Buildings. The standards were updated in 2005 and recently amended in 2008. The 2008 standards set a goal of reducing growth in electricity use by 561.2 gigawatt-hours per year (GWh/y) and growth in natural gas use by 19 million therms per year (therms/y). The savings attributable to new nonresidential buildings are 151.2 GWh/y of electricity savings and 3.3 million therms. For nonresidential buildings, the standards establish minimum energy efficiency requirements related to building envelope, mechanical systems (e.g., HVAC and water heating systems), indoor and outdoor lighting, and illuminated signs.

Renewable Portfolio Standard Program [Senate Bill 1078]

Requires retail sellers of electricity to increase their purchases of electricity generated by renewable sources and establishes a goal of having 20% of California's electricity generated by renewable sources by 2017. In 2010, the California Air Resources Board (CARB) extended this target for renewable energy resource use to 33% of total use by 2020. Increasing California's renewable supplies will diminish the state's heavy dependence on natural gas as a fuel for electric power generation.

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impacts of the proposed project, it is environmentally superior. Among the three other alternatives analyzed, the No Project/No Plan Amendment Alternative would be considered an environmentally superior alternative. It is, however, another type of No Project Alternative. Accordingly, the superior development alternative is the Reduced Intensity Alternative; it has less environmental effect than either the Proposed Project or the Increased Intensity Alternative (see Table 4-1).

**Table 4-1
Proposed Project vs. Project Alternatives
Comparison of Environmental Impacts**

Environmental Impact	Proposed Project	Project Alternative			
		No Project - No Build Alternative	No Project - No Plan Amendment	Reduced Intensity Alternative	Increased Intensity Alternative
Aesthetics	<u>LSS</u>	<	>	<	>
Agricultural Resources	S	<*	=	=	<
Air Quality	S	<*	=	<	=
Biological Resources	LS	<	=	=	<
Cultural Resources	LS	<	=	=	<
Geology and Soils	LS	<	=	=	<
Hazards and Hazardous Materials	LS	<	<	=	=
Hydrology/Water Supply/Water Quality	LS	<	=	<	<
Land Use	LS	<	<	>	>
Noise	S	<*	=	<	=
Population/Housing	LS	<	=	>	<
Public Services	S	<	=	<	=
Recreation	LS	<	>	<	>
Transportation/Traffic	<u>SL</u>	<*	=	<	>
Utilities	LS	<	<	<	<
GHG - Global Climate Change	S	<*	=	<	=

< Impacts would be less than those of the proposed project
> Impacts would be greater than those of the proposed project
= Impacts would be similar to the proposed project
LS Less than Significant
PS Potentially Significant
S Significant Impact (> impacts could not be mitigated to less than significant)
* Eliminates a significant impact

APPENDICES

Appendix A
Comment Letters



County of Fresno

DEPARTMENT OF PUBLIC HEALTH
EDWARD L. MORENO, M.D., M.P.H.
DIRECTOR-HEALTH OFFICER

April 18, 2013

LU0014539
PE 2600
CX

Mike Sanchez, Planning Manager
City of Fresno Planning and Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721

Dear Mr. Sanchez:

SUBJECT: Westlake Development Project

LOCATION: 460 acres, bounded by West Gettysburg Avenue, West Shields Avenue, North Garfield Avenue, and North Grantland Avenue, Fresno.

1.1 | The Fresno County Department of Public Health, Environmental Health Division has reviewed the Draft EIR for the proposed project and concurs with the information contained therein. This Department would appreciate the opportunity to review the final EIR and requests inclusion in its routing. (electronic preferred)

If I can be of further assistance, please contact me at (559) 600-3271.

Sincerely,

Digitally signed by Glenn Allen
Date: 2013.04.18 13:08:23 -07'00'

R.E.H.S., M.S.

Supervising Environmental Health Specialist
Environmental Health Division

ga

Fresno Westlake Development Project DEIR.doc

Dedicated to Public Health



Fresno Local Agency Formation Commission

May 8, 2013

Mike Sanchez, Planning Manager
 City of Fresno
 Planning and Development Department
 2600 Fresno Street, Room 3043
 Fresno, CA 93721

Dear Mr. Sanchez:

Subject: Draft Program Environmental Impact Report for the Westlake Development Project

We have reviewed the City of Fresno's Draft Environmental Impact Report (DEIR) for the Westlake Development Project. We offer the following comments in response to the DEIR:

- 2.1 | 1. Table 1-1 (NOP Comment Letters) incorrectly states that section 3.13 of the DEIR addresses LAFCo's concerns regarding public services. Section 3.13 is Recreation. The correct section is 3.12.
- 2.2 | 2. The DEIR is correct in stating that the project would need to be annexed to the City of Fresno and detached from the North Central Fire Protection District and the Kings River Conservation District.
- 2.3 | 3. In section 3.12-10 (Public Services Fire Protection) it incorrectly states that the fire district receives the proceeds of fire transition fees **levied by LAFCo**. LAFCo does not levy any fees. A transition agreement is a requirement of a complete annexation application but LAFCo is not a party to these agreements and the City is the one who should collect and distribute the fees.

- 2.4 | 4. LAFCo is charged by the State of California with encouraging orderly growth and development, discouraging urban sprawl, preserving open space and agricultural lands, and efficiently extending urban services. The DEIR finds that the peninsula is of "less than significant" effect on the environment. However, it is still questionable whether this extension may be considered "orderly growth and development" and it is possible that it may be considered "urban sprawl." LAFCo's review of the annexation will consider the project's potential effects as they relate to these factors.

We appreciate the opportunity to provide comments on the Draft EIR. If you have any questions, please contact me at (559) 495-0604.

Sincerely,



Jeff Witte, Executive Officer
Fresno Local Agency Formation Commission



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 170.25
210.41
550.30
(Westlake Development Project)

May 21, 2013

Mike Sanchez, Planning Manager
City of Fresno, Planning and Development Department
2600 Fresno Street
Fresno, CA 93721

Dear Mr. Sanchez,

**Program Draft Environmental Impact Report (DEIR)
Westlake Development Project (SCH#2007121033)
Drainage Areas "CD" and "CG"**

Fresno Metropolitan Flood Control District (District) has reviewed the subject DEIR for the Westlake Development Project and finds no exception to it.

3.1 The comments previously provided in letters dated September 27, 2012 and March 11, 2008 are still applicable to this subsequent request for comment for the DEIR for the Westlake Development Project. Copies of those letters are attached for your reference.

Thank you for the opportunity to comment. Please keep our office informed on the development of the project and if you have any further questions, or need any additional information, please contact the District at (559) 456-3292.

Sincerely,

Mark Will
Engineer III, R.C.E.

MW/lrl

Attachment(s)



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 170.25
210.414
310. "CD", "CG"
550.30

September 27, 2012

Elena Nuno
Senior Associate Planner
Quad Knopf
6051 North Fresno Street, Suite 200
Fresno, CA 93710

Dear Elena,

**Westlake Development Project Environmental Impact Report:
Fresno Metropolitan Flood Control District Questionnaire**

On March 11, 2008 the District provided comments to the City of Fresno for Draft Environmental Impact Report No. 10140, Rezone Application No. R-07-008 and Vesting Tentative Map No. 5915 Westlake Project. This response to the E.I.R. even though sent to the City of Fresno in 2008 all comments mentioned are still correct and valid. The comments provided information that has been requested through questionnaire sent to the District on September 10, 2012.

- 3.2 Please find the attached copy of the District's response to the subject E.I.R. for your reference. This should provide sufficient information to comply with your request. In addition, attached is a copy of the Figure No. 3 diagram that was included within the package provided the District. As shown the Drainage Area "CG" boundary continues south on Garfield Avenue and does not stop at Shields Avenue.

If there are any questions, please contact the District at (559) 456-3292. Thank you for the opportunity to comment on this matter and please keep the District informed about the progress with this E.I.R. preparation and the progress with this development proposal in general.

