Final Environmental Impact Report
Selma Crossings Project

State Clearinghouse No. 2007071008

City of Selma • April 17, 2013

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FINAL
Environmental Impact Report
Selma Crossings Project
City of Selma, Fresno County, California

State Clearinghouse No. 2007071008

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SECTION 1: INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Selma, as the lead agency, has evaluated the comments received on the Selma Crossings Project. The responses to the comments and other documents, which are included in this document, together with the Mitigation Monitoring and Reporting Program, comprise the Final Environmental Impact Report (Final EIR), for use by the City of Selma in its review.

This document is organized into four sections:

- **Section 1 - Introduction**.
- **Section 2 - Master Responses:** Provides comprehensive responses to similar comments made by multiple authors and speakers.
- **Section 3 - Responses to Written Comments on the Draft EIR:** Provides a list of the agencies, organizations, and individuals that commented on the Draft EIR. Copies of all of the letters received regarding the Draft EIR and responses thereto are included in this section.
- **Section 4 - Errata:** Includes an addendum listing refinements and clarifications on the Draft EIR, which have been incorporated.

The Final EIR includes the following contents:

- Draft EIR (provided under separate cover)
- Draft EIR appendices (provided under separate cover)
- Responses to Written Comments on the Draft EIR and Errata (Sections 3 and 4 of this document)
- Mitigation Monitoring and Reporting Program (provided under separate cover)

SECTION 2: MASTER RESPONSES

2.1 - Introduction

Master responses address similar comments made by multiple persons through written comments submitted to the City of Selma. Master responses are provided in the order in which they are referenced in the responses in Section 3, Responses to Written Comments on the Draft EIR.

There is one master response contained in this section: Master Response 1 – Groundwater.

2.2 - Master Response

Master Response 1 – Groundwater

Two authors affiliated with Consolidated Irrigation District (CID)[1] provided various comments regarding the Draft EIR's evaluation of groundwater overdraft and long-term water supply. Each topic raised by the authors is addressed individually.

Water Consumption by the Selma Crossings Project

Characterization of Water Consumption

Mr. Browne asserted that the Draft EIR grossly mischaracterized water consumption by the proposed project. He objected to the conclusion that the proposed project would result in a net decrease in groundwater consumption, stating that the Water Supply Assessment indicates that the proposed project would consume 10.6 percent of all water consumed by the entire City and Sphere of Influence. Mr. Browne claimed that the proposed project would result in an increase of 16 percent from existing consumption of 5.93 million gallons per day (mgd). He stated that this discussion is not presented in the Draft EIR and instead "buried in the technical appendix." The author referenced the Summers Engineering comments (Comments JACOBSON-1 through JACOBSON-17) as providing further discussion of this issue.

The 10.6 percent value cited by the Mr. Browne was listed on Draft EIR page 4.11-23. Furthermore, Draft EIR pages 4.11-20 through 4.11-25 discuss how the proposed project's demand relate the water demand and supply projections for Cal Water Selma District and clearly demonstrates adequate water supplies and infrastructure are available to serve the proposed project.

Acreage

Mr. Jacobson referenced a statement from page 4.8-14 of the Draft EIR indicating that the proposed project would result in a decrease of consumptive groundwater use by 400,000 gallons/day and asserted that it is based on erroneous findings previously identified. He also stated that 287 acres

[1] Scott Browne from the Law Offices of P. Scott Browne and Scott Jacobson from Summers Engineering, Inc.

should have been used as the acreage of the project site instead of 304 acres, based on the text on page 5 of the Water Supply Assessment.

To clarify, the Draft EIR uses 288 acres as the project site acreage. Although the Water Supply Assessment used 304 acres as the basis for the project site acreage, as will be discussed in the Reconciliation of Calculations portion of this master response, the acreage difference does not materially alter any conclusions contained in the Draft EIR.

Urban Water Demand

Mr. Jacobson referenced a statement from page 16 of the Water Supply Assessment (and Draft EIR page 4.11-25) concerning the use of 952 acre-feet/year and 304 acres for urban water demand, and he indicated that the values of 1,048 acre-feet/year and 287 acres should have been used instead. If these values were used, the author asserted that the calculation would yield an urban water demand rate of 3.65 feet/year, which is significantly higher than the value of 3.12 feet/year used in the Draft EIR.

As will be discussed in the Reconciliation of Calculations portion of this master response, even when Mr. Jacobson's preferred value of 1,048 acre-feet/year is used for urban water demand, it does not alter the conclusion that the proposed project would result in a net decrease in groundwater consumption relative to existing conditions.

Total Project Water Demand

Table 2-1 compares the project consumptive use calculations presented in the Draft EIR with those provided by Mr. Jacobson on behalf of CID. The right-hand column ("Final Calculation") reconciles the two calculations, including the use of several preferred values identified by Mr. Jacobson in his comments.

Table 2-1: Project Consumptive Use – Comparison of Calculations

Category	Draft EIR Calculation (California Water Service Company)	CID Calculation (Summers Engineering)	Final Calculation
Selma Crossings Annual Demand	952.0 acre-feet/year	1,048.0 acre-feet/year	1,048.0 acre-feet/year
Selma Crossings Acreage	304 acres	287 acres	288 acres
Water Demand Rate	*3.12 acre-feet/year/acre*	*3.65 acre-feet/year/acre*	*3.65 acre-feet/year/acre*

Notes:
Draft EIR calculations presented on pages 4.8-13 and 4.8-14.
CID calculations presented in Comment JACOBSON-11.
Source: Michael Brandman Associates, 2012; Summers Engineering, Inc., 2012.

Agricultural Consumptive Use

Asserted Reduction Based on Surface Water Usage

Mr. Jacobsen's comments assume that existing agricultural operations use imported surface water at a rate of 1.60 acre-feet/year/acre. Using this value, Mr. Jacobsen estimates that net agricultural consumptive groundwater use on the subject property is only 0.02 acre-foot/year/acre.

Mr. Jacobsen's assumption that existing agricultural operations use surface water at a rate of 1.60 acre-feet/year/acre is inaccurate. Imported surface water is not used extensively for existing agricultural operations at the project site; rather, approximately 10 percent of total water usage (or, rounding to the nearest one-hundredth, 0.31 acre-foot/year/acre) of current water usage on the subject property comes from imported surface water.

As demonstrated below (Reconciliation of Calculations), when actual imported surface usage of 0.31 acre-foot/year/acre is assumed, the proposed project would still yield a net decrease in groundwater consumption relative to existing conditions.

Any analysis reducing the existing agricultural consumptive use by 1.60 acre-feet/year/acre would only be appropriate if the existing agricultural operations used 1.60 acre-feet/year/acre of surface water supplies. However, as discussed below (Reconciliation of Calculations), even if the analysis assumes a current use of 1.60 acre-feet/year/acre of surface water, the proposed project would still yield a net decrease in groundwater consumption relative to existing conditions.

Recharge from Agricultural Irrigation and Precipitation

Mr. Jacobson referenced the discussion of groundwater on page 4.8-13 of the Draft EIR and disputed the assumptions concerning agricultural groundwater consumption. He stated that the Draft EIR's agricultural irrigation recharge value (0.762 acre-foot/acre) and net consumptive use of groundwater value (0.688 acre-foot/acre) neglect the contribution to groundwater from precipitation. Mr. Jacobson noted that annual precipitation in Selma is approximately 0.92 acre-foot/acre and provides 0.67 acre-foot/acre of recharge. He stated that when recharge from precipitation is factored in, the net consumptive use by agricultural is approximately zero.

As demonstrated below, even when recharge from agricultural irrigation and precipitation is accounted for, the proposed project would still yield a net decrease in groundwater consumption relative to existing conditions.

Table 2-2 compares the agricultural consumptive use calculations presented in the Draft EIR with those provided by Mr. Jacobson on behalf of CID. As shown in the table, the Draft EIR found that agricultural acreage has an average consumptive use of 2.36 acre-feet/year/acre, while CID contends that the average consumption should be 0.02 acre-feet/year/acre. After including CID's proffered values for recharge provided by agricultural irrigation and recharge provided by precipitation, and

including a benefit of 0.31 acre-foot/year/acre based on current surface water usage, current agricultural consumptive use is estimated to be approximately 1.31 acre-feet/year/acre.

Table 2-2: Agricultural Consumptive Use – Comparison of Calculations

Category	Draft EIR (California Water Service Company)	Consolidated Irrigation District (Summers Engineering)	Final Calculation (Actual Conditions)	Final Calculation (1.60 acre-feet/year Surface Water)
Agricultural Irrigation Demand	3.05 acre-feet/year/acre	3.05 acre-feet/year/acre	3.05 acre-feet/year/acre	3.05 acre-feet/year/acre
Recharge Provided by Agricultural Irrigation	0.69 acre-foot/year/acre	0.76 acre-foot/year/acre	0.76 acre-foot/year/acre	0.76 acre-foot/year/acre
Imported Surface Water	0	1.60 acre-feet/year/acre	0.31 acre-foot/year/acre	1.60 acre-feet/year/acre
Recharge Provided by Precipitation	0	0.67 acre-foot/year/acre	0.67 acre-foot/year/acre	0.67 acre-foot/year/acre
Net Agricultural Consumptive Use	2.36 acre-feet/year/acre	0.02 acre-foot/year/acre	1.31 acre-feet/year/acre	0.02 acre-foot/year/acre

Notes:
Draft EIR calculations presented on pages 4.8-13 and 4.8-14.
CID calculations presented in Comment JACOBSON-11.
Source: Michael Brandman Associates, 2012; Summers Engineering, Inc., 2012.

Urban Consumptive Use

Recharge in Urban Environments

Mr. Jacobson stated the Draft EIR's assumption that urban development results in 0.75 acre-foot/acre of recharge and has a net consumptive use value of 2.37 acre-feet/acre is erroneous and misleading because this applies to irrigated landscaped area. He asserted that the Water Supply Assessment (Draft EIR Appendix J) indicates that landscaped areas would only represent 7 percent of the total area and, therefore, if averaged over the entire developed area, the recharge value would be less than 0.1 acre-foot/acre.

Mr. Browne asserted that the Water Supply Assessment employs faulty assumptions for landscaping usage and associated groundwater recharge. He noted that the Water Supply Assessment uses the City of Selma's average landscaping water figure (3.0 acre-feet/year per acre) and recharge value (0.75 acre-foot/year per acre), and asserted that the Water Supply Assessment admits that only 3 percent of the total acreage (8 acres) would be devoted to landscaping. Mr. Browne claimed it was inappropriate to use a citywide average based primarily on single-family homes when actual known project landscaping and associated recharge is far less and clearly erroneous.

Contrary to Mr. Browne's suggestion, these values are not based primarily on single-family residential land uses. Rather, they also include commercial, industrial, and public facility uses, which

constitute a significant portion of the Cal Water service area in Selma. Thus, they are in fact representative of the types of land use activities contemplated by the proposed project.

Mr. Browne also asserts that recharge associated with precipitation in urban environmental will be 0.72 acre-foot/year/acre. However, as discussed in the Reconciliation of Calculations portion of this master response, even if the analysis assumes 0.72 acre-foot/year/acre of recharge associated with precipitation in urban environments, the proposed project would still yield a net decrease in groundwater consumption relative to existing conditions.

Percolation of Wastewater

Mr. Jacobson referenced the discussion of percolation of treated wastewater at the Selma-Kingsburg-Fowler County Sanitation District (SKF) wastewater treatment plant on Draft EIR page 4.8-14 and asserted that only about 20 percent of this wastewater benefits CID groundwater because of the location of the plant at the southern boundary of the district and because of the northeast-to-southwest groundwater flow. He claimed that exporting water from the Selma area as wastewater approximately 3 miles to the south to be percolated at the SKF plant does not provide any appreciable benefits to groundwater supply in the project vicinity and, therefore, should not be included in the analysis.

Mr. Browne referenced a statement from page 4.8-14 concerning an assumption that 50 percent of all treated effluent from the SKF wastewater treatment facility will be recharged into the groundwater basin. He referenced the Summers Engineering letter and stated that the plant is "miles away" and downgradient from the City of Selma and, thus, any recharge will flow to the south and do little to recharge the groundwater around Selma. Mr. Browne asserted that the use of this credit in calculating the local groundwater overdrafting effects is erroneous.

To clarify, the SKF wastewater treatment facility is located only 1.5 miles to the south of the project site; thus, it is much closer to the project site than suggested by either Mr. Jacobson or Mr. Browne. As such, recharge provided by the SKF wastewater treatment facility occurs in approximately the same vicinity as recharge associated with agricultural operations and precipitation at the project site. Further, because of the proximity of the SKF wastewater treatment facility to the project site, recharge from treated wastewater will influence the local groundwater aquifer regardless of the direction of the gradient. Thus, recharge from the SKF facility will provide approximately the same recharge benefits as existing agricultural operations; as a result, it is both reasonable and appropriate to utilize estimated recharge from treated wastewater at the SKF wastewater treatment facility for the project's consumptive use calculations.

Surface Water

Mr. Jacobson disputed the Draft EIR's assumption that surface water used for irrigation at the project site would ultimately be reassigned to other agricultural lands in the Selma area. He stated that growers apply the amount of water that is demanded by their crop plus whatever additional water is

required, due to the inefficiencies of delivering water from the canal to the plant. The grower's determination of how much water is needed is based on a combination of experience and crop science, and—if climactic conditions are the same two years in a row but neighboring land is switched from agricultural to urban use—the grower would not be compelled to apply more water. Mr. Jacobson noted that surface water is typically used by CID to supplement the total supplies needed and, therefore, the agency may not use the water no longer needed for the urban land to lengthen the duration of irrigation deliveries. He stated that the additional water supplies available would be delivered through the district and the benefit to groundwater near the project site would be negligible; thus, a relatively small increase in available surface supplies would spread over the entire service area.

Mr. Jacobson referenced the statement that the project site should be considered land without imported surface water and asserted that it defies logic because it is currently receiving surface water. He referenced his prior comments about the net consumptive use of agricultural being zero (when precipitation is factored) and asserted that this erroneous assumption reinforces the notion that the Draft EIR attempted to prove that existing agricultural consumptive use is approximately equal to the proposed future urban consumptive use.

Mr. Browne referenced a statement from page 4.8-13 of the Draft EIR concerning an assumption about the reassignment of surface water used for agricultural irrigation from the project site to another site, and asserted that this was a "complete invented assumption" with no supporting evidence. He stated that the Summers Engineering letter demonstrates that this assumption is false and that the irrigation water "released" by conversion of the project site to urban use will spread over the entire district and will not mitigate local groundwater overdraft.

As explained previously, the proposed project's water needs will be met through groundwater supplies provided by Cal Water. Moreover, existing agricultural operations at the project site only use approximately 0.31 acre-foot/year/acre of imported surface water.

Any imported surface water used by existing onsite agricultural uses will be available for use by CID's other customers. Because these surface water supplies will be available for use by CID's customers, growers in other parts of the district will be able to use additional surface water supplies instead of groundwater supplies. As such, the net consumptive use associated with the project should take into account the fact that this surface water could be used elsewhere within CID. Thus, if existing agricultural operations at the project site presently use 0.31 acre-foot/year/acre in surface water supplies, the net consumptive use associated with the project should be reduced by 0.31 acre-foot/year/acre to account for the replacement of existing groundwater usage by other CID customers with 0.31 acre-foot/year/acre of surface water. The net consumptive use should also include additional recharge at a rate of 25 percent, which would provide another indirect benefit to the aquifer of 0.08 acre-foot/year/acre.

If existing agricultural operations used 1.60 acre-feet/year/acre, as CID contends, the project would result in the displacement of 1.60 acre-feet/year/acre of groundwater supplies with surface water elsewhere within the district, and an indirect benefit associated with recharge resulting from the surface water supplies of 0.40 acre-foot/year/acre.

Mr. Jacobsen asserts that the project's net consumptive use calculation should not include reductions associated with the fact that imported surface water previously used on the project site will now be used by others. This position, however, is analytically incongruous with Mr. Jacobsen's assertion that consumptive use calculations for existing agricultural uses should be reduced by the imported surface water used in those operations. To make CID's estimation of the change in consumptive use analytically consonant, the analysis would need to include both the reduction in consumptive use for imported surface water used in agricultural operations, and the fact that the project will not use that imported surface water when agricultural operations cease.

In addition, best management practices would assume that CID would utilize excess surface water for beneficial uses within the district, such as displacing existing groundwater usage within the district. While CID contends that it only uses surface water to "supplement" groundwater, and that it transfers excess surface water outside the district, this alleged management practice is not consistent with CID's stated concerns regarding alleged overdraft conditions within CID's aquifer. This assertion is also inconsistent with current agricultural practices, as farmers within CID (and elsewhere) will utilize surface water where available instead of groundwater, due primarily to the higher costs associated with the use of groundwater. This position is also inconsistent with Mr. Jacobsen's admission that "additional surface water available would be delivered throughout the district . . . ." As such, the use of Mr. Jacobsen's proffered value of 0.00 acre-foot/year/acre for displacement of groundwater with excess surface water is inconsistent with best management practices, is inconsistent with actual water usage by farmers within CID and elsewhere, and is without evidentiary support.