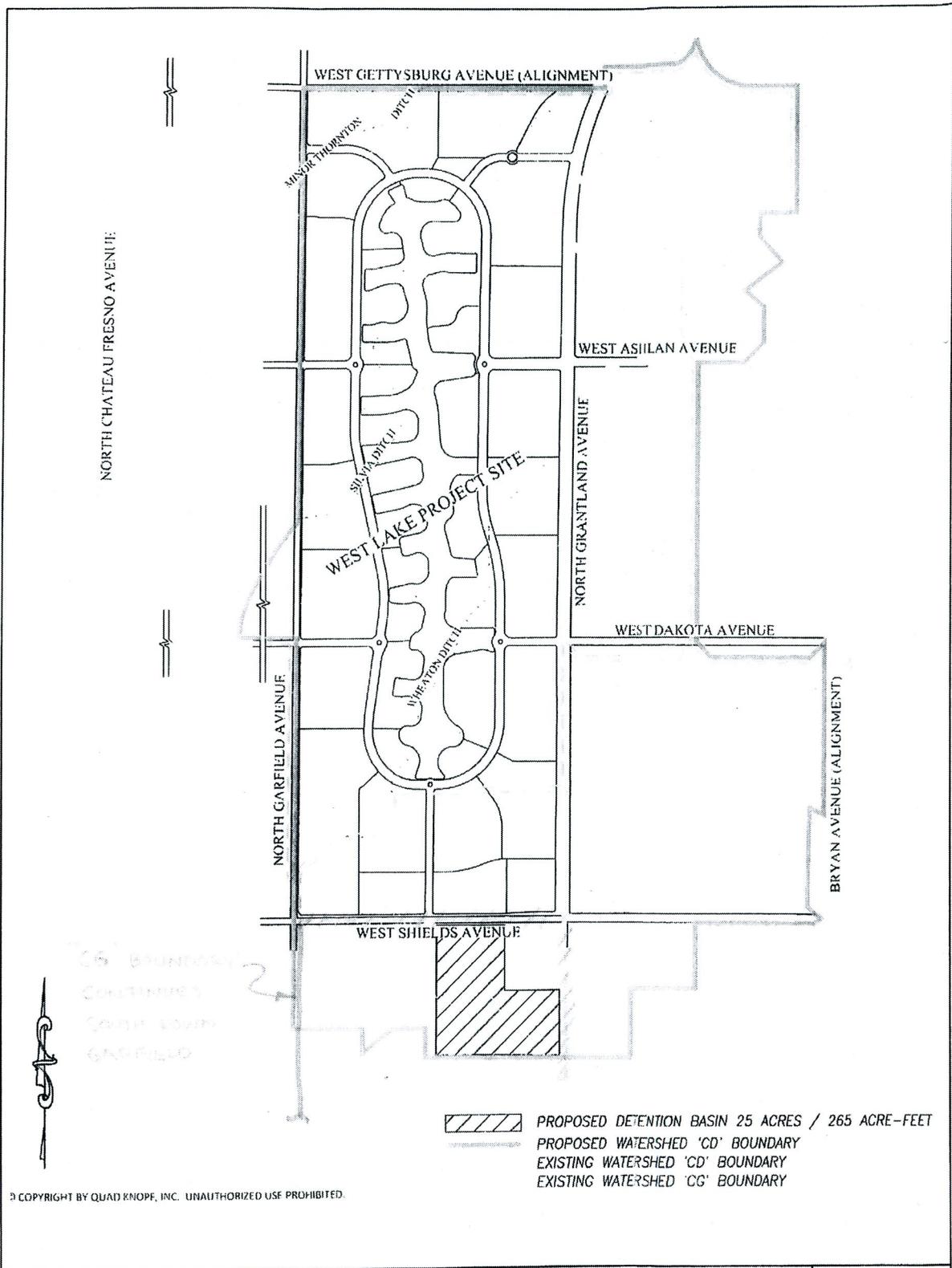
Sincerely,


Mark Will
Engineer III, R.C.E.

MW/lrl/dm

Enclosures

k:\environmental impact report letters\eir-westlake questionnaire ltr.docx



WESTLAKE DEVELOPMENT PROJECT
WATERSHED BOUNDARY

Figure
3



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 170,25
70.414
10. "CD", "CG"
590.00

March 11, 2008

Sandy Brock, Planner
City of Fresno, Planning and Development Department
2600 Fresno Street, Room 3043
Fresno, CA 93721-3604

Dear Sandy,

**FMFCD Comments on Draft Environmental Impact Report No. 10140,
Rezone Application No. R-07-008, Vesting Tentative Map No. 5915
Drainage Areas "CD", "CG"**

3.3 | The Fresno Metropolitan Flood Control District (District) bears responsibility for storm water management within the Fresno-Clovis metropolitan area, including the area of the proposed entitlements. Within the metropolitan area, storm runoff produced by land development is to be controlled through a system of pipelines and storm drainage retention basins.

3.4 | The proposed development will produce storm runoff, which must be properly discharged and mitigated. Such mitigation requires certain planned local drainage facilities inclusive of pipeline and storage basins. The California Environmental Quality Act and the National Environmental Policy Act requires the mitigation of adverse environmental impacts associated with land development projects. It is the position of the District that increased storm runoff associated with land development is a significant adverse impact requiring mitigation at the time of, or prior to development.

3.5 | The community has developed and adopted a Storm Drainage and Flood Control Master Plan. Each property contributes its pro-rata share to the cost of the public drainage system. All properties are required to participate in the community system for everyone. It is this form of participation in the cost and/or construction of drainage system that will mitigate the impact of development.

3.6 | The proposed project lies within the District's Drainage Areas "CD" and "CG" as shown on the attached exhibit. The proposed project shall be subject to the comments provided on Exhibit No. 1 attached hereto.

K:\Environmental impact report letters\DEIR 10140-R07-008-T5915(cd.cg)(mw).doc

Sandy Brock
March 11, 2008
Page 2

- 3.7 The subject site shall pay drainage fees at the time of development based on the fee rates in effect at that time. The fees are currently estimated, for the Tract 5915, at \$620,000 in Drainage Area "CG" and \$3.44 million in Drainage Area "CD" based upon the tentative map dated September 17, 2007. An updated drainage fee for the area of proposed improvements will be calculated with the submittal to the District of the building entitlement, site grading plan and future maps or entitlements.
- 3.8 The Master Plan system has been designed such that during a two-year event flow will not exceed the height of the 6 inch curb. Should wedge curb (4.5 inches height) be used the same criteria shall apply whereby flow remains below the top of curb. Any extensions or pipe size increases due to meeting the requirement listed above shall be at the developer's expense. The major storm flow breaks through the proposed project. Post project conditions must be able to pass the major storm flows. The project does not appear to be located within the flood prone area designated on the latest Flood Insurance Rate Map available to the District.
- 3.9 A State National Pollutant Discharge Elimination System (NPDES) general permit for storm water discharges associated with construction activities is required for all clearing, grading and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre if part of a larger common plan of development or sale).
- 3.10 Permittees are required to submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.
- 3.11 Thank you for the opportunity to comment. Please keep our office informed on the development of this project. If you should have any questions or comments, please contact the District at (559) 456-3292.

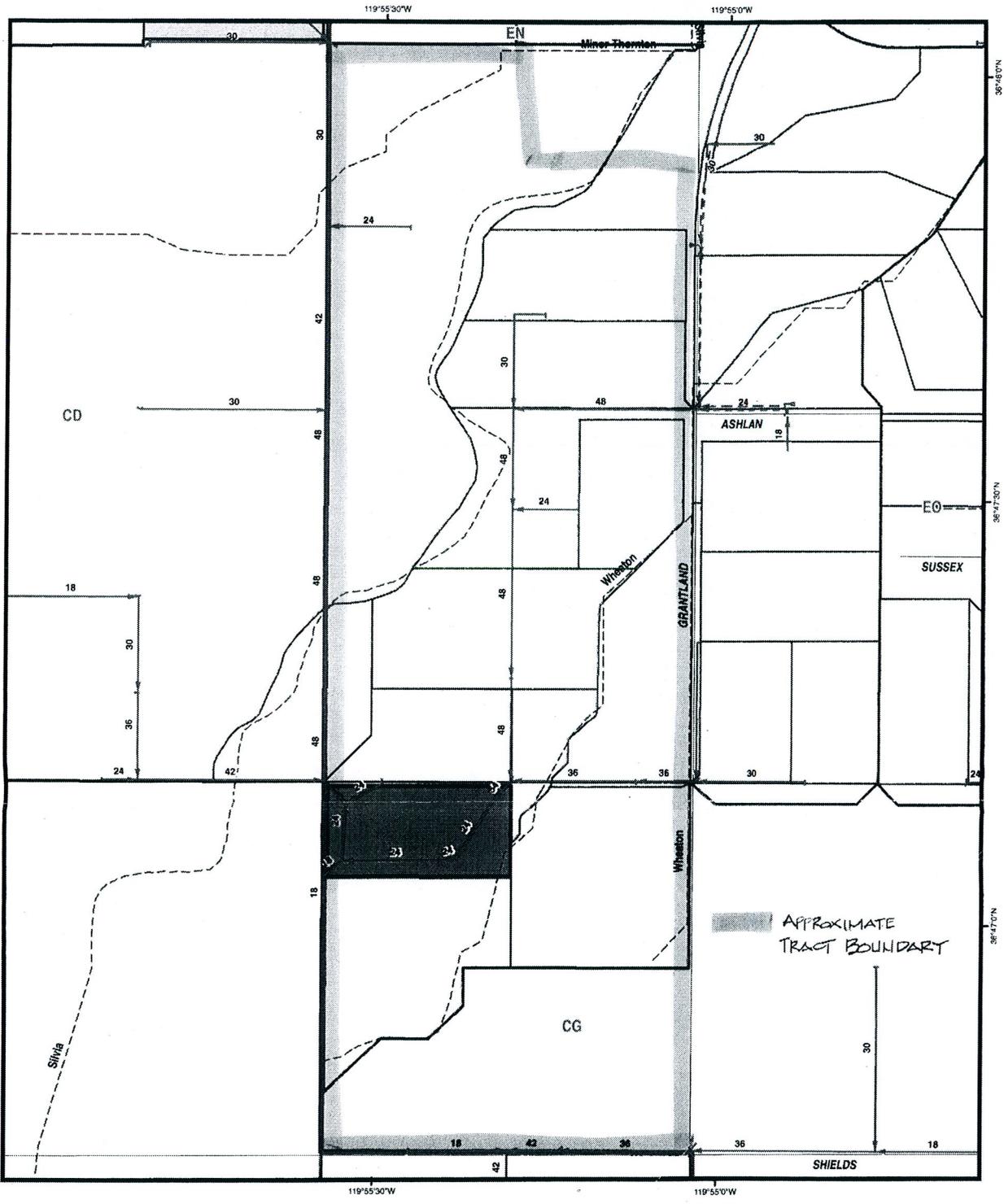
Sincerely,



Mark Will
Engineer III, R.C.E.

MW/lrl

Enclosures



SYMBOL LEGEND

- | | | | |
|----------------------------|-------------------------------|--------------------|-----------------------------|
| ○ PRIVATE INLET | — PRIVATE PIPE | □ PARCELS | ⊙ EXISTING TYPE "E" INLET |
| ✕ DESIGN INLET | - - - DESIGN PIPE | ▒ EXISTING BASIN | ⊕ PUMP STATION |
| ⊖ EXISTING INLET | → EXISTING PIPE | ▒ PROPOSED BASIN | ◆ EXISTING OUTFALL |
| ⊖ FUTURE INLET | → FUTURE PIPE | ▒ DRAINAGE AREA | ⊙ EXISTING TOP OF CURB ELEV |
| ⊖ FUTURE INLET W/ CONTRACT | - - - FUTURE PIPE W/ CONTRACT | ▒ INLET BOUNDARY | ⊙ FUTURE TOP OF CURB ELEV |
| ○ EXISTING MANHOLE | — STREET CENTERLINE | ▒ LANDUSE BOUNDARY | — EXISTING CURB |

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

STORM DRAINAGE MASTER PLAN



FRESNO COUNTY

CALIFORNIA

1" equals 700'

Westlake Development Project Comments

- 3.12 | • Developer must relocate the District's Basin "CD" to a location approved by the District. Drainage Area "CD" must be served by an FMFCD basin and not the private lake.
- 3.13 | • Developer must re-master plan Drainage Area's "CD" and "CG" to accommodate the development, including any changes to the existing 2025 General Plan land use. The re-master planning shall be in accordance with the District's Policy for Modification of FMFCD Systems and Recovery of Costs ("Modification Policy"). The policy is attached. All master planning costs shall be at the developer's expense. The developer shall have a Qualified Professional Engineer perform the system analysis. Such engineer being preapproved by the District in accordance with the Modification Policy.
- 3.14 | • The developer may desire to study an alternate that reduces the drainage area size to delete the area west of Garfield Avenue from the Drainage Area "CD" Master Plan. Such an alternate must receive approval of the District's Board of Directors.
- 3.15 | • The new Master Plan shall not have a fiscal impact on the drainage fee rate structure to other properties within the drainage areas. Any increased costs for the new drainage systems beyond the current Master Plan cost shall require implementation of a surcharge fee on the developer's property to offset the cost increases.
- 3.16 | • The development must comply with the District's Private Lake policy attached.
- 3.17 | • The developer shall enter into an operational agreement with the District. Said agreement shall describe the formal operation and maintenance program of the lake in order to protect the urban drainage system.
- 3.18 | • The lake shall be designed to accommodate rainfall from a major storm as there may only be a limited discharge to the District's drainage system.
- 3.19 | • The development shall pay drainage fees for the entire area of the tract, including the lake property.
- 3.20 | • Any proposed basin location for Basin "CD" shall have soils testing performed to determine the soil composition at the new location.
- 3.21 | • The Notice of Preparation document states that the lake will receive its water primarily from the Fresno Irrigation District (FID). It should be noted that while this has been planned on other lakes, this source has historically been discontinued within a few years and replaced with underground well water.
- 3.22 | • The re-master planning shall include a rough grading plan to distinguish where areas within the development will drain storm water runoff (i.e. to the lake or to the District system).

Exhibit No. 1

<h1>POLICY MANUAL</h1>	Date Adopted: September 9, 1997
Classification: PROGRAMS	Date Last Amended: 03/22/2000; 04/26/2006
Subject: Modification of FMFCD Systems and Recovery of Costs	Approved By:

I. Policy:

When development interests propose modification of the District Master Plan, the District shall require the proponent of such change to deposit funds with the District, or otherwise guarantee payment, to pay all costs associated with analysis of the modification. Such costs include, but are not limited to, staff time, material costs, and outside legal and consultant fees. District staff shall estimate costs associated with the analysis of such proposals and the proponent shall deposit with the District that amount in advance of commencement of any such work by the District or consultant. If the analysis results in increased system costs, pursuant to subsection IV (H), the proponent shall enter into a written agreement with the District to compensate the District for those increased costs to initiate such modification. If the result is a savings to the District, those analysis costs approved by the Board (not to exceed the amount of such savings) shall be credited to the proponent. However, if the savings exceeds analysis costs, the developer shall not be allowed credit other than against the analysis costs.

<h1>POLICY MANUAL</h1>	Date Adopted: September 9, 1997
Classification: PROGRAMS	Date Last Amended: 03/22/2000; 04/26/2006
Subject: Modification of FMFCD Systems and Recovery of Costs	Approved By:

II. Purpose:

The purpose of this Policy is to provide opportunity for modifications to the Master Plan when desired by a proponent, without adversely affecting system design or increase in public cost, while avoiding duplicate public expense for the analysis, engineering, design, construction, operation or maintenance of system components which are proposed for revision by development interests.

III. Definitions:

- A. Modifications - proposals to relocate or modify the shape or design of a basin when the purpose is to accommodate the purposes of the proponent; proposals to realign or otherwise modify the storm drainage collection system when proposals are determined by the General Manager or District Engineer to constitute more than the normal modifications necessary to accommodate new development; and, proposals to change or modify other existing District systems or facilities for the purpose of accommodating interests of the proponent.
- B. Exemptions – The Board of Directors may exempt from this Policy proposals submitted by other public entities and/or non profit organizations, when it is determined that such proposals will result in additional benefits to the general public consistent with the objectives and purposes of the District.

POLICY MANUAL	Date Adopted: September 9, 1997
Classification: PROGRAMS	Date Last Amended: 03/22/2000; 04/26/2006
Subject: Modification of FMFCD Systems and Recovery of Costs	Approved By:

IV. Procedure:

- A. Prior to the District initiating work on a modification proposal, the proponent must submit to the District a written project description, including the proposed District impact, role and responsibilities, the project time line, other project participants and relevant issues; and must receive written conceptual approval of the District's participation. The District General Manager or the District Engineer shall have the authority to give conceptual approval of modification proposals that meet District criteria and involve engineering costs of \$10,000 or less. Modification proposals that require engineering costs that exceed \$10,000 shall be presented for review and approval or disapproval to the Board of Directors.

- B. Prior to the District initiating work on a proposal subject to this Policy, the proponent must deposit an amount determined by the General Manager or the District Engineer necessary to cover the analysis of the proposal (and related accounting thereto) and its impact on District systems, facilities and plans. As work progresses, the proponent shall deposit additional funds as necessary to maintain a positive deposit balance.

<h1>POLICY MANUAL</h1>	Date Adopted: September 9, 1997
Classification: PROGRAMS	Date Last Amended: 03/22/2000; 04/26/2006
Subject: Modification of FMFCD Systems and Recovery of Costs	Approved By:

- C. The District shall provide an accounting of the expenditures to the proponent as determined appropriate by the General Manager or District Engineer. Reimbursements received for District staff time and for outside service providers shall be deposited to the District's General Fund. Once work is completed or the proposal terminated, any unexpended funds deposited by the proponent shall be returned to the proponent.

- D. The District retains the right to deny proposals if the General Manager or District Engineer determines such work will interfere with processing development entitlements that are complying with the Storm Drainage Master Plan (see Paragraph G). Also, the District retains the right to terminate work at any time. Termination of work on a proposal is not a basis for refund to the proponent of expended funds, and no refund shall be made for such expenditures without the approval of the Board.

- E. All work is undertaken at the risk of the proponent and no warranties are made, or obligations, or liabilities assumed by the District as to the outcome of the analysis.

<h1>POLICY MANUAL</h1>	Date Adopted: September 9, 1997
Classification: PROGRAMS	Date Last Amended: 03/22/2000; 04/26/2006
Subject: Modification of FMFCD Systems and Recovery of Costs	Approved By:

- F. To the extent practical, the District shall encourage the proponent to secure its own analysis and designs by qualified professionals for presentation to the District for review and consideration. The District shall select or review and approve the professional prior to the professional initiating any work. Prior approval of the professional and prior conceptual approval of the modification proposal by the District is a prerequisite for the proponent to receive credit for the design work by the proponent's professional pursuant to Section I.
- G. Regular District service program work, services and responsibilities shall be given priority over proposals undertaken pursuant to this Policy.
- H. If implementation of the proposed project will result in additional costs to the District for system modification, including but not limited to land, easements, pipelines, construction, extraordinary maintenance expenses, etc., the proponent shall enter into a written agreement with the District to reimburse the District for said expenses.

POLICY MANUAL

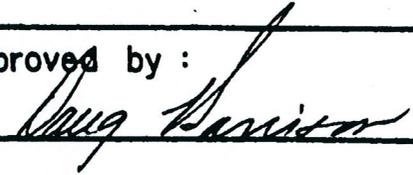
Date Adopted : January 26, 1987

Classification : ENGINEERING

Date Last Amended :

Subject : Private Lakes

Approved by :



1. The preservation, conservation and recharge of the surface water entitlements of the Fresno-Clovis metropolitan area for recharge of the local groundwater aquifer is a long-term objective of the Fresno Metropolitan Flood Control District. The following represents suggestions to all involved entities to assist in securing this objective.