Reduction in Consumptive Use Resulting From the Project

Table 2-3 calculates the reduction in consumptive use from existing agricultural consumptive use as a result of the project. The first column is the calculation provided in the Draft EIR. The second column includes the calculation provided by CID. The third and fourth columns provide the final calculations based on additional input and values received from CID and others. The third column assumes actual conditions based on current operations (using 0.31 acre-foot/year/acre of imported surface water), while the fourth column incorporates CID's assumption of 1.60 acre-feet/year/acre of imported surface water usage.

Some of the values provided by CID have been incorporated. In addition, the City has revised its calculations, based on the displacement of groundwater with excess surface water, and on recharge from that surface water (to make the calculation consistent with CID's calculations that include imported surface water in the consumptive use calculations for existing agricultural operations). As shown below, regardless of whether CID's imported surface water usage values are assumed, or

whether actual conditions are assumed, the project would result in a substantial reduction in consumptive use.

Table 2-3: Project Consumptive Use – Comparison of Calculations

Category	Draft EIR Calculation (California Water Service Company)	CID Calculation (Summers Engineering)	Final Calculation (Actual Conditions)	Final Calculation (1.60 acre-feet/year Surface Water)
Recharge – Landscape Irrigation	0.75 acre-foot/year/acre	0.10 acre-foot/year/acre	0.10 acre-foot/year/acre	0.75 acre-foot/year/acre
Recharge – Precipitation	0	0.72 acre-foot/year/acre	0.72 acre-foot/year/acre	0.72 acre-foot/year/acre
Recharge – Wastewater Percolation	1.48 acre-feet/year	0	1.48 acre-feet/year	1.48 acre-feet/year
Displacement of Groundwater	0	0	0.31 acre-foot/year	1.6 acre-feet/year
Recharge from Surface Water	0	0	0.08 acre-foot/year/acre	0.40 acre-foot/year/acre
Reduction in Consumptive Use	(2.23 acre-feet/year)	(0.82 acre-foot/year)	(3.34 acre-feet/year)	(4.95 acre-feet/year)

Notes:
Draft EIR calculations presented on pages 4.8-13 and 4.8-14.
CID calculations presented in Comment JACOBSON-11.
Source: Michael Brandman Associates, 2012; Summers Engineering, Inc., 2012.

Net Change in Consumptive Use Associated with Selma Crossings Project

Reconciliation of Calculations

Mr. Jacobson presented calculations that indicate that the proposed project would increase annual groundwater consumption by more than 800 acre-feet and would have a significant impact on groundwater supplies. As explained above, some of the values previously included in the Draft EIR have been modified. This includes, for example, the incorporation of some of the values provided by Mr. Jacobson. Other values suggested by Mr. Jacobson, however, have been rejected because (1) they do not accurately reflect the impacts of the project, (2) they are not based on accurate evidence, or (3) utilization of those values would not provide an internally consistent analysis of the project's impacts to groundwater.

As shown in the following Comparison of Calculation discussion, even when the new values are reconciled against the Draft EIR's calculations, the proposed project would still result in a net decrease in groundwater consumption relative to existing conditions:

Table 2-4 compares the project's estimated consumptive use calculations that were presented in the Draft EIR with those provided by Mr. Jacobson on behalf of CID. The two right-hand columns (the "Final Calculations") reconcile the two calculations and include the use of several preferred values identified by Mr. Jacobson in his comments. The column entitled "Final Calculation (Actual

Conditions)" estimates the net increase in consumptive use based on existing agricultural use of approximately 0.31 acre-foot/year/acre in surface water. The final column entitled "Final Calculation (assuming 1.60 acre-feet/year/acre)" assumes that existing agricultural operations use 1.60 acre-feet/year/acre in surface water, as asserted by CID. The reconciled "Final Calculation (Actual Conditions)" indicates that the proposed project would result in a net decrease of 291 acre-feet of groundwater relative to existing conditions assuming an existing surface water use of 0.31 acre-foot/year/acre. The reconciled column 4, "Final Calculation" (assuming 1.60 acre-feet/year/acre), indicates that the proposed project would result in a net decrease of 372 acre-feet of groundwater relative to existing conditions assuming existing surface water usage of 1.60 acre-feet/year/acre. Although both of these decreases are slightly lower than the 447-acre-foot total decrease reported in the Draft EIR, these refined calculations reaffirm the conclusion in the Draft EIR that the proposed project would not exacerbate existing groundwater overdraft conditions and would be served by adequate source of long-term water supply.

Table 2-4: Project Consumptive Use – Comparison of Calculations

Category	Draft EIR Calculation (California Water Service Company)	CID Calculation (Summers Engineering)	Final Calculation (Actual Conditions)	Final Calculation (1.60 acre-feet/year Surface Water)
Selma Crossings Annual Demand	952.0 acre-feet/year	1,048.0 acre-feet/year	1,048.0 acre-feet/year	1,048.0 acre-feet/year
Selma Crossings Acreage	304 acres	287 acres	288 acres	288 acres
Project Water Demand Rate	*3.12 acre-feet/year/acre*	*3.65 acre-feet/year/acre*	*3.64 acre-feet/year/acre*	*3.64 acre-feet/year/acre*
Recharge and Reduction in Consumptive Use	2.23 acre-feet/year/acre	0.82 acre-foot/year/acre	3.34 acre-feet/year/acre	4.95 acre-feet/year/acre
Project's Net Consumptive Use	0.89 acre-foot/year/acre	2.83 acre-feet/year/acre	0.30 acre-foot/year/acre	(1.31 acre-feet/year/acre)
Agricultural Consumptive Use	2.36 acre-feet/year/acre	0.02 acre-foot/year/acre	1.31 acre-foot/year/acre	0.02 acre-foot/year/acre
Net Change in Consumptive Use	*(1.47 acre-feet/year/acre)*	*2.81 acre-feet/year/acre*	*(1.01 acre-feet/year/acre)*	*(1.29 acre-feet/year/acre)*
Net Change in Water Consumption	**(447 acre-feet/year)**	**806 acre-feet/year**	**(291 acre-feet/year)**	**(372 acre-feet/year)**

Notes:
Draft EIR calculations presented on pages 4.8-13 and 4.8-14.
CID calculations presented in Comment JACOBSON-11.
Source: Michael Brandman Associates, 2012; Summers Engineering, Inc., 2012.

Other Issues Raised by CID

Groundwater Levels

Mr. Jacobson referenced a statement from page 16 of the Water Supply Assessment (and Draft EIR page 4.11-25) concerning groundwater levels in the Selma area having been relatively constant for the past 35 years and asserted that this statement is contradictory to later statement that CID's monitoring wells have shown a gradual decline in water levels. He also asserted that this statement was in conflict with other statements that Selma's wells dropped 45 feet during the drought of the later 1980s and only recovered to within 10 feet of the pre-drought levels. Mr. Jacobson stated that his firm would not characterize a 10-foot drop, which is roughly 20 percent of the current depth to water, as being relatively constant.

Mr. Browne asserted that the Water Supply Assessment repeatedly understates the long-term decline in groundwater levels in the Selma area due to overdrafting as documented by CID's studies.

The Water Supply Assessment (and associated sections of the Draft EIR) acknowledges the long-term gradual decline in groundwater levels in the Selma area; refer to Draft EIR pages 4.8-3 through 4.8-5 and 4.11-3 through 4.11-5. The Water Supply Assessment projections of long-term water availability factored in the long-term gradual decline into its projections; refer to pages 4.11-20 through 4.11-29.

Regarding Mr. Jacobson's disagreement that a 10-foot drop in groundwater levels relative to pre-drought conditions as not being "relatively constant," this does not accurately reflect the statements contained in the Water Supply Assessment and Draft EIR. The "relatively constant" statement on Draft EIR page 4.11-25 pertained to groundwater levels measured by Cal Water over a 35-year period at its wells in Selma. The sentences immediately following this statement acknowledge that CID has reported a gradual decline in groundwater levels and note the 45-foot drop that occurred in the late 1980s. Nonetheless, as should be clear from any objective reading of the paragraph, groundwater levels have historically fluctuated based on climactic conditions (drought and heavy rainfall).

Conversion of Agricultural Land to Urban Use

Mr. Jacobson referenced a statement from page 18 of the Water Supply Assessment (and Draft EIR page 4.11-27) concerning conversion of agricultural land to urban use increasing groundwater consumptive use and indicated that his firm agrees with this statement and asserted that it refutes the various calculations presented in the Water Supply Assessment and Draft EIR.

The statement cited by Mr. Jacobson is provided in the context of a general discussion of strategies and measures being implemented to stem the gradual decline in groundwater levels in the Selma area. Although this passage notes that the conversion of agricultural land to urban use will increase groundwater consumptive use, it was made in the context of a general statement about larger trends. Furthermore, both the calculations contained in the Draft EIR and the Reconciliation of Calculations portions of this master response demonstrate that the proposed project results in a net decrease in

groundwater consumption. As such, the statement in question does not refute the various calculations presented in the Water Supply Assessment and Draft EIR.

Reliability of Groundwater Supplies

Mr. Jacobson referenced a statement from page 18 of the Water Supply Assessment (and Draft EIR page 4.11-27) concerning the reliability of groundwater supplies and disputed the conclusion that reliability will be assured if other agencies implement measures to reduce withdrawals or increase recharge. He asserted that there is no guarantee those agencies will have the financial means to implement such measures. Mr. Jacobson also disputed a statement that Cal Water intends to work closely with CID to develop plans for additional recharge facilities, asserting that his firm is not aware that any efforts have been made by Cal Water, nor has evidence been presented in the Draft EIR supporting this claim.

The discussion about efforts by other agencies to reduce withdrawals or increase recharge was provided for informational purposes to illustrate that current measures are being implemented in this regard. Furthermore, the statement cited by the author reads as follows: "Cal Water plans to work with CID to develop plans for additional facilities that will accomplish that objective." As such, the statement describes actions that are expected to occur in the future; it does not state that there are any existing efforts between the two parties. Again, this statement was made in the context of a general discussion of efforts being made to reduce withdrawals or increase recharge and is not the basis for the Water Supply Assessment or Draft EIR's conclusions regarding groundwater.

Mitigation

Mr. Browne referenced the Summers Engineering letter and stated that the proposed project will substantially increase groundwater consumption in an already critically overdrafted basin. He asserted that the Water Supply Assessment and the Draft EIR's evaluation of groundwater need to be completely redone using proper calculations and correct assumptions, and that appropriate mitigation measures need to be developed. Mr. Browne stated that one mitigation measure would be for the City of Selma to enter into the Cooperative Agreement with CID to participate in a program to recharge the groundwater basin the Selma area. He noted that the City of Selma has the proposed Cooperative Agreement in its possession and requested that it be included in the record of this proceeding.

As explained previously in this master response, the Water Supply Assessment employed appropriate and reasonable assumptions about recharge in the Selma area and, therefore, there is no legal basis to revise and recirculate the Draft EIR as stated by the author. For these same reasons, there is no legal basis to implement the proposed mitigation measure (the Cooperative Agreement).

City of Selma 20235 General Plan EIR's Conclusions Concerning Groundwater

In the interests of informed decision-making, further discussion of the City of Selma 2035 General Plan EIR's conclusions concerning groundwater are presented on the following page.

The impact of development on groundwater and water supply within the City of Selma through the year 2035 was analyzed in detail in the EIR certified for the City of Selma's 2035 General Plan. The analysis in the EIR was supported by the expert opinion of Kenneth D. Schmidt of Kenneth D. Schmidt and Associates, Groundwater Quality Consultants, and information provided by California Water Service Company. Notably, the 2035 General Plan specifically contemplated that development consistent with the proposed project would occur on the project site.

The Draft EIR for the 2035 General Plan concluded that full development of the plan area, which includes the proposed project, would result in a water requirement of "about 27,600 acre-feet per year." The Draft EIR also explained that if "groundwater pumpage alone is used to supply the urban demand for the Planning Area, the increased pumpage over current usage would be about 8,000 acre-feet per year" (Draft EIR, City of Selma General Plan Update [Sept. 2009] at 3-138, 3-139) . The Draft EIR also explained that there "would be an estimated urban consumptive use of about 15,000 acre-feet per year under full development of the 2035 Plan Area," which is "about 13,000 acre-feet per year less than the estimated present consumptive use in the Plan Area" (ibid., 3-139). The Draft EIR, however, recognized that, under a worst-case-scenario—i.e., if wastewater was exported outside the Plan Area—there could be "an average water deficit of about 15,000 acre-feet per year in the Plan Area" (ibid).

The Draft EIR also evaluated concerns raised by CID that were virtually identical to those raised in the Browne and Jacobsen comment letters here, and rejected them. As explained in the Draft EIR, "[a]lthough CID has indicated that future growth as a result of the proposed General Plan along with future ground . . . within CID's service area could result in a potentially significant impact to groundwater depletion and recharge," the groundwater analysis prepared for the 2035 General Plan "supports a finding of less than significant impact."

Thus, because the impacts of development consistent with the 2035 General Plan were discussed in the 2035 General Plan EIR, and this project contemplates land uses analyzed in that document, the potential impacts of the project need not be analyzed again in this document (Pub. Resources Code, § 21083.3).

SECTION 3: RESPONSES TO WRITTEN COMMENTS ON THE DRAFT EIR

3.1 - List of Authors

3.1.1 - Written Comments

A list of public agencies, organizations, and individuals who provided comments on the Draft EIR is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be crossed-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author **Author Code**

State Agencies

Central Valley Regional Water Quality Control Board.....RWQCB
Department of Toxic Substances Control.....DTSC
Department of Transportation .....CALTRANS

Local Agencies

Fresno Local Agency Formation Commission.....LAFCO
County of Fresno Department of Public Health .....DPH
Selma-Kingsburg-Fowler County Sanitation District .....SKF
Scott Browne (on behalf of Consolidated Irrigation District) .....BROWNE
Scott Jacobson (on behalf of Consolidated Irrigation District) .....JACOBSON
City of Kingsburg.....KINGSBURG
Consolidated Mosquito Abatement District ..... CONMAD
County of Fresno Department of Public Works and Planning .....DPWP

Private Businesses, Organizations, and Individuals

Dirk Poeschel (on behalf of Selma Flea Market) .....POESCHEL
California Water Service Company.....CAL WATER

3.2 - Responses to Comments

3.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Selma, as the lead agency, evaluated the comments received on the Draft EIR (State Clearinghouse No. 2007071008) for the Selma Crossings Project, and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

3.2.2 - Comment and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.

CALIFORNIA Water Boards

Central Valley Regional Water Quality Control Board

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

29 June 2012

Bryant Hemby
City of Selma
1710 Tucker Street
Selma, CA 93662

CERTIFIED MAIL
7011 2970 0003 8939 2719

COMMENTS TO REQUEST FOR REVIEW THE DRAFT ENVIRONMENTAL IMPACT REPORT, SELMA CROSSINGS PROJECT, SCH NO. 2007071008, FRESNO COUNTY

Pursuant to the State Clearinghouse's 31 May 2012 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the Request for Review for the *Draft Environmental Impact Report* for the Selma Crossings Project, located in Fresno County.

1

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

2

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process. 3

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at: 4
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. 5

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. 6

[1] Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. 7

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

If you have questions regarding these comments, please contact me at (916) 464-4745 or gsparks@waterboards.ca.gov. 8

Genevieve Sparks

Genevieve (Gen) Sparks
Environmental Scientist
401 Water Quality Certification Program

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento

State Agencies

Central Valley Regional Water Quality Control Board (RWQCB)

Response to RWQCB-1

The agency provided introductory remarks to open the letter. No response is necessary.

Response to RWQCB-2

The agency provided standard language about compliance with construction stormwater general permit requirements.

Mitigation Measure HYD-1a requires the project applicant to prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) to the Central Valley Regional Water Quality Control Board for review and approval prior to issuance of grading permits. The purpose of the SWPPP is to achieve compliance with the General Permit for Storm Water Discharges Associated with Construction Activity.

Response to RWQCB-3

The agency provided standard language about compliance with Phase I and II Municipal Separate Storm Sewer System (MS4) Permits.

As a jurisdiction with fewer than 100,000 residents, the City of Selma is subject to Phase II MS4 standards. Mitigation Measure HYD-1b requires the project applicant to prepare and submit a stormwater quality management plan to the City of Selma for review and approval prior to issuance of building permits. The City of Selma has established standards for new storm drainage systems that are intended to facilitate compliance with Phase II MS4 standards.

Response to RWQCB-4

The agency provided standard language about compliance with industrial stormwater general permit requirements.

Types of facilities subject to industrial stormwater general permit requirements include manufacturing, oil/gas production, hazardous waste treatment/storage, landfills, scrap/salvage yards, and vehicle maintenance facilities. The proposed project generally does not permit these types of land use activities; therefore, the proposed project's end uses would not be expected to be subject to industrial stormwater general permit requirements.

Nonetheless, should an end user engage in activities subject to industrial stormwater general permit requirements, the end user would be required to obtain approval of a permit prior to commencement of operations.

Response to RWQCB-5

The agency provided standard language about compliance with Clean Water Act Section 404 Permit requirements.

As discussed in Section 7, Effects Found Not To Be Significant, there are no federally protected wetlands or other jurisdictional features located within the project boundaries. This condition obviates the need to obtain approval of a Clean Water Act Section 404 Permit.