A. A private lake developer should demonstrate that the proposed lake(s): (1) will not have a substantial negative impact on water use when compared to the alternative of other open-space uses such as landscaping; (2) will not increase net water use or increase the risk of negative groundwater quality impacts; and (3) will not divert water from a more efficient or productive recharge facility resulting in increased evaporation losses and recharge efficiency losses.

B. The surface water entitlement used for private lake water level maintenance, or recharge within the private lake, should be the subject of an entitlement contract with the entitlement agency. Such contract should provide that the private lake shall be subordinate in water delivery priority to public recharge facilities also relying on surface water deliveries, and, that said agency will satisfy all delivery requirements to public facilities before delivery is made to private facilities.

C. A private lake developer who includes recharge in the lake's purpose should agree to forfeit receipt of surface waters when it is determined that the maintenance required to sustain such recharge is no longer performed or has become ineffective in maintaining the lake's recharge capacity.

2. The construction, filling, operation and maintenance of private lakes for aesthetic, recharge or storm water purposes creates direct impacts on the District through increased risk of flooding and system impact. The following are District policies concerning the design, construction, operation and maintenance of such facilities.

A. The private lake design, construction and operation must avoid the creation or maintenance of conditions conducive to mosquito breeding. Such design, construction and operations plan must be reviewed and approved by the appropriate mosquito abatement authority.

B. The private lake plan must provide for appropriate and regular maintenance. If groundwater recharge is a design purpose of the lake, the maintenance program must maintain the lake's recharge capacity.

POLICY MANUAL

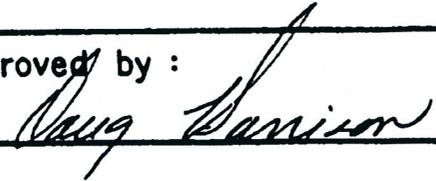
Date Adopted : January 26, 1987

Classification : ENGINEERING

Date Last Amended :

Subject : Private Lakes

Approved by :



2. (cont.)

C. The design of the private lake(s) must include sufficient free-board area and volume to safely control overflowing due to error, accident or rainfall. The following minimums apply:

(1) Such area and volume shall be sufficient to accept a thirty-six hour error in maximum FID delivery.

(2) Such area and volume shall be sufficient to accept one-half foot of rainfall on the area of the lake and any additional drainage area contributing runoff to the lake, this volume requirement in addition to 2.C(1).

D. The private lake design and operations plan shall include a plan of relief and dewatering. If the lake is directly connected to, or overflows to, FMFCD facilities then both of the following are required:

(1) an automatic valve to shut off deliveries into the lake when the design water surface elevation is reached;

(2) the granting of authority to FMFCD to enter the premises and manually shut off lake deliveries.

E. The private lake developer shall prepare a formal maintenance program which specifically identifies, among other details, the timing and method of lake draining for maintenance purposes. If drained to FMFCD facilities, a prior written agreement with FMFCD is required.

F. When the private lake is to include storm runoff management in its design, construction and operation, the following conditions must be met:

(1) The lake must have a method of direct relief to FMFCD facilities.

(2) The lake developer must provide engineering calculations to demonstrate the routing of a 100-year 10-day event through the lake, such design to provide a minimum free-board of 1' above the 100-year water surface elevation. If in-lake storage for the 100-year event is proposed, a means of after event dewatering the lake to restore the design capacity for the 100-year event is required.

POLICY MANUAL

Date Adopted : January 26, 1987

Classification : ENGINEERING

Date Last Amended :

Subject : Private Lakes

Approved by :

2.F. (cont.)

(3) The lake developer must pay standard drainage fees on total area of development, provided:

(a) If the FMFCD facilities must be extended or increased due to the lake development proposal, any increase in FMFCD system costs or pro-rata costs per parcel within any drainage area must be paid in cash in addition to the standard drainage fees.

(b) If development and related storm drainage use of the lake does not have a negative impact on the FMFCD system and its costs, or costs per parcel, then fees will not be required on the area of the lake when such area is zoned open-space.

(c) All replanning, engineering and related costs to restructure the FMFCD system to accommodate a private lake as a component of the public drainage system must be paid by the developer, in addition to standard drainage fees, to the District.

(4) A public drainage easement encompassing the area of the lake and related free-board shall be granted at no cost to FMFCD.

(5) The private lake developer must develop and ensure full implementation and funding of an on-going lake maintenance program. The developer may contract with FMFCD for performance of maintenance work.

(6) The private lake developer shall provide liability insurance of the type and limits determined by FMFCD. Developer shall ensure continued coverage of FMFCD and the development by such insurance.

G. The District shall prohibit all non-storm drainage discharges into its systems, including those systems which drain into private lakes, District basins, District pumping plants, and the San Joaquin River. All discharges into the District's system shall comply with established storm water quality discharge standards as may be enacted by appropriate local State and Federal agencies.



CENTRAL UNIFIED SCHOOL DISTRICT
 4605 North Polk Avenue · Fresno, CA 93722
 Phone: (559) 274-4700 · Fax: (559) 271-8200

BOARD OF TRUSTEES
 Cynthia Berube
 Terry Cox
 Judith Geringer
 Diana Milla
 Leonard G. Ramirez
 Phil Rusconi
 George Wilson, Jr.

SUPERINTENDENT
 Michael A. Berg

May 29, 2013

Mike Sanchez, Planning Manager
 City of Fresno Development and
 Resource Management Department
 2600 Fresno Street, Room 3043
 Fresno, California 93721

RE: Draft Program EIR for Westlake Project
SCH#2007121033

Dear Mr. Sanchez,

This letter presents the comments of the Central Unified School District on the Draft Program Environmental Impact Report for the Westlake Project. We would like to preface our comments by indicating that Westlake is the largest residential project ever proposed in the District. As such, this project will be extremely important to the future growth and development of the District. The applicant, Granville Homes, has an excellent track record in the District, and we are supportive of their efforts with this project.

4.1 The project comprises 460 acres, and at full development will have an estimated population of nearly 8,000 residents in 2,053 single family units and 547 multiple family units. The project will also include 295,000 square feet of commercial development.

The issues that need to be addressed are related to the generation of students by the project, which will affect District facilities, and compatibility/safety issues related to existing and planned District facilities, including the Koligian Educational Complex and the proposed new elementary school site within the project at the northwest corner of Grantland and Dakota Avenues. We look forward to working with the City and applicant to address the concerns contained in this letter.

District Administration

*Laurel Ashlock, Ed.D., Assistant Superintendent, Educational Services, Chief Academic Officer · Kelly Porterfield, Assistant Superintendent, Chief Business Officer
 Ketti Davis, Assistant Superintendent, Professional Development · Chris Williams, Assistant Superintendent, Human Resources
 Jamie Russell, Administrator, Special Education and Support Services · Kevin Wagner, Administrator, Human Resources and Child Welfare & Attendance
 Paul Birrell, Director, 7-12 and Adult Education · Karen Garlick, Director, K-6 Education*

Impact on District Facilities Due to Generation of Students by the Project

The project, at full development, would generate an estimated 808 elementary school students, 236 middle school students and 351 high school students.¹

The project, by itself, would result in the need for an entire elementary school. A school site is shown on the project plans at the northwest corner of Grantland and Dakota Avenues. School site development is estimated at approximately \$20 million.

4.2 Middle school students would attend Glacier Point Middle School at the nearby Koligian Educational Complex. Glacier Point has a current enrollment of 928 students (CBEDS 2012-13 school year) and a capacity of 1,216. The 236 middle school students generated by the project would bring the enrollment up to 1,164. Other development currently planned in the attendance area will likely impact Glacier Point such that the capacity of the school will be exceeded.

High school students would attend the planned high school in the Koligian Educational Complex, which could be constructed by about 2016, provided that the state passes a school construction bond measure in 2014. Otherwise, high school students will attend Central High School until the new school is constructed.

4.3 Although state law currently indicates that school fees are to be considered full mitigation for school facilities needs resulting from development projects, the reality of the matter is that school impact fees do not provide for the full cost of school facilities. The state limit on Level 1 school fees for residential development is currently \$3.20 per square foot. The most recent Development Fee Justification Study prepared for the District indicates that the cost of school facilities is \$6.76 per residential square foot. The difference is supposed to be provided by state and local bond funds. Although the District passed a local bond in 2008, there is currently no state funding available for new schools as the state has not passed a bond measure since 2006.

4.4 The DEIR text on page 3.12-2 states that the current Level 1 fee amounts are \$2.97 per square foot for residential development and \$0.47 per square foot for commercial/industrial development. As of June 2012, the District's Level 1 fees were increased to the state maximums of \$3.20 per square foot for residential development and \$0.51 per square foot for commercial/industrial development.

¹ Based on the following student generation rates considered appropriate for the project:

Single Family Residential Units: K-6 .353; 7-8 .104; 9-12 .154

Multiple Family Residential Units: K-6 .152; 7-8 .041; 9-12 .064

District Administration

4.5

Page 3.12-12 of the DEIR indicates that the District operates 19 schools with an enrollment of more than 13,500. The District actually operates 20 schools and serves more than 15,000 students. The official enrollment for the 2012-13 school year is 15,179. This number can be added as an update to Table 3.12-1 on page 3.12-13.

Project Compatibility with Koligian Educational Complex

4.6

The northern portion of the project site is immediately west of the Koligian Educational Complex, which contains a stadium, transportation facility, parking areas, a middle school, an elementary school, and a high school site. The stadium and other facilities on the Koligian Educational Complex site generate noise, light and traffic as part of normal operations. As such, the responsibility for mitigating any impacts from existing uses that may affect the proposed project lies with the project applicant.

The bulk of the proposed 295,000 square feet of commercial development is to be located at the northwest corner of Ashlan and Grantland Avenues, immediately west of the high school site. Various commercial uses can be an attractive nuisance to high school students and business owners (loitering, littering), such as fast food restaurants, convenience stores and liquor stores. It will be important for the developer to work with the District to address this potential problem when specific commercial development is proposed.

Environmental and Safety Issues Related to Elementary School Site Proposed in Project

4.7

A 12 acre elementary school site is proposed by the developer within the project site at the northwest corner of Grantland and Dakota Avenues. While an elementary school site will be needed within the project site, there are some potential issues with this site, as follows:

4.8

- The elementary school site is narrower than normally desired by the District, which could constrain school design and layout, especially as it relates to playfield facilities.
- The school site abuts Grantland Avenue on its east side, which will result in high noise levels on the school site. The narrowness of the site in relation to Grantland worsens this problem. Noise mitigation for the site will need to be addressed.

4.9

- The elementary school site is immediately west of the Lamanuzzi & Pantaleo fruit processing plant. The plant generates high noise levels, handles hazardous materials, and generates hazardous air emissions. Obtaining state site approval for an elementary school at this location will require studies that demonstrate that potential health and safety risks to students and employees on the site are acceptable. Final school site designation within the application should be subject to California Department of Education site approval.

District Administration

- 4.10
- The Draft EIR indicates that there is a 70 KV power transmission line and a high pressure gas main within the project site; however, the location of these facilities is not given. The location of these facilities in relation to the school site is a concern as existing regulations prohibit a 70 KV power line easement from being located within 100 feet of a school site and any high pressure pipeline within 1,500 feet of a school site must be analyzed to determine if there would be a significant safety risk to the site.
- 4.11
- Thank you for the opportunity to comment on the Draft EIR. We look forward to reviewing the Final EIR. Please contact me if you have any questions regarding this letter.

Sincerely,



Kelly Porterfield
Assistant Superintendent
Chief Business Officer

District Administration



San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT



May 30, 2013

Mike Sanchez
City of Fresno
Planning and Development Department
2600 Fresno Street, Room 3043
Fresno, California 93721

Project: Draft Program Environmental Impact Report (DPEIR) for Westlake Development Project

District CEQA Reference No: 20130370

Dear Mr. Sanchez:

5.1 The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the DPEIR for the Westlake Development Project (Project), the proposed Project is to develop a master planned 460 acre project with residential and commercial uses developed around a man-made lake. The Project will consist of approximately 2,600 residential units, and up to 295,000 square feet of community and neighborhood commercial buildings located in Fresno, California. The District offers the following comments:

District Comments

- 5.2 1) The DPEIR (page 3.3-6, Table 3.3-2-*Current Attainment Designations*) demonstrates the District is Federally designated as Unclassified/Unclassified for Nitrogen Dioxide. The District would like to clarify that it is Federally designated as Attainment/Unclassified. For more information relative to the District's Attainment Status, more information can be found online by visiting the District's website at: <http://www.valleyair.org/aginfo/agdataidx.htm>.
- 5.3 2) The DPEIR (page 3.3-30) identifies the District's annual thresholds of significance. The District would like to clarify that it applies the following thresholds of significance for criteria pollutants.
- 10 tons per year oxides of nitrogen (NOx)
 - 10 tons per year reactive organic gases (ROG)
 - 15 tons per year particulate matter of 10 microns or less in size (PM10)

Sayed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

In addition, the above thresholds of significance are applied separately to assess significance to a project's short-term (construction) emissions and long-term (operational) emissions. The short-term emissions are mainly related to the construction phase of a project and are recognized to be short in duration. The long-term emissions are mainly related to the activities that will occur indefinitely as a result of project operations. As a result, the District recommends amending Table 3.3-6-Air Pollutant Emissions (page 3.3-34) and Table 3.3-7-Mitigated Air Pollutant Emissions to reflect assessing the Project's significance (annually) for construction and operation separately.

5.4

- 3) The DPEIR (page 3.3-37, Table 3.3-7 –Mitigated Air Pollutant Emissions) demonstrates annual mitigated emissions for the Project after applying the percent reductions that would be achieved for construction and operation each year for compliance with District Rule 9510 (Indirect Source Review). As such, the District recommends amending Table 3.3-7 (section Rule 9510 Reductions), and appropriate apply the percent reductions per section 6.0 of the District Rule 9510 (as provided in the table below).

Percent Reductions Required per District Rule 9510 (Indirect Source Review)	
Construction	Operation
NOx – 20%	NOx – 33.3%
PM10 – 45%	PM10 – 50%

5.5

- 4) The DPEIR provides "The SJVAPCD has recommended that large projects whose emissions exceed the thresholds of significance consult with the Air District to develop and implement a Feasible Implementation Plan (FIP) with the goal of reducing project specific impacts on air quality to a less than significant level. This recommendation has been incorporated into the project as Mitigation Measure #3.3.1o and #3.3.1p" (page 3.3-36).

The Feasible Implementation Plan (FIP) as identified in the DPEIR is equivalent to a *Voluntary Emission Reduction Agreement (VERA)* that is a binding agreement between the District and the project proponent currently used as a tool to mitigate project impacts on air quality to a less than significant level under CEQA.

5.6

- 5) As presented in the DPEIR, after implementation of all feasible mitigation measures, the project is considered to have potentially significant air quality impacts. As discussed below, the District believes that mitigation through a VERA (or FIP) is feasible.

A VERA (or FIP) is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort.

To implement a VERA (or FIP), the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds to the District. The funds are disbursed in the form of grants for projects that achieve emission reductions. Thus, the project specific impacts on air quality can be fully mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of old farm tractors.

In implementing a VERA (or FIP), the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. The initial agreement is generally based on the projected maximum emissions increases as calculated by the District approved air quality impact assessment, and contains the corresponding maximum fiscal obligation. However, because the goal is to mitigate actual emissions, the District has designed flexibility into the VERA (or FIP) such that the final mitigation is based on actual emissions related to the project as determined by actual equipment used, hours of operation, etc., and as calculated by the District. After the project is mitigated, the District certifies to the lead agency that the mitigation is completed, providing the lead agency with an enforceable mitigation measure demonstrating that project specific emissions have been mitigated to less than significant.

The District has been developing and implementing VERA contracts with project developers to mitigate project specific emissions since 2005. It is the District's experience that implementation of a VERA (or FIP) is a feasible mitigation measure, and effectively achieves the emission reductions required by a lead agency, by mitigating project related impacts on air quality by supplying real and contemporaneous emission reductions.

To assist the Lead Agency and project proponent in ensuring that the Feasible Implementation Plan is implemented, the District recommends contacting District CEQA staff at (559) 230-6000.

- 5.7
- 6) To ensure all feasible mitigation measures are incorporated into the Project to reduce project air quality impact to less than significant, the District recommends the project proponent engage in discussion with the District resulting in the adoption of the VERA (or FIP) prior to the finalization of the Final Program Environmental Impact Report (FPEIR).

This process will allow the Program EIR to appropriately characterize the project emissions and demonstrate that the project impact on air quality will be mitigated to less than significant under CEQA as a result of the implementation of the adopted VERA.

- 7) Based on information provided, at full build-out the proposed project would be equal to or greater than fifty (50) residential dwelling units. Therefore, the District concludes that the proposed project is subject to District Rule 9510 (Indirect Source Review).

5.8 District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit.

If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

- 8) The DPEIR includes a screening health risk assessment (HRA). The HRA considered emissions from heavy heavy-duty diesel trucks, diesel-fired transportation refrigeration units, and two (2) restaurants. Idling of diesel trucks was assumed to be limited to five (5) minutes per truck because of the Airborne Toxic Control Measure (ATCM) for diesel truck idling. It does not include an ambient air quality analysis (AAQA).

5.10 8a) The DPEIR does not provide sufficient information to verify the predicted health risks. No copy of the screening analysis was provided. As such, the District recommends a copy of the screening analysis with all emission calculations documented, be included in the DPEIR.

5.11 8b) The District does not consider the ATCM sufficient to ensure that idling times will not exceed five (5) minutes. The District assumes in lieu of some other enforceable mechanism that trucks will idle for fifteen (15) minutes. The analysis should be redone using the assumption or mitigation measure should be included in the DPEIR to ensure that trucks will not idle longer than five (5) minutes.

5.12 8c) Emissions from diesel buses at the proposed elementary school should be considered as a potential toxic source.

5.13 8d) There is a permitted facility across the street from the proposed elementary school. As such, diesel buses that service Deran Koligan Education Center. There may be other permitted facilities in the vicinity of the site that may cause a health risk to residents. Such sources should be considered in the analysis and risk assessed quantitatively or qualitatively.

5.14 8e) An AAQA would not appear to be required.

District CEQA Reference No: 20130370

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5.15 | 8f) Since this is a DPEIR, there should be a mitigation measure that requires re-assessment of the risk if the development of the commercial area results in greater toxic emissions.