Response to RWQCB-6

The agency provided standard language about compliance with Clean Water Act Section 401 Permit – Water Quality Certification requirements.

As discussed in Section 7, Effects Found Not To Be Significant, there are no federally protected wetlands or other jurisdictional features located within the project boundaries. This condition obviates the need to obtain approval of a Clean Water Act Section 401 Permit – Water Quality Certification.

Response to RWQCB-7

The agency stated that if the United States Army Corps of Engineers determines that only non-jurisdictional waters of the State (i.e., non-federal waters of the State) are present within the project site, the proposed project will require a Waste Discharge Permit.

As discussed in Section 7, Effects Found Not To Be Significant, there are no significant water features within the project boundaries. This condition obviates the need to obtain approval of a Waste Discharge Permit.

Response to RWQCB-8

The agency provided concluding remarks to close the letter. No response is necessary.

Department of Toxic Substances Control

Matthew Rodriquez
Secretary for
Environmental Protection

Deborah O. Raphael, Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Edmund G. Brown Jr.
Governor

July 11, 2012

Mr. Bryant Hemby
Assistant Planner
Attn: Selma Crossings EIR
City of Selma, Community Development Department
1710 Tucker Street
Selma, California 93662

DRAFT ENVIRONMENTAL IMPACT REPORT SELMA CROSSINGS COMMERCIAL PROJECT, STATE CLEARINGHOUSE NUMBER 2007071008

Dear Mr. Hemby:

The Department of Toxic Substances Control (DTSC) has completed review of the Draft Environmental Impact Report (Draft EIR) for the Selma Crossings Commercial Project (State Clearinghouse No. 2007071008). The Draft EIR presents a proposal to develop 288 acres of land in and near the City of Selma. DTSC is concerned that this project, specifically phase 3 (the Northwest Area), could adversely impact the remediation of the groundwater plume that emanates from the Selma Treating Company Superfund Site. The EIR concludes that the proposed project has the potential to result in the human or environmental exposure to the chromium contaminated groundwater in the event the ongoing remediation is interrupted or prevented during the construction or operation of the project. DTSC concurs with this conclusion as the proposed project may impede or interfere with the on-going remediation of the chromium contaminated groundwater plume that emanates from the Selma Pressure Treating Company Superfund site. The groundwater remediation includes numerous components (such as extraction wells, underground piping and electrical conduit) in the Northwest Area of the proposed project. As discussed below, DTSC requests that the City of Selma modify Mitigation Measure 2a prior to adopting the Draft EIR. 1

As stated in the Executive Summary (Page 2-12) under the designation Impact HAZ-2:

> *"Development of the proposed project may have the potential to expose human health and the environment to hazardous materials associated with past or present site usage."*

To mitigate this impact Mitigation Measure HAZ-2a proposes:

> *"Prior to issuance of grading permits within the Northwest Area, the project applicant shall consult with the United States Environmental Protection Agency and the California Department of Toxic Substances Control regarding the*

hexavalent chromium plume associated with the Selma Pressure Treatment Site. The consultation shall address (1) appropriate liability indemnification and (2) access agreements to the extraction system wells. Documentation shall be provided to the City of Selma reflecting the outcome of the consultation and recorded in the final map."

The Draft EIR examines potential environmental effects of the proposed project and presents recommendations to mitigate those impacts. Clearly remediation directed at the protection, restoration or remediation of groundwater should be addressed in the Draft EIR. Legal issues such as liability indemnification do not have an impact on the environment and, as such, they are outside the scope of the EIR. DTSC recommends that the mitigation measure be revised to read:

"*Prior to recordation of the final map for the Northwest Area, the project applicant shall consult with the United States Environmental Protection Agency and the California Department of Toxic Substances Control regarding the hexavalent chromium plume associated with the Selma Pressure Treatment Site. Following this consultation the project proponent shall provide a copy of agreements that demonstrate that ongoing access for monitoring and remediation is provided to both agencies and that adequate controls are in place to protect the system (or a replacement system). Access shall be provided for the life of the project or until the regulatory agency(ies) with jurisdiction over the plume determine that it is no longer necessary. Access agreements and associated documentation shall be provided to the City of Selma and recorded in the final map."*

1
CONT

Revision of the mitigation measure in this manner would protect the remediation system and insure agency access for the life of the system and associated equipment. The above revision should also apply in the event that the Northwest Area Alternative is implemented. The alternative proposal would impact the remediation of the chromium contaminated groundwater plume in the same manner as the entire project.

Thank you for the opportunity to review the Draft EIR.

Should you have questions regarding this matter, please contact me at (916) 255-6583.

2

Sincerely,

Sam V. Martinez, Jr., P.E.
Hazardous Substances Engineer
Brownfields and Environmental Restoration Program

cc: See next page.

cc: State Clearinghouse (sent via email)
Office of Planning and Research
1400 10th Street, Room 121
Sacramento, California 95814-0613
State.Clearinghouse@opr.ca.gov

Ms. Nancy Ritter (sent via email)
Planning & Environmental Analysis Section
CEQA Tracking Center
Department of Toxic Substances Control
1001 I Street, 22nd Floor
P.O. Box 806
Sacramento, California 95812-0806

Department of Toxic Substances Control (DTSC)

Response to DTSC-1

The agency stated that it is concerned that the proposed project may impact remediation efforts for the groundwater plume associated with Selma Pressure Treatment that extends beneath the Northwest Area of the project site. The agency stated that it concurred with the Draft EIR's conclusion that the proposed project may impact remediation efforts and requested that Mitigation Measure HAZ-2a be revised to read as follows:

MM HAZ-2a Prior to recordation of the final map for the Northwest Area, the project applicant shall consult with the United States Environmental Protection Agency and the California Department of Toxic Substances Control regarding the hexavalent chromium plume associated with the Selma Pressure Treatment Site. Following this consultation, the project applicant shall provide a copy of agreements that demonstrate that ongoing access for monitoring and remediation is provided to both agencies and that adequate controls are in place to protect the system (or a replacement system). Access shall be provided for the life of the project or until the regulatory agency(ies) with jurisdiction over the plume determine that it is no longer necessary. Access agreements and associated documentation shall be provided to the City of Selma and recorded in the final map.

The agency indicated that its proposed revisions are intended to protect the remediation system and ensure agency access for the life of the system and associated equipment, and noted that this mitigation measure would also apply if the Northwest Area Alternative were pursued.

The text of Mitigation Measure HAZ-2a has been revised to reflect the DTSC's proposed wording. The change is noted in Section 4, Errata.

Response to DTSC-2

The agency provided closing remarks to conclude the letter. No response is necessary.

DEPARTMENT OF TRANSPORTATION
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July 16, 2012

2131-IGR/CEQA
6-FRE-99-3.742
DRAFT EIR
SELMA CROSSINGS, LLC
SCH 2007071008

Mr. Bryant Hemby
City of Selma
Community Development Department
1710 Tucker Street
Selma, CA 93662

Dear Mr. Hemby:

Caltrans has completed its review of the Draft EIR (DEIR) for the proposed development of 307 acres situated in the southern portion of the City of Selma near and adjacent to the State Route (SR) 99 interchange at Mountain View Avenue. Approximately 85 acres would be located in the northeast quadrant of the interchange, about 140 acres would be situated on the southwest quadrant, and around 70 acres would be near the northwest quadrant of the interchange. The development anticipates that there will be approximately 2,092,000-ft^2 of retail commercial, 540,000-ft^2 of office commercial, 250 dwelling units, a 36-acre auto-mall, two 3-story hotels, and a 10,000-ft^2 water-park. Most of the current uses of these sites are related to agricultural production; however, the proposed uses would require a change in the planned designated land use to regional commercial. 1

1. One of the project objectives indicated under Section 2.2.3 states that the new development will be phased in a logical and orderly manner that promotes land use compatibility and avoids premature conversion of agricultural land to non-agricultural use. A second project objective under this section indicates that the site will be developed at an intensity that most efficiently utilizes the infrastructure available to be constructed as part of the project. However, later sections of the DEIR indicate that the proposed development does not intend to actually construct any improvements to the existing infrastructure (SR 99 interchange at Mountain View Avenue). Instead, the proposed development is proposing to merely contribute a calculated proportional share for improvements that would be constructed by others at some later time. Also, the existing SR 99 interchange at Mountain View Avenue was originally designed to accommodate the demand from agricultural land uses. Regional-Commercial development is thus not compatible with the configuration and capacity of the existing interchange at Mountain View Avenue. 2

2. In Section 2.3, under "Existing Plus Phase I Traffic Conditions," it is indicated that mitigation is proposed requiring the applicant to install traffic improvements or provide fair-share fees for construction of such improvements; however, it would not fully mitigate the impact to a level of less-than-significant. Therefore, the Draft EIR concludes that the impact is significant and unavoidable. Regardless of the wording, impacts to transportation infrastructure are avoidable by numerous measures. As indicated in the previous comment, the existing freeway interchange at Mountain View Avenue was never designed to accommodate significant commercial development. However, there are interchange designs that could easily accommodate such development, and such a configuration would reduce the impact to an insignificant level. The documents claim of significant an avoidable seems to be based on financial considerations which is not valid under CEQA. 3

3. In Section 2.3, under "Year 2035 Traffic Conditions," it is also indicated that mitigation is proposed requiring the applicant to install traffic improvements or provide fair-share fees for construction of such improvements; however, it would not fully mitigate the impact to a level of less-than-significant. Therefore, the Draft EIR concludes that the impact is significant and unavoidable. Again, regardless of the wording, impacts to transportation infrastructure are avoidable by numerous measures. As stated in the previous comment, there are interchange designs that could easily accommodate such development, and such a configuration would likely reduce the impact to levels that are satisfactory for the Year 2035. 4

4. Under Section 2.4.4, it is indicated that the "Northwest Area Alternative" is the environmentally superior project alternative. This alternative would development only the 70 acres located in the northwest quadrant of the Mountain View Avenue interchange. The other two locations (Northeast Area, South Area) would be eliminated. At this time, it is unclear if the traffic study specifically analyzed this alternative. However, in general concept, it would seem apparent that such a scaled-down development would be environmentally superior to the much larger proposed development. It would obviously not be environmentally superior to the "No Build" alternative, unless it could be shown that its impacts could be mitigated to insignificant levels. 5

5. In Table 2-1, under Section 4.12, MM TRANS-1a indicates that the applicant and the City of Selma shall establish a financing mechanism to fund transportation improvements. It states that applicants that pursue development pursuant to the final map shall contribute fair-shares of the costs of necessary improvements at the time building permits are sought. However, given that the existing freeway interchange at Mountain View Avenue was never designed to accommodate the demand from such regional-commercial development, it is likely that opening day improvements would be required, rather than fair-share contributions to future improvements. Nevertheless, it is recommended that Caltrans also be consulted regarding the establishment of any funding mechanisms that would include improvements to 6

impacted interchanges along SR 99.

6 CONT

6. In Table 2-1, under Section 4.12, MM TRANS-1b and MM TRANS-1c indicate that the project applicant shall provide fair-share contributions for interim improvements to the freeway interchange at Mountain View Avenue. The principal configuration of these interim improvements would consist of "teardrop" roundabouts at the entrance/exit ramp intersections. However, as indicated in the previous comment, it is likely that any interim or permanent improvements would need to be constructed prior to opening day. Given the size and nature of the proposed development, and given the limited capacity of the existing interchange at Mountain View Avenue, it is recommended that the proposed development should be held 100% responsible for constructing these interim or permanent improvements prior to opening day. Also, significant additional analysis would be required in order to determine the geometric feasibility of roundabouts. Additionally, it is our understanding that this proposed configuration with roundabouts would not be able to satisfactorily accommodate the projected future demand. These interim improvements would thus not be able to be salvaged with the ultimate interchange configuration.

7

7. In Table 2-1, under Section 4.12, MM TRANS-1g indicates that the project applicant shall provide fair-share contributions for improvements to the segment of Mountain View Avenue that is situated between SR 99 and Golden State Boulevard. However, as previously indicated, such improvements would probably need to be constructed prior to opening day. The operation of this segment of Mountain View Avenue, and the operation of the intersection at Golden State Boulevard, directly impacts the operation of the freeway interchange at Mountain View Avenue. This proposed improvement would also suggest that widening of Mountain View Avenue should likely extend beyond the freeway interchange to Dockery or McCall Avenues.

8

8. In Table 2-1, under Section 4.12, MM TRANS-2e, MM TRANS-2f, MM TRANS-2k, and MM TRANS-2l, the mitigation measures that are indicated are in response to projected impacts to those State freeway facilities that would be impacted by this proposed development. However, these impacts are projected for the year 2020. This is an interim period that is between the opening-day and twenty years after the opening-day. This interim period is not an analysis period that Caltrans typically analyzes. Nevertheless, as indicated in these previous comments, there are several improvements that are identified as being needed in order to accommodate the projected demand by the year 2020, but the analyst is only recommending that the proposed development contribute a fair-share towards those improvements. Actual improvements should be provided rather than payment of fair-shares, especially if there appears to be only a remote possibility to salvage any interim improvements. There is no certainty as to when the balance of funds would be available to deliver the necessary improvements. This would result in a tremendous amount of new vehicle trips going unmitigated for an unknown period of time.

9

9. In Table 2-1, under Section 4.12, Impact TRANS-3 summarizes the impacts and proposed mitigation at the Year 2035. It assumes that the proposed mitigation measures TRANS-1a through TRANS-1h, and TRANS-2a through TRANS-2n have already been implemented. It further recommends the implementation of proposed mitigation measures TRANS-3a through TRANS-3kk. However, even with the implementation of all of these mitigation measures, it is still indicated that the projected impacts to the transportation infrastructure would be significant and unavoidable. As stated previously, impacts to transportation infrastructure are avoidable by numerous measures. The existing freeway interchange at Mountain View Avenue was never designed to accommodate significant commercial development. However, there are interchange designs that could easily accommodate such development, and such a configuration would reduce the impact to an insignificant level. 10

10. In Table 2-1, under Section 4.12, MM TRANS-3j indicates that the project applicant shall provide fair share contributions for reconfiguring the SR 99 interchange at Mountain View Avenue to a partial cloverleaf configuration. The recommended configuration indicates that the structure crossing over the freeway lanes would need to accommodate at least six lanes of traffic. This interchange configuration is such that previous improvements to this interchange would not be salvageable. Since the ultimate interchange configuration would be a partial cloverleaf configuration, it would typically be preferable to make previous interim improvements that could be incorporated into the ultimate interchange configuration. 11

11. In Table 2-1, under Section 4.12, MM TRANS-3i and MM TRANS-3k indicate that the project proponent shall provide fair-share contributions for improvements to the Mountain View Avenue intersections at Dockery Avenue and Golden State Boulevard. Due to the close proximity of these two local road intersections to the freeway interchange at Mountain View, it is highly likely that the operation of these two intersections would impact the operation of the interchange. Thus, improvements to these two local road intersections should be closely linked to any improvements to the freeway interchange at Mountain View Avenue. 12

12. In Table 2-1, under Section 4.12, MM TRANS-3aa and MM TRANS-3bb indicate that the project applicant shall provide fair share contributions for the widening of that segment of Mountain View Avenue, situated between Dockery Avenue and Golden State Boulevard, to six lanes. This segment of Mountain View Avenue would obviously impact the operation of the freeway interchange at Mountain View Avenue. Thus, these improvements should be closely linked to any improvements to the freeway interchange at Mountain View Avenue. 13

13. Previous comments from Caltrans recommended that any traffic analysis for this proposed development should include a queue analysis for the freeway ramp intersections at Mountain View Avenue. In recognizing the obvious capacity constraint of the existing Mountain View Avenue structure crossing over the freeway, it is also recommended that the 14

analysis address the limitations of the existing structure. The final analysis does not appear to have examined these two items. 14 CONT

14. On Page 4.12-26 and Page 4.12-33, it is noted that the City of Selma's General Plan Policy 2.36 stipulates that developers shall mitigate traffic impacts associated with their projects to minimize the impacts to highways, major arterials, arterials, and collector streets.

On Page 4.12-33, it is noted that the City of Selma's General Plan Policy 2.32 stipulates that the City designates Service Level "D" as defined in the Highway Capacity Manual as the minimum desirable level at which freeways, expressways, major arterials, arterials, and collector streets should operate. However, as has been previously indicated in other communications, the State sets the minimum standards for the operation of facilities under its jurisdiction. 15

15. On Pages 4.12-42 and 4.12-43, under the section "Project Trip Distribution and Assignment," it is indicated that the number of projected generated trips that would impact the freeway interchange at Mountain View Avenue was adjusted for pass-by trips. This adjustment to projected generated trips that would impact a freeway interchange is commonly made by most traffic analyst; however, this is also an incorrect adjustment. This adjustment throws out freeway trips that previously did not impact the ramps or the ramp intersections. If an analysis was also being performed on the freeway segments, then such an adjustment would be valid for that segment analysis. Since most proposed developments that are impacting a freeway interchange are relatively small, the misapplication of this adjustment doesn't significantly alter the results of the analysis; however, given the size of this proposed development, this same misapplication of this adjustment could significantly alter the results of the analysis. Thus, it can be assumed that the much of the results shown in this analysis are probably showing a slightly better outcome than otherwise would result without the application of the pass-by adjustment to trips coming from the freeway. 16

16. On Page 4.12-44, under the section "Traffic Signal Warrants," it is indicated that the warrant used for the analysis was Warrant 3 (Peak Hour). However, the Ca MUTCD indicates that the Peak Hour Warrant should only be applied in unusual cases, such as office complexes, manufacturing plants, industrial complexes, or high-occupancy vehicle facilities that attract or discharge large numbers of vehicles over a short time. Signal Warrants 1 and 2 should have been used to analyze the intersections on state facilities. 17

17. In Table 4.12-21 (Existing Plus Phase I Intersection Operations), it is indicated that the level-of-service for the SR 99 northbound exit-ramp to Mountain View Avenue would significantly deteriorate from a satisfactory level-of-service to an unsatisfactory level-of-service with the addition of the traffic from the first phase of development. The level-of-service for the SR 99 southbound exit-ramp to Mountain View Avenue would also 18

significantly deteriorate from a satisfactory level-of-service to an unsatisfactory level-of-service with the first phase of development. This is also true for the very nearby intersection of Mountain View Avenue and Golden State Boulevard. Also, as previously indicated, the traffic impacts to the ramp intersections from the first phase of the proposed development are probably even worse, due to the misapplication of pass-by adjustments for trips coming from the freeway. Additionally, the lack of a queue analysis at these three intersections results in a substantially incomplete analysis of the operation of this freeway interchange at Mountain View Avenue. Nevertheless, based on the results reported in the analysis, it is concluded that mitigating improvements to the freeway interchange at Mountain View Avenue should be required to be in place prior to opening-day. Given that the existing freeway interchange at Mountain View Avenue would apparently operate satisfactorily for the next several years without the addition of the traffic from the proposed development, it is recommended that the proposed development should be 100% responsible for assuring that these improvements are in place prior to opening day. 18 CONT

18. In Table 4.12-22 (Existing Plus Phase I Roadway Segment Operations), it is indicated that the level-of-service for the segment of Mountain View Avenue that is situated between the SR 99 and Golden State Boulevard would deteriorate from a satisfactory level-of-service to an unsatisfactory level-of-service with the addition of traffic from the first phase of development. Given the close proximity of the intersection of Mountain View Avenue and Golden State Boulevard to the freeway interchange at Mountain View Avenue, the operation of this segment of Mountain View Avenue would obviously impact the operation of this freeway interchange. Therefore, based on the results reported in the analysis, it is concluded that mitigating improvements to this segment of Mountain View Avenue should be required to be in place prior to opening day. Also, given that this existing roadway segment (operation impacting the freeway interchange at Mountain View Avenue) would apparently operate satisfactorily for the next several years without the addition of the traffic from the proposed development, it is recommended that the proposed development should be 100% responsible for assuring that these improvements to this segment of Mountain View Avenue are in place prior to opening day. 19

19. On Pages 4.12-84 and 4.12-85, under the section "Mountain View Avenue/SR-99 Southbound Offramp," and on Pages 4.12-85 and 4.12-86, under the section "Mountain View Avenue/SR-99 Northbound Offramp," it is indicated that standard mitigation improvements for these two freeway exit ramps would require widening the existing structure crossing over the freeway. It is also indicated that it could be difficult to incorporate the new bridge widening into the ultimate interchange configuration; therefore, the analyst recommended a non-traditional configuration that would not require bridge widening. As previously indicated, the principal configuration of these non-traditional interim improvements would consist of "teardrop" roundabouts at the entrance/exit ramp intersections. As indicated in a previous comment, it is likely that any interim or permanent improvements would need to be constructed prior to opening day. Given the size and nature of the proposed development, and given the limited capacity of the existing interchange at 20

Mountain View Avenue, it is recommended that the proposed development should be held 100% responsible for constructing these interim or permanent improvements prior to opening day. Also, significant additional analysis would be required in order to determine the geometric feasibility of roundabouts. Additionally, it is our understanding that this proposed configuration with roundabouts would not be able to satisfactorily accommodate the projected future demand. These interim improvements would thus not be able to be salvaged with the ultimate interchange configuration. 20 CONT

20. On Page 4.12-89, under the section "Mountain View Avenue-SR99 to Golden State Boulevard," it is indicated that the segment of Mountain View Avenue that is situated between SR 99 and Golden State Boulevard would operate with an unsatisfactory level-of-service with the addition of traffic from the first phase of development. It further states that the recommended mitigation is reflected in MM TRANS-1g. This measure indicates that the project applicant shall provide fair share contributions for improvements to the segment of Mountain View Avenue that is situated between SR 99 and Golden State Boulevard. However, as previously indicated, such improvements would probably need to be constructed prior to opening day. The operation of this segment of Mountain View Avenue, and the operation of the intersection at Golden State Boulevard, directly impacts the operation of the freeway interchange at Mountain View Avenue. This improvement would also suggest that widening of Mountain View Avenue should likely extend beyond the freeway interchange to Dockery or McCall Avenues. 21

21. In Table 4.12-24 (Existing Plus Phase I Intersection Operations-Mitigated), it is indicated that the SR 99 ramp intersections at Mountain View Avenue could be mitigated to operate with a satisfactory level-of-service with the addition of the traffic from the first phase of development. However, it appears that the analyst only analyzed the interim mitigation measure alternative with roundabouts. The analyst thus failed to consider the possibility that the roundabout alternative would not be found to be geometrically feasible. 22

22. On Page 4.12-93, under the section "Conclusion," it is indicated that the City of Selma cannot assure that the necessary improvements would be installed as contemplated. This is partially based on that assumption that the proposed project would only contribute a fair-share for the needed improvements. As previously indicated, Caltrans is recommending that the proposed project be 100% responsible for assuring that the needed improvements are in place prior to opening day. This would likely result in the proposed project funding 100% of the needed improvements. It is also indicated that the impact is significant and unavoidable, but as previously indicated, regardless of the wording, impacts to transportation infrastructure are always avoidable by reducing the amount of proposed development. As indicated in a previous comment, the existing freeway interchange at Mountain View Avenue was never designed to accommodate significant commercial development and is currently operating adequately; however, there are interchange designs that could easily accommodate such development. Such a configuration would reduce the impact to an insignificant level. 23

23. On Pages 4.12-94 and 4.12-95; under MM TRANS-1b, MM TRANS-1c, and MM TRANS-1g, it is recommended that the wording be changed to reflect that the needed improvements shall be constructed prior to opening day. 24

24. In Table 4.12-31 (Year 2035 Intersection Operations), it is indicated that the SR 99 northbound and southbound entrance ramps from Mountain View Avenue would continue to operate satisfactorily through the year 2035 without the addition of traffic from the proposed development. The addition of the proposed project's traffic results in a complete failure of both of these two ramp intersections. This further justifies the conclusion that traffic from the proposed development would be the major cause of failure of the existing freeway interchange at Mountain View Avenue. This thus lends supports to the recommendation that the proposed development should be 100% responsible for assuring that the needed improvements are in place prior to opening day. 25

25. In Table 4.12-32 (Year 2035 Roadway Segment Operations), it is indicated that the segment of Mountain View Avenue that is situated between Dockery Avenue and Golden State Boulevard would operate at an unsatisfactory level-of-service by the Year 2035. This unsatisfactory level-of-service would occur with or without the traffic from the proposed development. However, as indicated in a previous comment, the operation of this segment of Mountain View Avenue significantly impacts the operation of the SR 99 interchange at Mountain View Avenue. 26

26. In Table 4.12-34 (Year 2035 Plus Project Intersection Operations-Mitigated), it is indicated that the SR 99 freeway ramp intersections at Mountain View Avenue were analyzed assuming roundabout traffic control; however, the recommended mitigation for these four ramp intersections, shown on Pages 4.12-96 through 4.12-98, indicate that roundabouts would not be part of the ultimate configuration at this interchange. It is thus unknown if the results shown on this table are correct for these four intersections. 27

27. In Table 4.12-35 (Year 2035 Plus Project Roadway Segment Operations-Mitigated), it is indicated that the segment of Mountain View Avenue that is situated between Dockery Avenue and Golden State Boulevard was analyzed assuming a 2-lane, undivided highway; however, the recommended mitigation for this segment, shown on Pages 4.12-106 through 4.12-107, indicates that this segment should be mitigated to six lanes. It is thus unknown if the results shown on this table are correct for this segment of Mountain View Avenue. 28

28. On Page 4.12-174, under the section "Conclusion," it is again indicated that the impact is significant and unavoidable, but as previously indicated, regardless of the wording, impacts to transportation infrastructure are avoidable by numerous measures. As indicated in a previous comment, the existing freeway interchange at Mountain View Avenue was never 29

designed to accommodate significant commercial development; however, there are interchange designs that could easily accommodate such development. Such a configuration would reduce the impact to an insignificant level. 29 CONT

29. It should be noted that the ultimate SR 99/Mountain View interchange footprint can be expected to greatly exceed the current interchange footprint. Therefore, the project will need to preserve right-of-way to accommodate the future interchange. Also, the project should take careful consideration when identifying driveway and road connection locations so that they are not located to close to the ultimate ramp locations thus compromising future operations. 30

If you have any questions, call me at (559) 445-5868. 31

Sincerely,

MICHAEL NAVARRO
Office of Transportation Planning
District 06

C: SCH

Department of Transportation (CALTRANS)

To preface the responses to this comment letter, Selma city staff, MBA, Peters Engineering Group, and the applicant met with Caltrans staff at District 6 headquarters in Fresno, California on three occasions between December 2012 and March 2013 to discuss the project and the comments provided in this letter. The responses contained herein reflect the outcome of the meetings.

Response to CALTRANS-1

The agency provided introductory remarks to open the letter. No response is necessary.

Response to CALTRANS-2

The agency states that two of the project objectives concern (1) phasing new development in a logical and orderly manner and (2) developing the project at an intensity that most efficiently utilizes the infrastructure available to be constructed as part of the project. The agency states that the Draft EIR indicates that the project would not actually construct any improvements to the existing State Route 99 (SR-99)/Mountain View Avenue interchange and instead would merely contribute a calculated proportionate share for improvements that would be constructed by others at a later date. The agency also asserts that the existing SR-99/Mountain View Avenue interchange was originally designed to serve agricultural uses and, therefore, regional commercial uses are not compatible with its current configuration.

The two project objectives cited by Caltrans are reproduced below (as provided on pages 3-31 and 3-32 of the Draft EIR):

- Phase new development in a logical and orderly manner that promotes land use compatibility and avoids premature conversion of agricultural land to non-agricultural use.
- Develop the site at an intensity that most efficiently utilizes the infrastructure available and to be constructed as part of the project.

The proposed project's traffic mitigation measures are predicated on the use of a Community Facilities Financing District or other financing mechanism to collect proportionate-share fees from the proposed project as it builds out to fund and implement necessary mitigation measures. This approach reflects the size of the proposed project, the extent of required traffic improvements, and the phasing characteristics of the project, which will ultimately require that a number of improvements be installed over a period of decades. As such, the use of a Community Facilities Financing District or other financing mechanism is consistent with the objectives that concern phasing new development in a logical and orderly manner and timing development at an intensity that most efficiently utilizes the infrastructure available and to be constructed as part of the project.

Regarding the adequacy of the existing SR-99/Mountain View Avenue interchange, the Draft EIR recognizes that the existing interchange will require a series of improvements as the project builds out. Mitigation Measures TRANS-1b, TRANS-1c, TRANS-2e, TRANS-2f, and TRANS-3j all

require improvements to occur in conjunction with each phase of the project. The first round of improvements (Mitigation Measures TRANS-1b and TRANS-1c) consists of roundabouts or alternative improvements (such as ramp alignment, traffic signals, and turn lanes) at the northbound and southbound ramp intersections. The second round of improvements (Mitigation Measures TRANS-2e and TRANS-2f) consists of bridge widening and the replacement of the roundabouts with signalized intersections. The final round of improvements (Mitigation Measure TRANS-3j) consists of the complete rebuild of the interchange as a "Type L-9" Interchange. Thus, the Draft EIR recognizes that the existing SR-99/Mountain View Avenue interchange will need to be replaced by the time the project fully builds out; however, interim measures are proposed in the interests of implementing the most cost-effective and least disruptive traffic improvements for the initial stages of the project.

Finally, in response to Caltrans's concerns about the timing of improvements contemplated by Mitigation Measures TRANS-1b and TRANS-1c, both measures have been revised to require that the improvements be installed prior to the issuance of the first certificate of occupancy for Phase 1. The change is noted in Section 4, Errata.

Response to CALTRANS-3

The agency noted that the Draft EIR concluded that the "Existing Plus Phase I Traffic Conditions" impact would have a residual significance of significant and unavoidable after implementation of mitigation. The agency stated that impacts to infrastructure are avoidable by numerous measures and reiterated a prior comment that the SR-99/Mountain View Avenue interchange was never intended to serve significant commercial development. The agency noted that there are interchange designs to serve such development that could reduce the impact to a level of less than significant. The agency stated that the significant unavoidable conclusion seems to be based on financial considerations that are not valid under CEQA.

Some of the roadway segments and interchanges discussed in the Draft EIR would operate at unacceptable levels of service under Existing Plus Phase I Traffic Conditions. The Draft EIR, however, explains that all roadway segments and interchanges, including the SR-99/Mountain View Avenue interchange, will operate at acceptable levels of service under Existing Plus Phase I Traffic Conditions following the implementation of the improvements discussed in Section 4.12, Transportation of the Draft EIR. Some of the improvements will be installed directly by the project application, while others will be funded through the project applicant's payment of fair-share fees for the improvements. As explained in the Draft EIR, the payment of fair-share fees for some of the improvements is required because many of the improvements affect facilities that are under the jurisdiction of an agency other than the City of Selma, such as the County of Fresno or Caltrans. Because the City of Selma cannot assure that the necessary improvements to facilities outside its jurisdiction will be constructed, the Draft EIR finds the residual significance of this impact is significant and unavoidable, irrespective of the availability of funding for those improvements. Thus,

the "significant and unavoidable" determination is not based on financial considerations but rather on the fact that some of the improvements are on facilities outside the City's jurisdiction.

Regarding the SR-99/Mountain View Avenue interchange, as previously discussed in Response to CALTRANS-2, the Draft EIR identified five mitigation measures that would involve improvements to this facility as the project builds out. All five mitigation measures are considered "feasible" in the sense that they can be readily implemented and would serve to fully mitigate significant impacts at this facility. However, as explained above, because the City of Selma cannot assure that the necessary improvements to facilities outside its jurisdiction will be constructed, the Draft EIR concluded that this impact is significant and unavoidable.

Finally, in response to Caltrans's concerns about the timing of the improvements contemplated by Mitigation Measures TRANS-1b and TRANS-1c, both measures have been revised to require that the improvements be installed prior to the issuance of the first certificate of occupancy for Phase 1. The change is noted in Section 4, Errata.

In summary, the conclusions regarding Existing Plus Phase I Traffic Conditions, Year 2020 Traffic Conditions, and Year 2035 Traffic Conditions are based on several factors that are not solely tied to the feasibility of the proposed improvement at the SR-99/Mountain View Avenue interchange. Thus, the Draft EIR's conclusions are not based strictly on financial considerations as suggested by Caltrans.

Response to CALTRANS-4

The agency notes that the Draft EIR concluded that the "Year 2035 Traffic Conditions" impact would have a residual significance of significant and unavoidable after implementation of mitigation. The agency states that there are interchange designs to serve such development, which could reduce the impact to a level of less than significant.

As an initial matter, implementation of Mitigation Measures TRANS-3a through TRANS-3kk would result in an acceptable level of service for most of the roadway segments and intersections analyzed in the Draft EIR. For most of the segments and intersections, the "significant and unavoidable" finding was solely a result of the fact that some of the improvements are within the jurisdiction of an agency other than the City of Selma, such as the County of Fresno or Caltrans, and therefore technically "infeasible" (*Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912).

For a small handful of other roadway segments and interchanges, the Draft EIR recommends mitigation but finds that after implementation of the mitigation, the levels of service would still be unacceptable. Although additional improvements could, in theory, be installed, Peters Engineering Group and the City of Selma have declined to require such additional mitigation. For example, the construction of additional lanes and/or the installation of three-lane left-hand turns would only

marginally improve conditions, would result in a higher potential for traffic-related hazards, and/or would reduce pedestrian access to the site.

Refer to Response to CALTRANS-3.

Response to CALTRANS-5

The agency states that the Draft EIR identified the Northwest Area Alternative as the environmentally superior project alternative and stated that it is unclear if this alternative was analyzed in the traffic study. The agency notes that the Northwest Area Alternative would be scaled down and that it was environmentally superior in relation to the proposed project, but it would not be environmentally superior to the "No Build" alternative unless it could be shown that its impacts could be mitigated to insignificant levels.

The Draft EIR provided a comparison of trip generation of the three project alternatives evaluated in detail ("Northeast Area Alternative," "Northeast Area and South Area Alternative," and "Northwest Area Alternative") and used that as the basis for making qualitative conclusions about the changes in severity of impacts in the context of traffic. While none of the three alternatives were evaluated in the same level of detail as the proposed project in the Traffic Impact Study or in Section 4.12: Transportation, project alternatives need not be studied in the same level of detail as the proposed project, as explained in Section 15126.6(d) of the CEQA Guidelines. Further, the trip generation comparison in the Draft EIR supplies sufficient information to provide a meaningful evaluation, analysis, and comparison with the proposed project in accordance with the CEQA Guidelines.