5.16 | Based upon the above comments, it's not possible to determine if the health risk is caused by the commercial development or caused by the existing toxic sources in the vicinity of the planned development will not be significant. In addition to fully documenting the screening analysis performed, the HRA should be extended to include other potential sources such as school buses and toxic sources in the vicinity of the development.

5.17 | 9) The proposed project may require District permits. Prior to the start of construction the project proponent should contact the District's Small Business Assistance Office at (559) 230-5888 to determine if an Authority to Construct (ATC) is required.

5.18 | 10) The proposed project may be subject to the following District rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

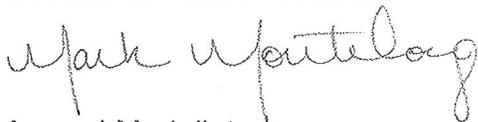
5.19 | 11) The District recommends that a copy of the District's comments be provided to the project proponent.

5.20 | The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Mark Montelongo at (559) 230-5905.

Sincerely,

David Warner
Director of Permit Services



for: Arnaud Marjollet
Permit Services Manager

DW: mm

cc: File

DEPARTMENT OF TRANSPORTATION

DISTRICT 6

1352 WEST OLIVE AVENUE
 P.O. BOX 12616
 FRESNO, CA 93778-2616
 PHONE (559) 444-2493
 FAX (559) 445-5875
 TTY (559) 488-4066



*Flex your power!
 Be energy efficient!*

June 6, 2013

2131-IGR/CEQA
 06-Fre-99-PM 27.33
 Granville at Westlake

Mr. Mike Sanchez, Planning Manager
 City of Fresno
 Planning and Development Department
 2600 Fresno Street, Room 3043
 Fresno, CA 93721-3604

Dear Mr. Sanchez:

6.1 Thank you for providing Caltrans with the opportunity to review the traffic impact study for the proposed development of the 460-acre site bounded by Gettysburg, Shields, Garfield, and Grantland Avenues. This development would include approximately 2,600 residential units (single and multi-family) and approximately 27 acres of neighborhood commercial. A large artificial lake would be constructed at the center of the proposed site, the residences and commercial developments would be built around the lake. Caltrans offers the following comments:

6.2 The study calculated that the proposed development would generate approximately 2,130 trips during the A.M. peak travel period. Approximately 3,580 trips would be generated during the P.M. peak travel period. The study also calculated that 75% of the generated morning trips would impact the State Route (SR) 99 interchanges at Herndon Avenue, Veteran’s Boulevard, Shaw Avenue, Ashlan Avenue, Golden State Boulevard, and Clinton Avenue. Approximately 68% of the generated trips would impact these same interchanges in the P.M..

6.3 Previous traffic studies had identified the need for improvements to the SR 99 interchange at Herndon Avenue in order to accommodate projected future demand; however, due to the proposed “El Paseo” development, there is already a currently funded project that incorporates these improvements. In addition, the El Paseo development appears to be the reason behind the development of the new SR 99 interchange at Veteran’s Boulevard. Given that the improvements to the interchange at Herndon Avenue are fully funded, and given that the proposed interchange at Veteran’s Boulevard is still in the development stage, proposed developments impacting these interchanges do not have impacts that would require mitigation.

6.4 No previous traffic studies have identified the need for improvements to the SR 99 interchanges at Golden State Boulevard or Clinton Avenue; however, due to the proposed High Speed Rail Project, a project is currently being developed that would slightly shift the location of these two interchanges. Thus, traffic impacts from this proposed development will not require mitigation.

6.5 Previous traffic studies have identified the need for improvements to the SR 99 interchange at Shaw Avenue in order to accommodate projected future demand. These improvements include widening the southbound exit-ramp (\$1,069/trip), widening the northbound exit-ramp (\$345/trip), and widening the overcrossing structure in the eastbound direction (\$685/trip). Since most failure is expected to occur primarily in the P.M. peak travel period, the P.M. Peak Hour Trips shown on Table 9.4 of the traffic study were used to determine the proposed project's proportional share for the identified improvements (SB Off 21, NB Off 43, EB Through 163). Thus, this proposed development's share for the improvement to the southbound exit-ramp is calculated to be \$22,449. Its calculated share for the improvement to the northbound exit-ramp is \$14,835. The share for the eastbound structure widening is \$111,655. The total for the interchange is **\$148,939**.

6.6 Previous traffic studies have identified the need for improvements to the SR 99 interchange at Ashlan Avenue in order to accommodate projected future demand. These improvements include widening the southbound exit-ramp (\$2,500/trip), widening the northbound exit-ramp (\$1,300/trip), and adding a second left-turn lane from eastbound Ashlan Avenue to northbound Golden State Boulevard (\$1,500/trip). Since most failure is expected to occur primarily in the P.M. peak travel period, the P.M. Peak Hour Trips shown on Table 9.4 of the traffic study were used to determine the proposed project's proportional share for the identified improvements (SB Off 84, NB Off 59, EB Through 148). However, the freeway project that is currently being developed to accommodate the proposed High Speed Rail Project will include the widening of the southbound exit-ramp. Also, Caltrans estimates that only 10% of the eastbound through traffic shown on Table 9.4 (approximately 15 trips) would impact the eastbound to northbound left-turn movement. Thus, this proposed development's share for the improvement to the northbound exit-ramp is calculated to be \$76,700. The calculated share for the improvement to the eastbound to northbound left-turn lane is \$22,500. The total for the interchange is **\$99,200**.

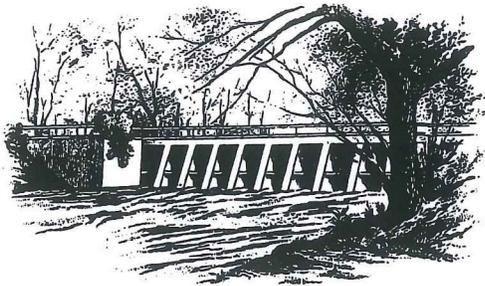
6.7 The total fair cost for all interchanges for the proposed project is **\$248,139**.

6.8 If you have any further questions, please contact David Padilla, Transportation Planner, North Planning Division at (559) 444-2493.

Sincerely,



DAVID PADILLA
Transportation Planner



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF
FRESNO
IRRIGATION DISTRICT

TELEPHONE (559) 233-7161
 FAX (559) 233-8227
 2907 S. MAPLE AVENUE
 FRESNO, CALIFORNIA 93725-2218

February 1, 2008

Ms. Sandra Brock
 City of Fresno
 Development Department
 Planning Division
 2600 Fresno Street, Room 3043
 Fresno, CA 93721-3604

RE: EIR 10140, VTTM 5915, A-07-12 and R-07-008 APN: 311-021-26, 331-043-12,13,14,15,16,17,18,19,20,21,21,23,24,25,26,27,28 and 29.
 FID's Silvia No. 47, Minor Thornton No. 459 Canal and Wheaton No. 518 (private)

Dear Ms. Brock:

7.1 The Fresno Irrigation District (FID) has reviewed the EIR 10140, VTTM 5915, PAA A-07-12 and RA R-07-008 development located west of State Route 99 bounded by West Gettysburg Avenue, West Shields Avenue, North Garfield Avenue, and North Grantland Avenues which impacts FID's Silvia No. 47 Canal and Minor Thornton No. 459 Canal. FID approves the proposed development with the following conditions:

7.2 1. FID's Silvia No. 47 Canal traverses the subject property as shown on the enclosed map. The reach of canal affected by the development can be contained in a 48-inch inside diameter ASTM C-361 rubber gasket reinforced concrete pipe pipeline (RGRCP) for the segment of the canal located upstream of the Minor-Thornton Canal headgates. The reach of canal located downstream of the Minor-Thornton Canal headgates shall be contained in a 36-inch inside diameter ASTM C-361 RGRCP. FID requires the applicant grant to FID an exclusive pipeline easement and pipe the open canal across the development in accordance with FID standards, and that the applicant enter into an agreement for piping the canal with costs to be borne by the applicant.

The exclusive easement will be 40-foot wide minimum and the applicant will need to meet with FID to determine the pipeline alignment. The easement but may be reduced if it's adjacent to a major road right of way. FID recommends that the pipeline be centered in the easement. FID also recommends that the pipeline be aligned adjacent to a major City street and FID may consider reducing the easement to 20 feet. FID has had preliminary discussions with the applicant's Engineer and with owner of the proposed

G:\Agencies\City\EIR 10104,VTTM 5915 UGM,R-07-008,A-07-12.doc

BOARD OF DIRECTORS President JEFFREY G. BOSWELL, Vice-President JEFF NEELY
 EDDIE NIEDERFRANK, STEVE BALLS, TOM E. STEFFEN, General Manager GARY R. SERRATO

project to the north (Tract 5864 – McCaffery Group), and discussed realigning the canal along Veterans Boulevard, Gettysburg Ave., Westlake Ave. and Ashlan Ave. (see attached map prepared by McCaffery’s Engineer).

- 7.3 | 2. FID’s Minor-Thornton No. 459 Canal traverses the subject property as shown on the enclosed map. The reach of canal affected by the development can be contained in a 36-inch inside diameter ASTM C-361 rubber gasket reinforced concrete pipe pipeline (RGRCP). FID requires the applicant grant to FID an exclusive pipeline easement and pipe the open canal across the development in accordance with FID standards, and that the applicant enter into an agreement for piping the canal with costs to be borne by the applicant.