The comment also states that the "No Build Alternative" (or, more accurately, "No Project Alterative") should be considered the environmentally superior alternative under CEQA. The Draft EIR on page 5-26 acknowledges that the "No Project Alternative" is the environmentally superior alternative. As explained on the same page, however, CEQA Guidelines Section 15126(e)(2) states that if the "No Project Alternative" is the environmentally superior alternative, the EIR must identify an environmentally superior alternative from one of the remaining alternatives. As such, the Draft EIR identifies the "Northwest Area Alternative" as the environmentally superior alternative in accordance with the procedures set forth in the CEQA Guidelines.

Response to CALTRANS-6

The agency references Mitigation Measure TRANS-1a, which requires the establishment of a community facilities financing district or other financing mechanism to fund traffic improvements, and reiterated a prior comment that the Mountain View Avenue interchange was never designed to accommodate the demand from a regional commercial development. The agency states that it is likely that opening day improvements would be required rather than fair-share contributions to future improvements and recommended that Caltrans be consulted regarding the establishment of any funding mechanism that concern interchanges along SR-99.

The Draft EIR requires that the project applicant must install certain opening day improvements prior to the issuance of any certificate of occupancy under Phase 1. Other recommended mitigation, including interim improvements to the SR-99/Mountain View Avenue interchange, is outside the City of Selma's jurisdiction. Since Caltrans does not have a mitigation program for the improvements at issue, the City of Selma is technically not required to impose mitigation fees to fund the improvements because it is infeasible (*Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912). Although such mitigation could be considered "infeasible" by the City of Selma, the Draft EIR instead requires that the project applicant fund its fair share of those extra-jurisdictional improvements through the formation of a community services financing district, or another similar financing mechanism, to fund the installation of transportation improvements required as mitigation under the Draft EIR. This "fair share" requirement reflects the requirement imposed by CEQA Guidelines Section 15126.4(a)(4)(B), which states that mitigation must be roughly proportional to the impacts of the project.

The City of Selma will consult with Caltrans concerning the establishment of the community facilities financing district or other financing mechanism, as requested.

Response to CALTRANS-7

The agency references Mitigation Measures TRANS-1b and TRANS-1c, which concern roundabout improvements to the SR-99/Mountain View Avenue interchange, and stated that these improvements would likely be required for opening day. The agency recommended that the proposed project be responsible for the full cost of these improvements and also stated that significant additional analysis be required to determine the geometric feasibility of roundabouts. The agency states that it believes this configuration would not be able to satisfactorily accommodate the projected future demand and thus would not be able to be salvaged with the ultimate interchange configuration.

Peters Engineering Group, the project traffic consultant, consulted with Caltrans to discuss potential mitigation measures for the SR-99/Mountain View Avenue interchange. Caltrans staff suggested that roundabouts with a teardrop configuration may be a potential mitigation at the interchange. Based on Caltrans's comments, Peters Engineering Group developed specifications for a geometrically feasible layout for the interim improvements (see Figure H-1 presented in Appendix H of the traffic impact study). Peters Engineering Group, relying upon its expertise, respectfully disagrees with the conclusion that the "proposed configuration . . . would not be able to satisfactorily accommodate the projected future demand." Indeed, Peters Engineering Group has performed an operational analysis of the proposed teardrop configuration, and has concluded that the proposed configuration would be operationally and geometrically feasible, and would successfully mitigate the opening day impacts to the interchange. The geometric feasibility of the roundabouts has been substantially explored and presented in Figure H-1 included in the Traffic Impact Study (Appendix L).

Regarding the project's equitable share responsibility, Mitigation Measures TRANS-1b and TRANS-1c require that the proposed project contribute its fair share for the cost of the improvements. These

improvements relate to the Mountain View Avenue/SR-99 interchange, over which Caltrans has jurisdiction. Caltrans does not have a mitigation program for the improvements required under Mitigation Measures TRANS-1b and TRANS-1c. Please see the discussion in Response to CALTRANS-6.

Any funding obligation imposed on the project application for the above improvements is limited to the project's fair share of the improvements. As shown in Table 4.12-4, the Mountain View Avenue/SR-99 Southbound Offramp operates at unacceptable LOS D during the PM peak hour, which indicates that there is an existing need for improvements to this interchange that are unrelated to the proposed project. This serves to reinforce the appropriateness of requiring the project to contribute its fair share to improvements at this interchange. As such, requiring the project applicant to provide the full cost of the improvement would be in conflict with CEQA requirements and the rough proportionality doctrine.

Finally, in response to Caltrans's concerns about the timing of the improvements contemplated by Mitigation Measures TRANS-1b and TRANS-1c, both measures have been revised to require that the improvements be installed prior to the issuance of the first certificate of occupancy for Phase 1. The change is noted in Section 4, Errata.

Response to CALTRANS-8

The agency references Mitigation Measure TRANS-1g, which concerns widening Mountain View Avenue between SR-99 and Golden State Boulevard, and stated that these improvements would likely be required for opening day. The agency recommends that the proposed project be responsible for the full cost of these improvements. The agency asserts that the operation of this roadway segment directly impacts the operation of the Mountain View Avenue interchange, and the improvements would suggest that widening of Mountain View Avenue should be extended to Dockery Avenue or McCall Avenue.

To clarify, Mitigation Measure TRANS-1g requires that Mountain View Avenue be widened between the SR-99 Northbound Offramp and Golden State Boulevard; it does not require widening of the bridge structure. Therefore, widening of Mountain View Avenue does not extend through the interchange.

Regarding the project's equitable share responsibility, Mitigation Measure TRANS-1g requires that the proposed project contribute its fair share for the cost of the improvement. Caltrans has jurisdiction over the facilities at issue in Mitigation Measure TRANS-1g, but it does not have a mitigation program established for those improvements. Please see the discussion in Response to CALTRANS-6.

Response to CALTRANS-9

The agency references Mitigation Measures TRANS-2e, TRANS-2f, TRANS-2k, and TRANS-2l, which concern necessary improvements to Caltrans facilities under Year 2020 conditions, and stated

that this is an interim period that is between opening day and 20 years after opening day. The agency states that Caltrans typically does not evaluate these types of interim scenarios. The agency recommends that the proposed project be responsible for installing the actual improvements instead of providing its fair share for the cost of the improvement, particularly if there is a remote possibility to salvage any interim improvements. The agency also asserts that there is no certainty as to when the balance of the funds would be available to deliver the necessary improvements.

The Year 2020 scenario reflects the development of the Northeast Area (Phase 1) and the South Area (Phase 2) and, thus, identifies the necessary improvements that would be needed to serve these two phases of the project.

Regarding the project's equitable share responsibility, Mitigation Measures TRANS-2e, TRANS-2f, TRANS-2k, and TRANS-2l require that the proposed project contribute its fair share for the cost of the improvements. Caltrans has jurisdiction over the facilities at issue in Mitigation Measures TRANS-2e, TRANS-2f, TRANS-2k, and TRANS-2l, but it does not have a mitigation program established for those improvements. Please see the discussion in Response to CALTRANS-6.

Any funding obligation imposed on the project application for the above improvements is limited to the project's fair share of the improvements. As shown in Table 4.12-26, the Mountain View Avenue/SR-99 Southbound Offramp operates at unacceptable LOS E during the AM peak hour and LOS F during the PM peak hour under Year 2020 without project scenario, which indicates that there would be a need for improvements to this interchange that are unrelated to the proposed project. This serves to reinforce the appropriateness of requiring the project to contribute its fair share to improvements at this interchange. As such, requiring the project applicant to provide the full cost of the improvement would be in conflict with CEQA requirements and the rough proportionality doctrine.

Response to CALTRANS-10

The agency references the Impact TRANS-3 analysis (Year 2035 Traffic) and stated that this scenario assumes that Mitigation Measures TRANS-1a through TRANS-1h and TRANS-2a through TRANS-2n would be implemented. The agency states that Impact TRANS-3 further requires that Mitigation Measures TRANS-3a through TRANS-3kk be implemented and concludes that the impact would be significant and unavoidable. The agency also reiterates its prior comment that impacts are avoidable and there are interchange designs that could easily accommodate development that would reduce impacts to a level of less than significant.

As an initial matter, implementation of Mitigation Measures TRANS-3a through TRANS-3kk would result in an acceptable level of service for most of the roadway segments and intersections analyzed in the Draft EIR. For most of the segments and intersections, the "significant and unavoidable" finding was solely a result of the fact that some of the improvements are within the jurisdiction of an

agency other than the City of Selma, such as the County of Fresno or Caltrans, and therefore technically "infeasible" (*Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912).

For a small handful of other roadway segments and interchanges, the Draft EIR recommends mitigation but finds that after implementation of the mitigation, the levels of service would still be unacceptable. Although additional improvements could in theory be installed, Peters Engineering Group and the City of Selma have declined to require such additional mitigation. For example, the construction of additional lanes and/or the installation of three-lane left-hand turns would only marginally improve conditions, would result in a higher potential for traffic-related hazards, and/or would reduce pedestrian access to the site.

Peters Engineering Group also consulted with Caltrans staff on several occasions regarding the Mountain View Avenue interchange. Caltrans staff indicated that a full cloverleaf interchange will not be considered at this location. Because a full cloverleaf (which eliminates left-turn conflicts) is not an option, the remaining interchange configurations are limited in their capacity by the conflicts between left turns and opposing through movements. As such, the Draft EIR's mitigation measures reflect a series of improvements that ultimately culminate with the Mountain View Avenue interchange being reconfigured as a Type L-9 interchange. It is Peters Engineering Group's opinion that these improvements will fully mitigate the impacts under each scenario evaluated, including the Year 2035 Scenario; therefore, further interchange configurations do not need to be studied.

Response to CALTRANS-11

The agency references Mitigation Measure TRANS-3j, which requires the reconfiguration of the Mountain View Avenue interchange to a Type L-9 interchange. The agency also states this mitigation would render the previous improvements to the interchange to be non-salvageable. The agency states that it would be preferable to instead incorporate the previous improvements into the ultimate interchange configuration.

As noted in Response to CALTRANS-10, Peters Engineering Group consulted with Caltrans staff on several occasions regarding the Mountain View Avenue interchange. Caltrans staff indicated that a full cloverleaf interchange will not be considered at this location. Because a full cloverleaf (which eliminates left-turn conflicts) is not an option, the remaining interchange configurations are limited in their capacity by the conflicts between left turns and opposing through movements. This serves to preclude incorporation of the previous interchange improvements into the ultimate Type L-9 configuration.

In addition, Mitigation Measure TRANS-3j requires that the proposed project contribute its fair share for the cost of the improvements to the Mountain View Avenue interchange. Caltrans has jurisdiction over the facilities at issue in Mitigation Measure TRANS-3j, but it does not have a mitigation program established for those improvements. Please see the discussion in Response to CALTRANS-6.

Any funding obligation imposed on the project application for the above improvements is limited to the project's fair share of the improvements. As shown in Table 4.12-31, the Mountain View Avenue/SR-99 Southbound Offramp operates at unacceptable LOS F during the AM peak hour, PM peak hour, and Weekend peak hour under Year 2020 without project scenario, which indicates that there would be a need for improvements to this interchange that are unrelated to the proposed project. This serves to reinforce the appropriateness of requiring the project to contribute its fair share to improvements at this interchange. As such, requiring the project applicant to provide the full cost of the improvement would be in conflict with CEQA requirements and the rough proportionality doctrine.

Response to CALTRANS-12

The agency states that Mitigation Measures TRANS-3i and TRANS-3k involve improvements to the intersections of Mountain View Avenue/Dockery Avenue and Mountain View Avenue, and suggests that these improvements should be closely linked to any improvements at the Mountain View Avenue interchange.

The City of Selma intends for all traffic improvements required for the project to be implemented in a logical and orderly manner. The City of Selma will contact Caltrans staff to coordinate the timing of the improvements contemplated under Mitigation Measures TRANS-3i and TRANS-3k with any improvements at the Mountain View Avenue interchange

Response to CALTRANS-13

The agency noted that Mitigation Measures TRANS-3aa and TRANS-3bb involve improvements to the segment of Mountain View Avenue between Dockery Avenue and Golden State Boulevard and stated that these improvements should be closely linked to any improvements at the Mountain View Avenue interchange.

The City of Selma intends for all traffic improvements required for the project to be implemented in a logical and orderly manner. The City of Selma will contact Caltrans staff to coordinate the timing of the improvements contemplated under Mitigation Measures TRANS-3i and TRANS-3k with any improvements at the Mountain View Avenue interchange.

Response to CALTRANS-14

The agency states that its previous comments requested a queue analysis for the freeway ramp intersections at Mountain View Avenue and an evaluation of capacity constraints for the existing overcrossing. The agency also states that it appears that this requested analysis was not provided.

The Traffic Impact Study included a queue analysis for the freeway ramp intersections at Mountain View Avenue, and it also analyzed the limitations of the existing structure. The opinions stated in the Traffic Impact Study, and in Chapter 4.12 of the Draft EIR, are based on those analyses. The queues were considered in the analyses and the queue analyses were attached to the Traffic Impact Study (Appendix L) prepared for the project.

Response to CALTRANS-15

The agency notes that the Draft EIR cited the City of Selma 2035 General Plan's minimum acceptable standard of LOS D for freeways, expressways, major arterials, arterials, and collectors, and states that it has previously indicated that the State sets the minimum standards for the operation of facilities under its jurisdiction.

In early discussions regarding the interchange, Caltrans staff indicated that LOS D could be considered acceptable if queues are contained within storage lanes and do not block adjacent intersections. LOS D currently occurs at the interchange during the PM peak hour. The Caltrans Guide for the Preparation of Traffic Impact Studies allows for agreement with the local agency to accept a different LOS criterion. The guide states: "Caltrans endeavors to maintain a target LOS at the transition between LOS "C" and LOS "D" (see Appendix "C-3") on State highway facilities, however, Caltrans acknowledges that this may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS. If an existing State highway facility is operating at less than the appropriate target LOS, the existing MOE should be maintained." In this case, the existing LOS D is maintained, queues are contained, and the lead agency has established LOS D as the target in the 2035 General Plan Update.

Response to CALTRANS-16

The agency referenced the discussion of trip distribution and stated that an incorrect pass-by adjustment was applied at the Mountain View Avenue interchange. The agency stated that this adjustment "throws out freeway trips that previously did not impact the ramp or ramp intersections" and may significantly alter the results of the analysis because of the size of the proposed project. The agency asserted that it can be assumed that much of the results shown in the analysis are probably showing a slightly better outcome that otherwise would result without this adjustment.

According to Peters Engineering Group, pass-by trip adjustments were applied in accordance with widely accepted industry practice. Regarding the claim that the pass-by adjustment "throws out freeway trips that previously did not impact the ramps or the ramp intersections," this statement is not correct, as the pass-by adjustment is taken to account for project trips that are already within the baseline traffic volumes. Figures included in the traffic impact study illustrate the adjustments made at the site access intersections to account for the redistribution of the baseline traffic volumes. At all other intersections, the pass-by reduction is applied to the project trips to avoid double-counting the same vehicle that is already in the baseline traffic volume. Therefore, the full complement of baseline and project traffic volumes is included in the analyses. Since there was no misapplication of the pass-by adjustment, the results of the analyses are not "showing a slightly better outcome than otherwise would result." In fact, the outcome of the analyses is correct.

Response to CALTRANS-17

The agency references the discussion of traffic signal warrants and stated that Warrant 3 (Peak Hour) should only be applied in unusual cases such as office complexes, manufacturing plants, industrial

complexes, or high-occupancy-vehicle facilities that attract or discharge large numbers of vehicles over a short period of time. The agency asserts that Signal Warrants 1 and 2 should have been used to analyze the intersections on state facilities.

The State of California Department of Transportation California Manual on Uniform Traffic Control Devices for Streets and Highways (CMUTCD) presents various criteria (warrants) for determining the need for traffic signals. The CMUTCD states that an engineering study of traffic conditions, pedestrian characteristics, and physical characteristics of the location shall be performed to determine whether installation of a traffic control signal is justified at a particular location. The investigation of the need for a traffic control signal shall include an analysis of the applicable factors contained in the following traffic signal warrants:

- Warrant 1: Eight-Hour Vehicular Volume
- Warrant 2: Four-Hour Vehicular Volume
- Warrant 3: Peak Hour
- Warrant 4: Pedestrian Volume
- Warrant 5: School Crossing
- Warrant 6: Coordinated Signal System
- Warrant 7: Crash Experience
- Warrant 8: Roadway Network
- Warrant 9: Intersection Near a Grade Crossing

The primary use of these warrants is to determine if traffic signals are currently warranted at an existing intersection, based on observed traffic volumes; if the warrants are not satisfied, then the installation of traffic signals is usually not considered appropriate. It is acknowledged that all of the applicable traffic signal warrants should be considered only when the existing conditions are in question for installation of traffic signals.