The exclusive easement will be 40-foot wide minimum and the applicant will need to meet with FID to determine the pipeline alignment. FID recommends that the pipeline be centered in the easement. The easement but may be reduced if it’s adjacent to a major road right of way.

- 7.4 | 3. FID does not have records indicating the age of or the materials used for the culvert located at Gettysburg, Grantland, and Garfield Avenues. Should any street or intersection improvements be necessary FID recommends the culvert be replaced as part of the project.

- 7.5 | 4. FID will require proper access to the diversion structure where the Minor-Thornton Canal’s headgates will be located. The access will located in close proximity to the structure to allow FID staff too safely and quickly make necessary observations and changes to the structure.

- 7.6 | 5. For informational purposes, a private pipeline known as the Wheaton No. 518 traverses the subject property as shown on the enclosed map. If there are still users on this private line, it will need to remain active. FID can supply the developer/Engineers with a list of user for this private line.

- 7.7 | 6. The applicant shall install the necessary infrastructure to supply water to all existing neighboring water users which will be impacted by the proposed project. FID staff will assist the applicant with the gate and pipeline sizes.

- 7.8 | 7. The report indicates that a manmade lake will “receive its water primarily from FID; FID currently supplies the subject property with 500 to 1,000 acre-feet of surface water annually for irrigation.” The report later indicates “authorization for multiple use of irrigation ‘entitlement’ water in Drainage Basin ‘CG’ and in the proposed project lake.”

- 7.9 | a. Generally, when lands on “water service” are developed within the City, through agreement the City acquires the entitlement at the same rate paid by farmers. This is referred to as “contract” entitlement.

- 7.10 | b. FID will most likely divert the City “entitled” water to the FMFCD Basin CG or CD. The water diverted into the manmade lake will most likely not be “City entitled” water and will need to enter into a separate Water Purchase Agreement

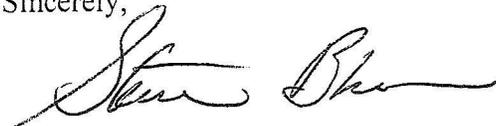
- with FID. This agreement will need to be finalized and executed prior to approval of the Final Map. The cost of water is currently estimated at \$58/Acre-Foot by 2010 and will most likely increase each year.
- 7.11 | c. Recharge –It’s FID’s understanding that the manmade lake will be lined and will not recharge or percolate. During previous meetings with the applicant, FID urged them to increase the size of the proposed FMFCD basin which may be located south of the project or Shields Avenue. A larger basin will help offset the potential negative impacts on the local groundwater supply caused by the proposed basin.
- 7.12 | d. FID will require water meters on all turnout gates for deliveries made to the project.
- 7.13 | e. FID’s typical irrigation season can range from 3 to 8 months depending on the amount of snowfall and precipitation received. FID assumes that the applicant will have another source of water for their water features.
8. Discharges into FID Canals –
- 7.14 | a. There has been discussion that water from the manmade lake may be diverted back into FID’s Silvia Canal. FID will not allow this discharge for numerous reasons, including it’s a violation of FID’s Rules and Regulations, and the impact it will have during the Operations and Maintenance Seasons. FID conveyed this to the applicant during a meeting on January 2, 2007
- b. FID has met with FMFCD to discuss a proposed discharge from Basin CD and/or Basin CG into the Silvia Canal. At this time, the Silvia Canal is not masterplanned to accept FMFCD’s discharges, but FID may consider if improvements are made to the canal and both Agencies come to an agreement.
- 7.15 | 9. FID requires its easement be shown on the final map with proper recording information, and that FID be made a party to signing all plans which affect its easement and canal/pipeline facility and also be made party to signing the final map.
- 7.16 | 10. FID requires the applicant submit a grading and drainage plan for FID approval which shows that the proposed development will not endanger the structural integrity of the pipeline, or result in drainage patterns that will adversely affect FID or the applicant.
- 7.17 | 11. FID requires it review, approve and be made a party to signing all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer and Water, FMFCD, Street, Landscaping, Dry Utilities, and all other utilities.
- 7.18 | 12. FID does not allow FID owned property or easements to be in common use with public utility easements but will, in certain instances, allow its property to be in common use with landscape easements if the City of Fresno enters into an appropriate agreement with FID. FID prefers all block walls and fences be located outside of its property and easements.
- 7.19 | 13. FID will require a Common Use of Easements Agreement between FID and the City of Fresno for all Landscape easements which overlap FID’s easement.

Ms. Sandra Brock
February 1, 2008
Page 4 of 4

- 7.20 | 14. FID requests the applicant be exempted from any condition that would require the construction of public facilities or conveyance of deeds or easements within FID's canal easement to any other party without FID's written consent.
- 7.21 | 15. FID may have additional comments regarding the subject proposal and requires the applicant and or the applicant's engineer contact FID at their earliest convenience to discuss specific requirements, e.g. easement width and alignment, pipeline alignment, depth and size, fees, etc.

7.22 | Thank you for submitting this for our review. Please feel free to contact Bill Stretch with any questions or concerns at 233-7161 extension 318 or bstretch@fresnoirrigation.com.

Sincerely,



Steve Bloem
Engineering Technician

Enclosure

Cc: Jeffery T. Roberts, Granville Homes Inc.
Gary G. Giannetta, Giannetta Civil Engineering
Quad Knopf
(File)



FRESNO IRRIGATION DISTRICT



Legend

- FID Canal
- Private Canal
- Abandoned Canal
- FID Pipeline
- Private Pipeline
- Abandoned Pipeline
- Other Creek/River
- Other Pipeline
- Major Streets
- Parcel
- FIMCD Acquired Basins
- FIMCD Proposed Basins

Scale: 1 inch equals 1,341.90 feet

Scale Bar: 0, 1,125, 2,250 Feet

North Arrow: N, S, E, W

**STANDARD EASEMENT WIDTHS FOR
OPEN CANALS AND PIPELINES
EXHIBIT "C"
PIPELINE EASEMENT WIDTHS**

The following shall be used by staff in the determination and acquisition of new pipeline easement widths:

Type of Pipe	Easement Width for Dia. \leq 24" I.D.	Easement Width for 24" < Dia. \leq 36" I.D.	Easement Width for 36" I.D. < Dia.
PVC (SDR41, PIP)	20 feet	N/A	N/A
RGRCP (C-361)	20 feet	30 feet	40 feet
CIP (ACI 346)	N/A	30 feet	40 feet
Min. Width Adjacent to Right-of-Way	15	15	20

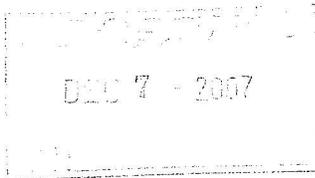
Where the pipeline easement will be contiguous and parallel to a joint use right-of-way such as a "local" public street right-of-way or a "rural" road with a right-of-way 60 feet or less, the required easement may be reduced if the street maintaining agency allows the District to perform maintenance using a portion of the road right-of-way. On any street or rural road where curbside parking will be permitted by the street maintaining agency, the easement width may be reduced.

The easement width may not be reduced for controlled access streets designated as freeways, expressways, super arterials, arterials, collectors, or landscaped drives. No easement reduction will be permitted adjacent to turn lanes or bus stops or other locations posted to prohibit stopping or parking without special provision for maintenance access. Written evidence may be required from the street maintaining agency showing that the predetermined easement width reduction can be satisfied.

Where public utility easements or landscape easements will overlap the District's pipeline easement, regardless of pipeline diameter, the required pipeline easement width shall be increased as necessary so that fifty percent (50%) of the required easement width is free from overlapping utilities. The District may waive this easement requirement for landscape easements if the District can be assured the landscaping will not impact the pipeline.

CITY OF FRESNO - PLANNING AND DEVELOPMENT DEPARTMENT
REQUEST FOR COMMENTS & REQUIREMENTS/CONDITIONS
ENVIRONMENTAL IMPACT REPORT (EIR) NOTICE OF PREPARATION
AND ENTITLEMENT APPLICATION REVIEW FOR THE
WESTLAKE DEVELOPMENT PROJECT:

PLAN AMENDMENT APPLICATION NO. A-07-12, REZONE APPLICATION NO. R-07-008 AND
VESTING TENTATIVE TRACT MAP APPLICATION NO. T-5915/UGM



Return Completed Form or Letter to:
Sandra Brock (Ph: 559-621-8041)
Planning & Development Department
2600 Fresno Street, Third Floor
Fresno CA 93721-3604
Fax: 559-498-1026

PROJECT DESCRIPTION AND LOCATION:

The above applications, described in more detail in the enclosed Environmental Impact Report (EIR) Notice of Preparation (NOP) package, have been filed by Granville Westlake, Inc. on behalf of the corporation and other underlying property owners. The applications pertain to approximately 19 parcels, comprising 460 acres, located west of State Route 99 bounded by West Gettysburg Avenue, West Shields Avenue, North Garfield Avenue, and North Grantland Avenue (APNs 311-021-26, 311-043-14, 311-043-15, 311-043-16, 311-043-17S, 311-043-18, 311-043-19, 311-043-20, 311-043-13S, 311-043-12S, 311-043-21, 311-043-22, 311-043-29T, 311-043-28, 311-043-23, 311-043-24, 311-043-25, 311-043-26, 311-043-27; refer to vicinity maps in Figures 2-1 through 2-3 on pages 2-8 and 2-9 of the NOP package). Plan Amendment Application No. A-07-12 and Rezone Application No. R-07-008 would modify the existing and approved land use designations of in the 2025 Fresno General Plan and West Area Community Plan from those depicted in Table 1 and Figures 2-3 and 2-4 of the NOP (see pages 2-4, 2-9, and 2-10, respectively) to the land uses depicted in Table 2 and Figures 2-5 and 2-6 (NOP pages 2-5, 2-11 and 2-12, respectively). Vesting Tentative Tract Map 5915/UGM has been filed to provide for the broadscale division of the property into 28 residential, commercial, and open space/recreational parcels. The vesting map will be implemented with a master conditional use permit and subsequent tentative and final subdivision maps (applications to be filed during the pre-construction phase of the project). These applications would provide for an integrated residential and commercial development project centered on a 55-acre manmade lake, with up to 2,600 dwelling units at various densities (numbers of dwelling units per acre); up to 295,000 sq. ft. of neighborhood and community commercial development (including up to four drive-through retail establishments); and a clubhouse facility.

DATE ROUTED: December 7, 2007

COMMENT DEADLINE: Tuesday, January 8, 2008, 5PM

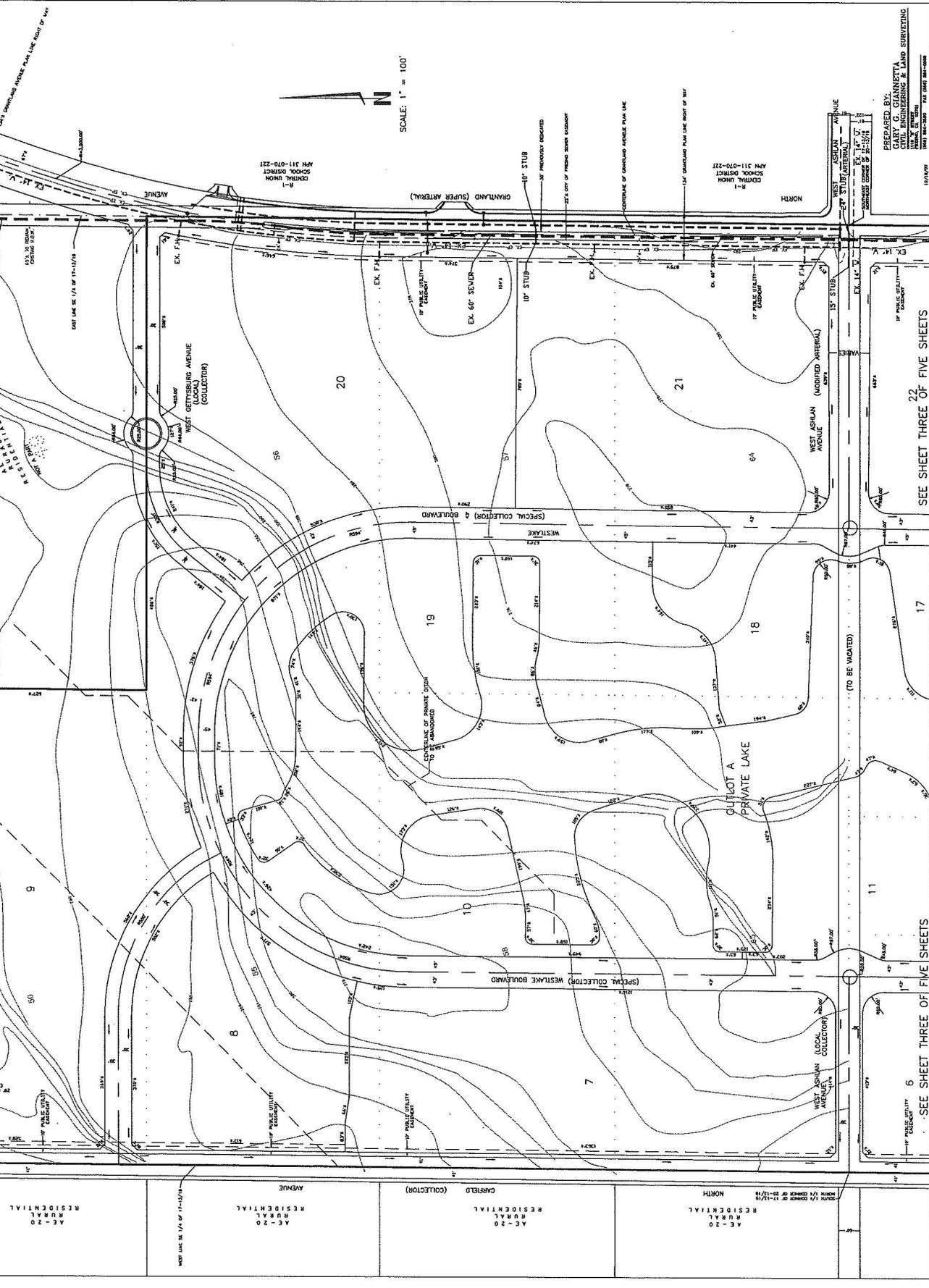
*If no response is received by the comment deadline, it will be assumed you have no comments to submit
This form, and/or a separate document (such as a letter) may be used to respond to this Notice..*

1. WILL THIS PROJECT AFFECT, OR REQUIRE APPROVALS FROM, YOUR AGENCY / JURISDICTION?
(If yes, specify)
2. PLEASE LIST REQUIRED CONDITIONS OF APPROVAL / PERMITTING FOR YOUR AGENCY.
3. IS ANY ADDITIONAL INFORMATION NEEDED FOR YOU TO COMPLETE YOUR REVIEW? (Be specific):
4. DO YOU HAVE SUGGESTION(S) TO REDUCE ENVIRONMENTAL IMPACTS / ADDRESS CONCERNS?

REVIEWED BY: STEVE BLOEM 2-1-08
FRESNO IRRIGATION DISTRICT
ENGINEERING TECHNICIAN I
(559) 233-7181 EXT. 321 Date
Name and Title (Please Print) Telephone Number

TENTATIVE SUBDIVISION MAP
TRACT NO. 5915
 A PLANNED DEVELOPMENT
 A VESTING MAP
 A PHASED MAP
 SHEET 2 OF 5 SHEETS

AC-20
 RESIDENTIAL



PREPARED BY:
 JENNIFER A. WENDEL
 CIVIL ENGINEERING & LAND SURVEYING
 11111 10TH AVENUE, SUITE 200
 DENVER, COLORADO 80231
 PHONE: 303.755.1111
 FAX: 303.755.1112

SEE SHEET THREE OF FIVE SHEETS

SEE SHEET THREE OF FIVE SHEETS

SEE SHEET THREE OF FIVE SHEETS



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
 DIRECTOR

May 22, 2013

Mike Sanchez, Planning Manager
 City of Fresno Planning and Development Department
 2600 Fresno Street, Room 3043
 Fresno, CA 93721

Dear Mr. Sanchez:

SUBJECT: Westlake Development Project

The County appreciates the opportunity to review and comment on the Notice of Availability of a Draft Environmental Impact Report for the Westlake Development Project. Based on the County's review of the project, the following comments are offered for your consideration:

The following is a specific comment related to traffic:

- 8.1 • The center travel lanes and median should be constructed for that segment of Ashlan between Polk Avenue and Bryan Avenue prior to occupancy exceeding 10% of the homes that are constructed with the associated development.
- 8.2 The proposed configuration of the development would appear to create a peninsula which could be problematic from the standpoint of the standards of annexation and the City of Fresno/County MOU.
- 8.3 • Figure 3.9-6 of the DEIR shows the project site to be within the Fresno city limits. The subject site is within the City of Fresno's sphere of influence but not within the city limits
- 8.4 • Figures 2-5, 3.9-4 and 3.9-5 show the 29.99-acre parcel located on the southwestern part of the project area (APN 512-043-27) as not a part of the project however Figure Nos. 2-2, 2-3, 2-6, 3.1-1, 3.2-1, 3.2-2, 3.2-3, 3.4-1, 3.6-1, 3.9-1, 3.9-2, 3.9-6 and 3.10-1 show APN 512-043-27 as part of the project area.
- 8.5 • The annexation of the subject property is shown on Figure No. 3.9-6 extends an existing peninsula making the by-passed area between Shaw, Hayes, Gettysburg and Grantland Avenues difficult to annex in the future. This may create an issue with the Standards of Annexation for annexing the subject property for the City of Fresno.
- 8.6 • Portions of the project area have been pre-zoned, however other sections of the project area will be subject to the pre-zoning and General Plan Amendment (GPA) process before annexation of the project area to the City of Fresno can be initiated. (See Figure Nos. 2-4 and 2-5.)

DEVELOPMENT SERVICES DIVISION

Sanchez – Westlake Development Project
May 22, 2013
Page 2

8.7 | We appreciate the opportunity to comment on the project. If you have any questions you may email me at bsholars@co.fresno.ca.us or call me at (559) 600-4207.

Sincerely,

A handwritten signature in black ink, appearing to read "Briza Sholars", followed by a long horizontal flourish.

Briza Sholars, Planner, Development Services

c: Will Kettler, Division Manager, Development Services
Chris Motta, Principal Planner, Development Services
Mohammad Khorsand, Policy Planning