According to Peters Engineering Group, it is common practice to utilize the traffic signal warrants in a traffic impact analysis to determine if the installation of traffic signals is a feasible mitigation measure. The warrants are not utilized as an impact criterion. Since level of service analyses to determine intersection operations are based on peak-hour traffic volumes, the application of Warrant 3 to the same peak-hour traffic volumes has been widely used to provide guidance to determine whether the installation of traffic signals is an appropriate mitigation. The Fresno County travel model, which is used as the basis for projecting year 2020 and year 2035 traffic volumes in the analysis, includes peak-hour volumes and 24-hour volumes, but it does not include sufficient information to estimate the maximum individual 8 hours of the day or the maximum individual 4 hours of the day. Therefore, the use of Warrant 1 and Warrant 2 is not only impractical, it is actually impossible for all project scenarios involving estimates of future traffic volumes. Warrant 3 used in combination with the intersection operational analyses (level of service) provides a reasonable and

acceptable combination of criteria to determine if traffic signals should be recommended as a mitigation measure.

Response to CALTRANS-18

The agency states that Table 4.12-21 indicates that the level of service for SR-99 northbound and southbound offramps at Mountain View Avenue, as well as the nearby Golden State Boulevard/ Mountain View Avenue intersection, would degrade from acceptable to unacceptable LOS under Existing Plus Phase 1 conditions. The agency reiterates prior comments about misapplication of pass-by trips and the omission of a queue analysis, and indicates that this results in the analysis potentially misreporting and incompletely reporting the extent of project impacts. The agency also reiterates a prior comment about improvements at the Mountain View Avenue interchange needing to be in place prior to opening day and the applicant bearing the full cost of the improvements.

Please refer to Responses to CALTRANS-3, and CALTRANS-6 through CALTRANS-11 for a discussion of the timing and equitable share of responsibility for mitigation.

In addition, Table 4.12-21 indicates that the existing level of service during the PM peak hour at the southbound offramp is D. Therefore, by Caltrans's current standards, the intersection is already operating at unsatisfactory levels and it is not "given" that the interchange will continue to operate satisfactorily for the next several years without the project.

Refer to Response to CALTRANS-16 for discussion of pass-by adjustments.

Refer to Response top CALTRANS-14 for discussion of the queue analysis.

Refer to Response to CALTRANS-7 through CALTRANS-11 for discussion of timing and equitable share responsibility for mitigation.

Response to CALTRANS-19

The agency reiterates a prior comment about roadway segment operations on Mountain View Avenue between SR-99 and Golden State Boulevard deteriorating to unacceptable levels, and requests that the necessary improvements be installed prior to opening day, with the project applicant being responsible for the full cost.

Please refer to Responses to CALTRANS-3, and CALTRANS-6 through CALTRANS-11 for a discussion of the timing and equitable share of responsibility for mitigation.

Please also refer to Response to CALTRANS-8 for a discussion of the roadway segment of Mountain View Avenue between SR-99 and Golden State Boulevard.

Response to CALTRANS-20

The agency references the discussion of potential bridge widening at the Mountain View Avenue interchange on Draft EIR pages 4.12-84 and 4.12-85 and reiterates previous comments about the need

for improvements to be constructed prior to opening day, with the project applicant bearing the full cost of mitigation. The agency states that significant additional analysis would be required in order to determine the geometric feasibility of roundabouts and reiterates prior comments about these interim improvements not being salvageable for the ultimate interchange improvements.

The geometric feasibility of the roundabouts has been substantially analyzed and presented in Figure H-1 included in the Traffic Impact Study (Appendix L). The level of effort exploring the geometric feasibility of improvement exceeds that typically performed for the purposes of project approval and certification of an EIR, while the level of analysis performed is typical of that required for project approval and certification of an EIR.

Please refer to Responses to CALTRANS-3, and CALTRANS-6 through CALTRANS-11 for a discussion of the timing and equitable share of responsibility for mitigation.

Response to CALTRANS-21

The agency references the discussion of roadway operations on the segment of Mountain View Avenue between SR-99 and Golden State Boulevard, and the improvements contemplated by Mitigation Measure TRANS-1g. The agency reiterates prior comments that these improvements would need to be installed prior to opening day, with the project applicant responsible for the full cost of improvements. The agency also reiterates a prior comment that widening should be extended to Dockery Avenue or McCall Avenue.

Please refer to Responses to CALTRANS-3, and CALTRANS-6 through CALTRANS-11 for a discussion of the timing and equitable share of responsibility for mitigation.

Please also refer to Response to CALTRANS-8 for a discussion of the roadway segment of Mountain View Avenue between SR-99 and Golden State Boulevard.

Response to CALTRANS-22

The agency references Table 4.12-24 and states that it appears that this table only evaluated the interim mitigation measure (roundabouts). The agency thus asserts that the Draft EIR failed to consider the possibility that roundabouts may not be geometrically feasible.

As discussed on Draft EIR pages 4.12-84 through 4.12-86, traffic signals and bridge widening were initially considered at the Mountain View Avenue interchange. However, roundabouts were ultimately identified as the preferred interim improvement for Phase 1 because they do not require widening of the existing bridge structure. It is the opinion of Peters Engineering Group that roundabouts, in the configuration shown on Figure H-1 included in the Traffic Impact Study, are geometrically feasible.

The Traffic Impact Analysis also evaluated the possibility that the roundabout alternative would not be implemented. An evaluation of possible traffic signals at the intersections is contained within Appendix L.

Response to CALTRANS-23

The agency references the concluding discussion for Impact TRANS-1 and notes that it states that the City of Selma cannot assure that the necessary improvements would be installed as contemplated. The agency reiterates its prior recommendation that all necessary improvements be installed prior to opening day, with the applicant responsible for the full cost of the improvements. The agency also reiterates prior comments about the Mountain View Avenue interchange not being designed to serve a regional commercial shopping development project.

Refer to Responses to CALTRANS-3, CALTRANS-6, CALTRANS-10, and CALTRANS-11.

Response to CALTRANS-24

The agency reiterates prior comments about Mitigation Measures TRANS-1b, TRANS-1c, and TRANS-1d being amended to require that the necessary improvements be installed prior to opening day.

Refer to Response to CALTRANS-7.

Response to CALTRANS-25

The agency references Table 4.12-31 and noted that the SR-99 northbound and southbound onramps at Mountain View Avenue would operate at acceptable LOS under Year 2035 without project conditions. The agency states that the onramps would operate at unacceptable levels with the addition of project traffic under Year 2035 with project conditions, and reiterated its prior comments that the project should be responsible for installing the proposed improvements prior to opening day, with the applicant bearing the full cost of the improvements.

Although the SR-99 onramps would deteriorate from acceptable to unacceptable LOS with the addition of project-related traffic, this comment omits the fact that Table 4.12-31 also indicates that the Mountain View Avenue/SR-99 Southbound Offramp would operate at unacceptable LOS F without the project. The proposed improvements at the Mountain View Avenue interchange involve measures that affect both the on- and offramps (e.g., roundabouts, bridge widening, interchange reconfiguration). As such, requiring a fair-share contribution to interchange improvements is appropriate, since unacceptable operations would occur at the affected locations under "without project" conditions. Refer to Responses to CALTRANS-3, CALTRANS-6, CALTRANS-10, and CALTRANS-11 for further discussion.

Response to CALTRANS-26

The agency references Table 4.12-32 and notes that the segment of Mountain View Avenue between Dockery Avenue and Golden State Boulevard would operate at unacceptable levels of service. The

agency reiterates prior comments about roadway operations on this segment of Mountain View Avenue adversely affecting the SR-99/Mountain View Avenue interchange.

Refer to Response to CALTRANS-8.

Response to CALTRANS-27

The agency notes that Table 4.12-34 indicates that the SR-99/Mountain View Avenue ramps were analyzed using a roundabout intersection control, but the recommended mitigation for this facility indicates that roundabouts will not be part of the ultimate configuration. The agency states that it is unknown if the results shown in the table are correct.

Both SR-99/Mountain View Avenue ramps were evaluated as being controlled by signals under Year 2035 conditions; however, Table 4.12-34 erroneously reported them as being controlled by roundabouts. The table has been corrected and the change is noted in Section 4, Errata.

Response to CALTRANS-28

The agency notes that Table 4.12-35 indicates that the segment of Mountain View Avenue between Dockery Avenue and Golden State Boulevard was analyzed as a two-lane, undivided highway, but that the recommended mitigation for this segment indicates that the roadway will be six lanes. The agency states that it is unknown if the results shown in the table are correct.

This roadway segment was in fact analyzed as a six-lane facility; however, Table 4.12-35 erroneously reported it as a two-lane facility. The table has been corrected and the change is noted in Section 4, Errata.

Response to CALTRANS-29

The agency references the conclusion discussion of Impact TRANS-3 and reiterates prior comments that there are interchange configurations for the Mountain View Avenue interchange that can accommodate regional commercial development.

Refer to CALTRANS-2, Response to CALTRANS-3, and Response to CALTRANS-7.

Response to CALTRANS-30

The agency indicates that the SR-99/Mountain View Avenue interchange footprint can be expected to greatly exceed the current interchange footprint; therefore, the proposed project will need to preserve necessary right-of-way to accommodate the future interchange. The agency states that the project should take careful consideration when identifying driveway and road connection locations so that they are not located close to the ultimate ramp locations.

Both the City of Selma and the project applicant are aware that additional right-of-way will need to be acquired for the reconfigured SR-99/Mountain View Avenue interchange, particularly as it relates to the portion of the Northeast Area (Phase 1) that abuts the SR-99 northbound onramp and the portion

of the South Area (Phase 2) that abuts the SR-99 southbound onramp. As such, the applicant intends to locate parking and landscaping within these areas, thereby allowing these areas to be dedicated to the State without significant disruption to the project.

Regarding access points, it should be noted that the Northeast Area would take vehicular access exclusively from Golden State Boulevard. As such, no access points would be located in proximity to the SR-99 northbound onramp. As for the South Area, it is anticipated that Van Horn Avenue would be rerouted to avoid conflicts with the relocated SR-99 southbound onramp. Because this roadway would be one of the primary roadways serving the South Area, the re-routing would serve to avoid conflicts with the onramp.

Response to CALTRANS-31

The agency has provided closing remarks to conclude the letter. No response is necessary.

LAFCo Fresno Local Agency Formation Commission

JUN 18 2012

June 15, 2012

Bryant Hemby, Assistant Planner
City of Selma
1710 Tucker Street
Selma, CA 93662

Dear Mr. Hemby:

Subject: Draft Environmental Impact Report (DIER) – Selma Crossings Commercial Project

We have reviewed the City of Selma's Notice of Availability of a Draft Environmental Impact Report for the Selma Crossings Commercial Project. We offer the following comments in response to the DEIR: 1

1. The DEIR properly identifies the need for annexation of the entire 288 acres into the City of Selma and the Selma-Kingsburg-Fowler County Sanitation District, as well as the Sphere of Influence (SOI) amendment for the four parcels (103.37 acres) that are outside the current SOI. It also identifies the need to detach the entire 288 acres from the Fresno County Fire Protection District but does not identify the need to detach the territory from the Kings River Conservation District or the Consolidated Irrigation District. 2

2. The Draft EIR should also consider potential impacts of the reorganization on all affected special districts, which would take place upon annexation of the subject properties to the City of Selma. Primarily, the annexation to the Selma-Kingsburg-Fowler County Sanitation District and detachment from the Fresno County Fire Protection District, the Kings River Conservation District, and the Consolidated Irrigation District. 3

3. The City will be required to submit the appropriate applications, fees, and other materials to LAFCo for the reorganization and to amend its SOI. 4

4. Also as indicated, pre-zoning the entire affected territory, amending the City's General Plan (if the 2035 General Plan has not yet been adopted), and approval of the vesting tentative subdivision map(s) for development will be required prior to submitting an annexation proposal to LAFCo. If approved, the City may be required to succeed to or cancel the Williamson Act contract No. 4369 for Parcel No. 393-180-44. 5

LAFCo Office: 2607 Fresno Street, Suite B, Fresno, CA 93721
Phone (559) 600-0604 ☎ Fax (559) 495-0655 ✉ cfleming@co.fresno.ca.us

5. Before LAFCo can approve a sphere amendment, a Municipal Service Review (MSR) must be prepared. The City of Selma's MSR is scheduled to be prepared in October 2013, by Bob Braitman, one of LAFCo's approved consultants. The Selma-Kingsburg-Fowler County Sanitation District's MSR was scheduled for April 2012, but we have not yet assigned it to a consultant. You may wish to have the MSRs prepared prior to submitting your application materials to avoid a delay in processing your application (see the required determinations – attached). 6

6. As indicated, LAFCo would require the 32.16 acres be included with the Selma Crossings project area in order to avoid creating an island. We would also recommend the two parcels (APN 393-102-16ST and 18S) in the "South Area" be annexed to avoid the creation of a peninsula in that area (see the attached map). 7

7. As you may know, LAFCo is looking to create "buffers" or "planning areas" between the Cities of Fowler, Kingsburg, Orange Cove, Parlier, Reedley, Sanger, and Selma to avoid having them grow into each other. Because this annexation would bring the City of Selma right to the City of Kingsburg's SOI, it would not leave any room for a buffer between the cities. 8

We appreciate the opportunity to provide comments on the Draft EIR. If you have any questions, please contact me at (559) 600-0604. 9

Sincerely,

Jeff Witte, Executive Officer
Fresno Local Agency Formation Commission

commission shall include in the area designated for service review the county, the region, the subregion, or any other geographic area as is appropriate for an analysis of the service or services to be

Written determinations reviewed, and shall prepare a written statement of its determinations with respect to each of the following:

(1) Growth and population projections for the affected area.

Disadvantaged unincorporated communities within or contiguous to sphere **(2) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.**

(3) Present and planned capacity of public facilities, ***adequacy of public services, *** **and** infrastructure needs or deficiencies **including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence**.

Needs or deficiencies

(4) Financial ability of agencies to provide services.

(5) Status of, and opportunities for, shared facilities.

(6) Accountability for community service needs, including governmental structure and operational efficiencies.

(7) Any other matter related to effective or efficient service delivery, as required by commission policy.

Comprehensive service review (b) In conducting a service review, the commission shall comprehensively review all of the agencies that provide the identified service or services within the designated geographic area. **The commission may assess various alternatives for improving efficiency and affordability of infrastructure and service delivery within and contiguous to the sphere of influence, including, but not limited to, the consolidation of governmental agencies.**

Alternatives

(c) In conducting a service review, the commission may include a review of whether the agencies under review, including any public water system as defined in Section 116275, are in compliance with the California Safe Drinking Water Act (Chapter 4 (commencing with Section 116270) of Part 12 of Division 104 of the Health and Safety Code). A public water system may satisfy any request for information as to compliance with that act by submission of the consumer confidence of water quality report prepared by the public water system as provided by Section 116470 of the Health and Safety Code.

Compliance with California Safe Drinking Water Act

Information request **(d) The commission may request information, as part of a service review under this section, from identified public or private entities that provide wholesale or retail supply of drinking water, including mutual water companies formed pursuant to Part 7 (commencing with Section 14300) of Division 3 of Title 1 of the Corporations Code, and private utilities, as defined in Section 1502 of the Public Utilities Code.**

10

Service review with sphere update

(e) The commission shall conduct a service review before, or in conjunction with, but no later than the time it is considering an action to establish a sphere of influence in accordance with Section 56425 or *** 56426.5 or to update a sphere of influence pursuant to Section 56425.
(Amended by Stats. 2011, Ch. 512 and Ch. 513)

Service to previously unserved territory

56434. (a) The commission may review and comment upon both of the following:
(1) The extension of services into previously unserved territory within unincorporated areas.
(2) The creation of new service providers to extend urban type development into previously unserved territory within unincorporated areas.
(b) The purpose of the review authorized by this section shall be to ensure that the proposed extension of services or creation of new service providers is consistent with the policies of Sections 56001, 56300, 56301, and the adopted policies of the commission implementing these sections, including promoting orderly development, discouraging urban sprawl, preserving open space and prime agricultural lands, providing housing for persons and families of all incomes, and the efficient extension of governmental services.
(c) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

10
CONT

PART 3. COMMISSION PROCEEDINGS FOR A CHANGE OF ORGANIZATION OR REORGANIZATION

CHAPTER 1. GENERAL

LAFCO proceedings initiated by petition or resolution of application

56650. Commission proceedings for a change of organization or a reorganization may be initiated by petition or by resolution of application in accordance with this chapter.

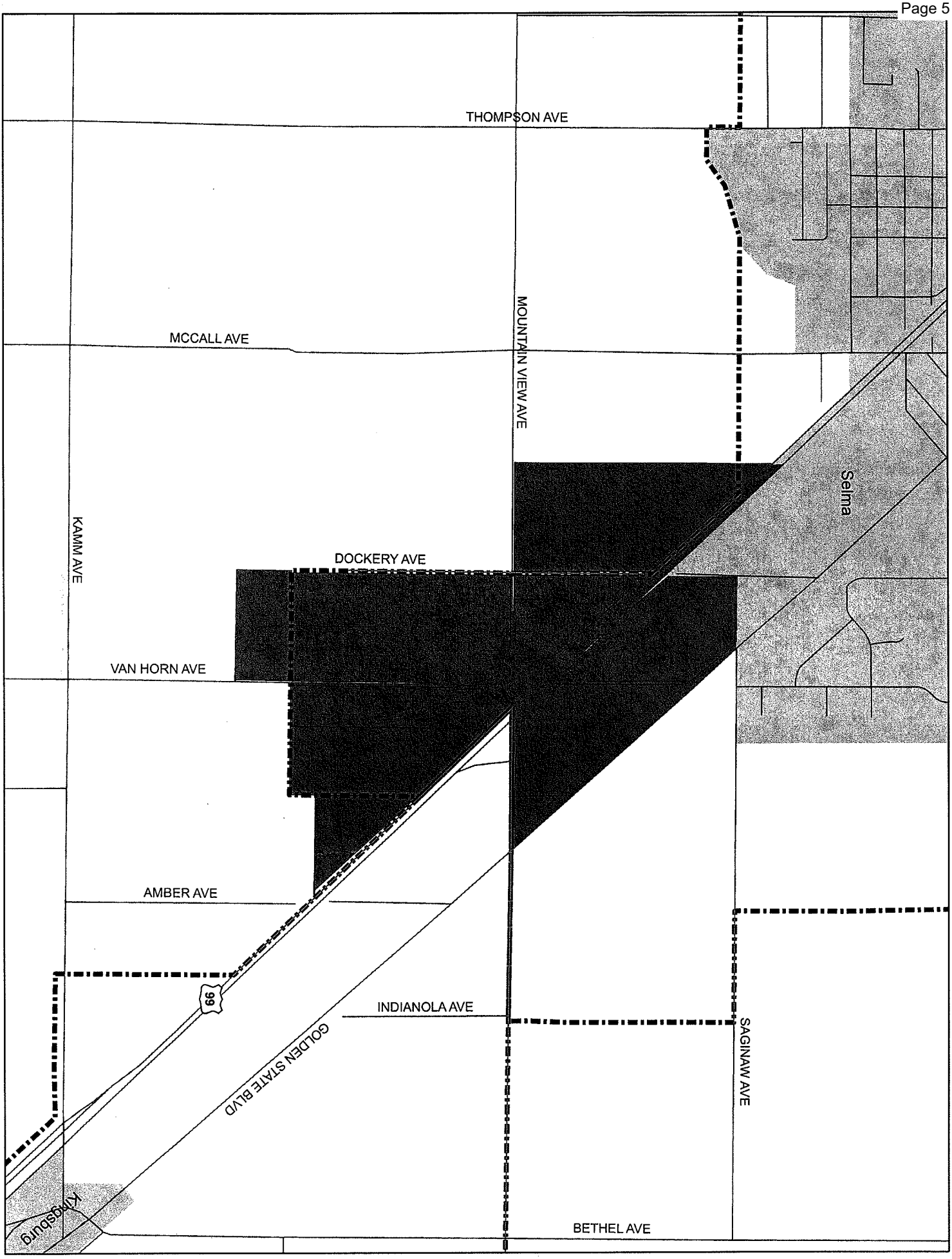
56650.5. [Repealed by Ch. 68. Stats. 2008]

LAFCO proceedings initiated on date certificate of filing issued

56651. Commission proceedings shall be deemed initiated on the date a petition or resolution of application is accepted for filing and a certificate of filing is issued by the executive officer of the commission of the county in which the affected territory is located.

Form of application; contents

56652. Each application shall be in the form as the commission may prescribe and shall contain all of the following information:


THOMPSON AVE
MCCALL AVE
MOUNTAIN VIEW AVE
KAMM AVE
Selma
DOCKERY AVE
VAN HORN AVE
AMBER AVE
99
INDIANOLA AVE
GOLDEN STATE BLVD
SAGINAW AVE
Kingsburg
BETHEL AVE

Local Agencies

Fresno Local Agency Formation Commission (LAFCO)

Response to LAFCO-1

The agency provided introductory remarks to preface the letter. No response is necessary.

Response to LAFCO-2

The agency noted that the Draft EIR identifies annexation of the project site into the City of Selma and Selma-Kingsburg-Fowler County Sanitation District and detachment from the Fresno County Fire Protection District. The agency stated that the Draft EIR does not identify the need to detach the territory from the Kings River Conservation District or the Consolidated Irrigation District.

The list of discretionary approvals has been amended to list detachment from the Kings River Conservation District or the Consolidated Irrigation District. This change is noted in Section 4, Errata.

Response to LAFCO-3

The agency stated that the Draft EIR should consider potential impacts of the reorganization on all affected special districts after annexation to the City of Selma. The agency specifically listed annexation into Selma-Kingsburg-Fowler County Sanitation District and detachment from the Fresno County Fire Protection District, the Kings River Conservation District, and the Consolidated Irrigation District.

This response will address impacts on each agency individually:

- **Selma-Kingsburg-Fowler County Sanitation District:** Impacts on this agency were evaluated on pages 4.11-30 and 4.11-31 of the Draft EIR. To recap, the proposed project would generate 823,914 gallons per day (or 0.824 million gallons per day [mgd]) of wastewater at buildout. Currently, the Selma-Kingsburg-Fowler County Sanitation District treatment plant has 0.8 to 1.0 mgd of available capacity and the agency has plans to further expand the treatment capacity by the end of fiscal year 2019–2020. Additionally, the project applicant would be responsible for providing the full cost of installing sewer infrastructure necessary to serve the project and would pay connection fees to the agency.
- **Fresno County Fire Protection District:** Impacts on this agency were evaluated on pages 4.11-14 through 4.11-16 of the Draft EIR. The City of Selma Fire Department has identified three options for fire protection, two of which involve annexation into the City of Selma (and detachment from the Fresno County Fire Protection District, and the third of which would maintain the project site's location within the Fire Protection District's boundaries. This latter option is the least preferred; therefore, detachment is the most likely course of action. As such, the Fresno County Fire Protection District would not be burdened with providing fire protection or emergency medial services to the proposed project.

- **Kings River Conservation District:** This agency oversees regional efforts related to groundwater supply, flood protection, power supply, and water quality; it does not directly provide services to the project site. As such, detachment from this district would be expected to have little to no effect on this agency's ability to provide services.
- **Consolidated Irrigation District:** Impacts on this agency were discussed on pages 4.11-18 through 4.11-29. Both California Water Service Company (the City of Selma's water provider) and Consolidated Irrigation District pump groundwater from the same groundwater basin. When the project site's existing irrigation demands are accounted for in relation to the proposed project's water demand, there would be a net decrease in groundwater consumption by 400,000 gallons per day (447 acre-feet annually). The significant net decrease in groundwater consumption would make more water available for other users of the groundwater basin, including Consolidated Irrigation District.

Regarding fiscal impacts on these agencies, this issue is outside of the scope of the Draft EIR and is most appropriately addressed as part of the review of the annexation application by LAFCO.

Response to LAFCO-4

The agency stated that the City of Selma will be required to submit the appropriate applications, fees, and other materials to LAFCO for the reorganization and to amend its Sphere of Influence.

The City of Selma acknowledges this comment and will submit the appropriate applications, fees, and other materials to LAFCO following City Council action on the project (provided that the project is approved).

Response to LAFCO-5

The agency noted that the City of Selma may be required to succeed to or cancel the Williamson Act contract (No. 4369) for Assessor's Parcel No. 393-180-44.

Williamson Act Contract No. 4369 was addressed on page 4.2-16 of the Draft EIR. To recap, the City of Selma filed a protest with the Fresno County Board of Supervisors to exercise its option not to succeed to the rights, duties, and powers of the County under the Williamson Act because this property was within 1 mile of the Selma city limits. The protest was approved by LAFCO; therefore, the Williamson Act contract will be automatically terminated once the parcel is annexed into the Selma city limits.

Response to LAFCO-6

The agency stated that a Municipal Service Review must be prepared before LAFCO can approve a Sphere of Influence Amendment. The agency noted that the City of Selma's next Municipal Service Review is scheduled to be prepared in October 2013, and the Selma-Kingsburg-Fowler County Sanitation District's next Municipal Service Review was scheduled to be prepared in April 2012, although this document has not yet been assigned to a consultant. The agency noted that the City of

Selma may wish to have the Municipal Service Reviews prepared prior to submitting the application materials to avoid any delays associated with processing the application.

The City of Selma acknowledges this comment; however, the City Council has not taken action on the project at the time of this writing, and it would be premature to make any statements regarding the Municipal Service Reviews.

Response to LAFCO-7

The agency noted that the Draft EIR identifies two areas totaling 32.16 acres outside of the project boundaries that will be included in the annexation request ("West" and "East") to avoid creating unincorporated islands or unusually shaped jurisdictional boundaries. The agency stated that it recommends that two parcels (Assessor's Parcel Nos. 393-102-16ST and -18S) adjacent to the South Area also be considered for annexation in conjunction with the project site to avoid creating a peninsula in that area. The agency provided an image depicting the location of the two parcels (Comment LAFCO-11).

The City of Selma respectfully disagrees with this request. The "West" and "East" annexation areas discussed on Draft EIR page 3-28 contain existing urban land use activities, including two gas stations; an auto maintenance business; and vacant, multi-family residential development. Thus, annexation into the City of Selma is appropriate, since these uses are urban in nature. In contrast, the two parcels cited by LAFCO contain agricultural uses and, thus, are most appropriately left in unincorporated Fresno County, as they do not require urban levels of service.

Response to LAFCO-8

The agency noted that it is seeking to create "buffers" or "planning areas" between the cities of Fowler, Kingsburg, Orange Cove, Parlier, Reedley, Sanger, and Selma to avoid having them grow into each other. The agency noted that this annexation would bring the City of Selma's limits right up to the City of Kingsburg's Sphere of Influence and, therefore, would not leave any buffer between the cities.

Although the City of Selma recognizes LAFCO's efforts in this regard, it respectfully submits that the presence of the SR-99 and Golden State Boulevard corridors makes it impractical and unrealistic for the jurisdiction boundaries of Selma and Kingsburg to avoid being coterminous. Both corridors currently support significant commercial and industrial development in unincorporated Fresno County; thus, it is appropriate for these areas to eventually enter the Spheres of Influence or city limits of either jurisdiction. However, to the extent that the Spheres of Influence or city limits of either agency are coterminous with each other, such occurrences are expected to be limited to areas along or near the SR-99 and Golden State Boulevard corridors. Thus, more economically viable agricultural areas that are located away from these corridors would be better candidates for placement in "buffers" or "planning areas."

Response to LAFCO-9

The agency provided closing remarks to conclude the letter. No response is necessary.

Response to LAFCO-10

This comment consisted of an attachment listing LAFCO requirements for Municipal Service Reviews. Refer to Response to LAFCO-6.

Response to LAFCO-11

This comment consisted of an image identifying the two parcels LAFCO recommended for inclusion in the annexation request. Refer to Response to LAFCO-7.

Grant Gruber - FW: NOA Draft EIR Selma Crossing

From: selmacrossing <selmacrossing@cityofselma.com>
To: 'Dave Mitchell' <dmitchell@brandman.com>, 'Grant Gruber' <GGruber@brandm...
Date: 7/5/2012 4:04 PM
Subject: FW: NOA Draft EIR Selma Crossing

Here is the comments for Fresno County

From: Gardner, Janet [mailto:jgardner@co.fresno.ca.us]
Sent: Thursday, July 05, 2012 3:48 PM
To: selmacrossing
Cc: Allen, Glenn
Subject: NOA Draft EIR Selma Crossing

Bryant Hemby,

I have completed the review of the DEIR for the Selma Crossing Commercial Project and concur with the information contained therein. Please feel free to contact me if you have any questions or comments. 1

Sincerely;

Janet Gardner; REHS, MPH
County of Fresno, Department of Public Health
Environmental Health Division
Environmental Health Specialist III
Office: (559) 600-3271

Information on public health issues affecting you and your community can be found on the Department of Public Health website at http://www.fcdph.org

County of Fresno Department of Public Health (DPH)

Response to DPH-1

The agency indicated that it had completed its review of the Draft EIR and concurred with the information contained therein. No response is necessary.

SELMA - KINGSBURG - FOWLER
COUNTY SANITATION DISTRICT

April 10, 2012

Mr. Bryant Hemby
City of Selma
1710 Tucker St.
Selma, CA. 93662

SUBJECT: Notice of Preparation Draft EIR, Dated November 9, 2010 (previously released June 28, 2007) Selma Crossing Commercial Development

Dear Mr. Hemby:

The proposed development is estimated at 2,106 Equivalent Single Family Residences (ESFR's). The estimated ESFR's are based on preliminary conceptual information provided by you. The actual ESFR's would be determined as the project may progress. 1

Phase 1 and 2 of this project are within the City of Selma's Sphere of Influence but will require Annexation to the City of Selma and the District. Phase 3 is not within the City of Selma's Sphere of Influence and will also require Annexation to the City and the District.

Sewer Infrastructure Plans - All information provided by the District to date has been provided as a preliminary response to describe District planning documents, policies or existing infrastructure. Discussions, information and this letter shall not be considered to be acceptance of any sewer infrastructure plans. Any interested party must submit to the District a detailed set of sewer infrastructure plans or floor and plumbing plans for all buildings. With regard to a detailed set of sewer infrastructure plans or floor and plumbing plans, District staff will review submitted plans, but plans will not be signed off until the annexation has been completed by LAFCo or the property is within the City boundaries. 2

Plan check and inspection fees shall be paid at the time of submittal of plans to the District. The plan check process is not complete until the District has signed off on the plans. All sewer improvements required for a project are identified at completion of the plan check process.

Design Standards and Master Plan – On site and off site sewer system facilities must be designed and constructed in accordance with the District's Collection System Construction Standards, the District's Sewer System Master Plan and other requirements as may be specified by the District. The Standards and the Master Plan may be viewed on the District's website at www.skfcsd.org. 3

MAILING ADDRESS: P.O. Box 158, Kingsburg, CA 93631-0158 SHIP TO: 11301 E. Conejo Ave., Kingsburg, CA 93631-9511
PHONE (559) 897-6500 FAX (559) 897-1985
website: www.skfcsd.org

Fees and Connection Permit - Applicable District annexation fees must be paid for the entire project prior to completion of annexation or, if the fees have been deferred, at the time the District issues the project's first sewer connection permit. District capacity charges must be paid at the time the District issues a sewer connection permit. District capacity charges are subject to change and must be paid at the rates in effect at the time the sewer connection permit is issued by the District. Sewer system improvements must be constructed, tested and approved by the District prior to the issuance of a sewer connection permit. You must contact the City in which the project is located in order to pay the separate City sewer connection fee and to determine if there are applicable reimbursement fees to be paid. 4

Will-Serve Letters Policy – The District's 6-14-07 Will-Serve Letter Policy states "Staff shall issue will-serve letters, with no up-front fee or deposit, at the request or concurrence of a City/County, with the will-serve letters having a time limit of 2 1/2 years, or expiration of tentative map, whichever comes later, with the will-serve letter being good for the life of the final map." 5

New City Sewer Collection System Infrastructure Reimbursement - The District does not participate financially in the construction of new City sewer collection system infrastructure. Persons interested in possible reimbursement for such construction must make arrangements in writing with the City in which the infrastructure is constructed and such written arrangements must be made prior to the District signing off on plans. 6

New District Interceptor System Infrastructure Reimbursement - With regard to the construction of new District interceptor system infrastructure, persons interested in possible reimbursement must obtain agreements or District determinations, each in writing, from the District prior to the District signing off on plans. 7

Existing City or District Sewer System Infrastructure Reimbursement - With regard to the refurbishment or replacement of existing City or District sewer system infrastructure, persons interested in possible District financial participation must obtain agreements or District determinations, each in writing, from the District. 8

If you have any questions please call the District office. Thank you. 9

Sincerely,

Frank Hernandez
Engineering Tech. I

Copies: D-B Heusser, Jerry Howell; City of Selma
Dave Mitchell, Michael Brandman Associates, 2444 Main Street, Suite 150, Fresno, CA. 93721
Ben Muñoz, Veronica Cazares; SKF CSD

MAILING ADDRESS: P.O. Box 158, Kingsburg, CA 93631-0158 SHIP TO: 11301 E. Conejo Ave., Kingsburg, CA 93631-9511
PHONE (559) 897-6500 FAX (559) 897-1985
website: www.skfcsd.org

Selma-Kingsburg-Fowler County Sanitation District (SKF)

Note to reader: This letter is identical to the Notice of Preparation comment letter, dated November 30, 2010, submitted by SFK to the City of Selma.

Response to SKF-1

The agency stated that the proposed project is estimated at 2,106 Equivalent Single Family Residences and noted that the project site will require annexation into the SKF County Sanitation District.

Annexation into the SKF County Sanitation District is disclosed as a required discretionary approval of page 3-33 of the Draft EIR.

Response to SKF-2

The agency provided standard language about requirements for sewer infrastructure plans.

The project applicant will be required to comply with SKF's requirements for sewer infrastructure plans prior to commencing construction activities as applicable.

Response to SKF-3

The agency provided standard language about new sewer infrastructure adhering to its design standards and master plan requirements.

The project applicant will be required to comply with SKF's requirements for sewer infrastructure plans prior to commencing construction activities as applicable.

Response to SKF-4

The agency provided standard language about payment of annexation fees prior to completion of annexation or at the time SKF issues the first sewer connection permit.

The project applicant will be required to comply with SKF's requirements for payment of annexation fees as applicable.

Response to SKF-5

The agency provided standard language about its policy for will-serve letters.

The project applicant will be required to comply with SKF's requirements for will-serve letters as applicable.

Response to SKF-6

The agency provided standard language about reimbursement requirements for new city sewer collection system infrastructure.

The project applicant will be required to comply with SKF's requirements for reimbursement requirements for new city sewer collection system infrastructure as applicable.

Response to SKF-7

The agency provided standard language about reimbursement requirements for new SKF interceptor system infrastructure.

The project applicant will be required to comply with SKF's requirements for reimbursement requirements for new interceptor system infrastructure as applicable.

Response to SKF-8

The agency provided standard language about reimbursement requirements for replacement of City or SKF sewer system infrastructure.

The project applicant will be required to comply with SKF's requirements for reimbursement requirements for replacement of City or SKF sewer system infrastructure.

Response to SKF-9

The agency provided closing remarks to conclude the letter. No response is necessary.

LAW OFFICES OF P. SCOTT BROWNE

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ANDREW HARRIS
Of Counsel
andy@scottbrowne.com

July 16, 2012

Via Personal Delivery, Electronic Mail and Facsimile

D.B. Heusser
City Manager
City of Selma
1710 Tucker Street
Selma, CA 93662

Re: Comments on Draft EIR for Selma Crossings Project
State Clearinghouse No. 2007071008

Dear Mr. Heusser:

This office represents Consolidated Irrigation District ("CID") with respect to the above-referenced application for the Selma Crossings Project ("Project") and Draft Environmental Impact Report ("DEIR"). This huge project on prime farmland will have significant impacts to agriculture, groundwater and water supplies, traffic, the community, and the health, safety and environment of the entire area surrounding the Project. While the DEIR acknowledges some of those impacts, many are inadequately analyzed, impacts understated or ignored, and mitigation measures lacking or wholly inadequate. The DEIR falls short of compliance with the California Environmental Quality Act ("CEQA")[1] and should be rewritten and recirculated.

The DEIR inadequately describes the Project, inadequately analyzes the impacts of the development, omits or inadequately specifies feasible mitigation for those impacts, and fails to evaluate a reasonable range of feasible alternatives that would reduce the severity of impacts. The DEIR's analysis of impacts to agriculture and groundwater supply is also wholly inadequate. 1

Further, the global warming section of the DEIR should be amended to address adequately all sources of greenhouse gas emissions resulting from the Project, and to mitigate for these emissions through concrete goals, policies, programs and mitigation measures.

CEQA requires that "[e]ach public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." (Pub. Res. Code § 21002.1 (b).) This requirement is the "core of an EIR." (*Citizens of Goleta Valley v. Board of Supervisors of Santa Barbara County* (1990) 52 Cal.3d 553, 564-65.)

Mitigation measures proposed in an EIR must be "fully enforceable" through permit conditions, agreements or other legally binding instruments (Pub. Res. Code § 21081.6(b); and CEQA Guidelines §

1 Public Resources Code § 21000 *et seq.*

15126.4(a)(2)), and adoption of feasible, enforceable measures may not be deferred. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670.) Here the mitigation measures are frequently vaguely drafted as to be unenforceable, and often defer development of the mitigation measure to later discretionary action.

1 CONT

The pervasive flaws in the document demand that the EIR be substantially modified and recirculated for review and comment by the public and public agencies.

Finally, in addition to violation of CEQA, the Project violates California Water Code sections 10910-10914 and is inconsistent with the City of Selma General Plan applicable to the Project.

1. The Record of Proceedings for this Project

CID has experienced severe problems obtaining an adequate record for previous CEQA suits against the City of Selma. While one can hope that the City will consider our comments carefully this time around and render a lawsuit unnecessary, nevertheless prudence dictates that we take steps to insure an adequate record here. The City Council must make its decision based on the "whole of the record" . That record is defined by PRC§21167.6(e). Therefore we request that the City preserve *in full* all emails and internal correspondence and all materials relied upon by city staff, consultants and subconsultants in the preparation of the EIR, whether in hard copy or electronic form.

2

2. The Project Description Is Inadequate

Under CEQA, the inclusion in the EIR of a clear and comprehensive description of the proposed project is critical to accurate analysis of impacts and meaningful public review. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193 ("*Inyo II*"). The court in *Inyo II* explained why a thorough project description is necessary:

A curtailed or distorted project description may stultify the objections of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance. (71 Cal.App.3d at 192-193.)

3A

"A curtailed, enigmatic or unstable project description draws a red herring across the path of public input." (*Id.* at 197-198; see also *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th at 655-657 [invalidating an EIR for misleading project description].)

The DEIR's project description falls short of this standard. The Project proposes to convert to urban uses 185.60 acres of Prime Farmland, 23.23 acres of Farmland of Statewide Importance, and 70.38 acres of Farmland of Local Importance, and result in the cancellation of a Williamson Act contract. (DEIR, p. 4.2-3.) All of the Project site is cultivated agriculture with a few associated residential structures. (DEIR, pp. 3-1 to 3-2.)

The Project further proposes to construct a staggering 3,449,203 square feet of urban development, including retail, auto mall, residential, office park, etc. This proposal includes construction of 250 residential units, and the DEIR fails to analyze the land use conflicts that will occur as a result of locating residences adjacent to active agricultural lands. The Project will resulting in significant impacts to several environmental values, including what the DEIR concludes will be significant but unavoidable impacts to agriculture, air quality noise and traffic. (DEIR, pp. 6-1 to 6-2.) 3B

The Project description in the DEIR completely omits any mention of the Project's water consumption. The Cal Water Report attached as Appendix J discloses that the Project, alone, will consume over 10% of all groundwater used in the *entire* City, yet this is never mentioned in the Project description.(App J, p.11) In the Hydrology chapter, the DEIR concludes that the Project will result in a net *decrease* in groundwater consumption as compared to agriculture. This conclusion is completely erroneous as discussed under Section 5 Hydrology below and in the letter from Summers Engineering addressing that issue. If calculated correctly, the project will use approximately 800 more acre feet per year than the existing agricultural uses. This will further impact an already overdrafted basin. 3C

3. The Discussion of Impacts on Agriculture Is Deeply Flawed

The protection of prime farmland in California occupies a central position in numerous state laws and CEQA itself. Mitigation may include "[c]ompensating for the impact by replacing or providing substitute resources or environments." (CEQA Guidelines § 15370(e).) Conservation easements are an appropriate and desirable means of protecting agricultural lands against conversion to urban use. (Pub. Res. Code §§ 10201-10202.) The Legislature has determined that the preservation of the limited supply of agricultural land is necessary for the maintenance of California's agricultural economy and the state's economy. (Govt. Code § 51220.) In 1979, the Legislature provided for the enforceability of conservation easements. (See Civ. Code §§ 815-816.) The Legislature found and declared that "the preservation of land in its natural, scenic, agricultural, historical, forested, or open-space condition is among the most important environmental assets of California." (Civ. Code § 815.) The Agricultural Land Stewardship Program Act of 1995 establishes a state program to promote the establishment of agricultural easements. (Pub. Res. Code § 10200 *et seq.*) 4

The Legislature also declared the intent, among other things, to "(c) Encourage long-term conservation of productive agricultural lands in order to protect the agricultural economy of rural communities, as well as that of the state, for future generations of Californians. [¶] (d) Encourage local land use planning for orderly and efficient urban growth and conservation of agricultural land. [¶] (e) Encourage local land use planning decisions that are consistent with the state's policies with regard to agricultural land conservation...." (Pub. Res. Code § 10202.)

The EIR concludes that the Project will result in the conversion of 185.6 acres of prime farmland, 23.23 acres of farmland of statewide importance and 70.38 acres of farmland of local importance. This totals 279.21 acres of designated important farmland, though curiously the DEIR carefully avoids totaling the amount. (DEIR, p. 4-2-13.) The direct effects of conversion include the loss of the land converted. The indirect effects of the instant Project, among others, include the resultant increased development pressures on remaining farmland. (*DeVita v. County of Napa* (1995) 9 Cal.4th 763, 791.)

However, the DEIR starts out by providing a false view of the problem by understating the substantial reduction of important farmland in Fresno County. Table 4.2-3 indicates the number of acres of various classifications of farmland in Fresno County from 2000 to 2008. The text claims a less than 1% decrease in designated farmland in that period. However that claim is only made supportable by ignoring the major loss of state designated prime, statewide important and unique farmlands, which are masked by the artificial addition by recent action of the County adding newly designated "farmland of local importance". The acreage of state designated farmland actually decreased by nearly 8% in just 8 years—a decrease of over 103,000 acres! The DEIR's grossly misleading analysis and conclusion needs to be corrected if the public and decision makers are to have a proper framework for the agricultural analysis. A proper interpretation of the data indicates that Fresno County has experienced an unprecedented reduction in state designated prime farmland in recent years. 4 CONT

The DEIR classifies the agricultural land by the various designations, but ignores the definition of "prime farmland" contained in the Cortese Knox Hertzberg Act, Govt. Code Section 15064 which applies to consideration by LAFCo. Since LAFCo is a responsible agency for this project whose approval is required both of the annexation and a sphere amendment, the EIR is defective in failing to include the amount of land that would meet the CKH "prime farmland" test.

a. Failure to Evaluate Need for Conversion

One of the biggest problems with the analysis is its failure to evaluate the need for this project which justifies the conversion of prime agricultural land. The DEIR cites at pg 4,2-11 to a number of provisions of the Selma City 1997 General Plan (Policies 1.1, 1.2, Goal 1.3 and Policy 3.5) which all emphasize the importance of preserving prime agricultural land discourage the premature conversion of agricultural land. The DEIR admits that this is the applicable General Plan for this project yet fails to address the implications of this policy for consideration of this project. These policies require that the City determine whether the conversion is premature—i.e. whether there is already adequate land zoned for regional commercial approved by the City given the reasonably estimated projected need in the City over the next decade.

An analysis of need for conversion is also required when the project comes before LAFCo for approval. CKH Section 56377 requires 5

> **56377**. In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider all of the following policies and priorities:
> (a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.
> (b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should

> be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of *the local agency.*

The DEIR also completely ignores the applicable Fresno LAFCo policies which will be applied to the project when the annexation is considered.

Particularly relevant here are Fresno LAFCo policies 104-01-03:

> *01 Proposals which would conflict with the goals of maintaining the physical and economic integrity of open space lands, agricultural lands, or agricultural preserve areas in open space uses, as indicated on the City or County general plan, shall be discouraged.*

5 CONT

> *02 Annexation and development of existing vacant non-open space lands, and non-prime agriculture land within an agency's sphere of influence should occur prior to development outside of an existing sphere of influence.*

> *03 A sphere of influence revision or update for an agency providing urban services where the revision includes prime agricultural land shall be discouraged. Development shall be guided towards areas containing non-prime agricultural lands, unless such action will promote unplanned, disorderly, inefficient development of the community or area.*

The DEIR does not contain *any* credible analysis of the need for this project. There is no discussion or quantification of the existing available commercially zoned land within the City or already approved by the City. Nor is there any absorption analysis to determine whether the demand for regional commercial land is likely to exceed the existing approved supply within any reasonable time frame that would justify this huge increase in regional commercial land. The EIR mentions the City's approval of the Rockwell Pond Commercial Project of some 94 acres and nearly one million square feet of regional commercial immediately to the north of this project on Highway 99, but fails to determine whether there is a need for the Selma Crossings project, on top of the already approved Rockwell Pond regional shopping center.[2] Such an analysis is required both by the applicable City GP policies and by the applicable state laws for the needed annexation and sphere amendment.

b. Conservation Mitigation is insufficient.

Mitigation Measure AG-1 provides in very broad language for conservation easements to preserve equivalent farmland at a ratio of 1:1. (DEIR, p. 4.2-15.) The measure notes that any other mitigation requirements would be "infeasible." There is insufficient analysis in the DEIR to support this conclusion. The DEIR failed to consider or discuss the possibility of requiring a ratio of 2:1 or 3:1, even after acknowledging that conservation at a ratio of 1:1 does not completely mitigate the impacts to

6

2 CID requests that the EIR for the Rockwell Pond Commercial Project be incorporated into the administrative record for this project. The document is already in the City's possession.

agriculture. Further the mitigation measure completely ignores the large body of data about how to design an effective farmland conservation program. In particular, it fails to contain any criteria for selecting the land to be subject to the conservation easement, leaving it open to purchase low cost easements to conserve low value farmland in place of the high value farmland being converted. The EIR should consider the report prepared by Fresno COG entitled "Model Farmland Conservation Program for Fresno County" which is located at http://www.fresnocog.org/files/FarmlandConservation/Fresno%20County%20Report_01-06-09.pdf (which document is requested to be included in the record of this project.) That report details the problem of agricultural land conversion in Fresno County and provides a model set of mitigation measures that could easily and feasibly be applied here to make this mitigation measure actually work. As it stands, the mitigation measure is so vague that it does not provide reasonable assurance that effective mitigation will actually occur. 6 CONT

c. The Project Patently Conflicts with Existing Williamson Act Contracts and Ag Zoning

The DEIR also concludes that there will be no "conflict" with an existing Williamson Act contract or agricultural zoning. (DEIR Impact AG-2, pp 4.2-15-16). This conclusion is based on faulty logic and there is no substantial evidence to support it.

Conflict with existing Williamson Act contracts is an express potentially significant environmental impact under Appendix G of the State CEQA Guidelines. (DEIR, p. 4.2-16.) The DEIR reasons that because the City filed a protest when the land was originally placed in Williamson Act, it is now legally allowed to terminate the contract upon annexation. Consequently there will be no "conflict" because the Williamson Act contract will be gone. This argument is equivalent of asserting that the conflict between you and your neighbor will not exist once you shoot your neighbor! The fact that the City may legally terminate the contract does not eliminate the conflict between the proposed Project and the Williamson Act contract. The project's forced premature cancellation of Williamson Act contract on prime farmland is patently a "conflict" with that contract under any reasonable legal or common sense interpretation of the CEQA Guidelines. The drafter of the EIR is not an attorney and has no expertise to opine on the legal meaning of the applicable Guideline here. Therefore there is simply no substantial evidence to support this grossly erroneous interpretation of the Guidelines. 7A

The DEIR also concludes that there is no conflict with existing agricultural zoning. This conclusion is based on the same faulty reasoning that once you rezone the property and eliminate the agricultural activity, the "conflict" disappears. (DEIR, p. 4.2-16.) Again, this conclusion is completely unsupported. 7B

d. The DEIR Fails to Properly Consider Impact on Adjoining Agricultural Activities

The DEIR acknowledges that the Project site is surrounded by Important farmland (p. 4.2-4), but does not analyze the potential for non-agricultural uses, including residential uses, to conflict with farming activities. The agriculture section also contains no discussion of agricultural buffers to protect the farmland. 8A

The DEIR concludes that the Project will not create pressure on other farmland to convert to non-agricultural uses. (DEIR, p. 4.2-17.) This conclusion is "supported" by the admission that some of

the surrounding agricultural land will be converted, but argues such conversion doesn't create impacts because conversion is anticipated by the General Plan (with no citation to the General Plan). The DEIR also states that some of the area is outside of the City development boundary, and so somehow that will eliminate pressure to convert.

The entire analysis ignores the well-established fact that urbanization adjacent to intensive agricultural operations generates conflicts in use and market pressures to convert. Notwithstanding "right to farm" ordinances, in the absence of substantial buffers, farmer's activities including aerial seeding and spraying are compromised by the need to avoid the adjacent development. Nearby urban populations also create security and safety headaches for the farmers. Further the existence of the adjacent development and development infrastructure increases property values and pressures land to convert because the market reflects the reality that city boundaries and zoning can always be changed. The impact of these two forces on the farmer is usually overwhelming over time, and force further conversion of prime farmland. (See Handel, M.E., 1999. "Conflict on the Urban Fringe," a chapter in California Farmland and Urban Pressures: Statewide and Regional Perspectives, edited by A. Medvitz, A.D. Sokolow and C. Lemp (Davis, CA: Agricultural Issues Center, University of California) and Mary E. Handel's Article on the University of California, California Agriculture website: "Conflicts arise on the urban fringe" at:
http://ucanr.org/repository/CAO/landingpage.cfm?article=ca.v052n03p11&fulltext=yes
See also Steven Moss. *Smart Growth Versus Sprawl in California.* American Farmland Trust. 1999, at: http://www.farmlandinfo.org/documents/30391/SMART_GROWTH_VERSUS_SPRAWL_IN_CALIFORNIA_MAY_1999.pdf)[3]

8A CONT

The DEIR's conclusion that the Project will not result in pressure to convert adjacent agricultural lands is not supported by substantial evidence. The fact that "there are no development proposals on file" is simply not sufficient "evidence" that the well-documented forces acting to cause farmland conversion will somehow not apply to the present Project. This comment cannot be dismissed as a disagreement amongst experts—the DEIR cites to no expert opinion or analysis to support its conclusion. The consultants for the DEIR are not objective experts on farmland conversion, while the studies cited herein are by academic experts.

The DEIR also fails to review the impacts on agriculture on a cumulative basis with the many other projects approved by the City of Selma in the last decade. See the listing in the traffic discussion at Table 4.12-7. So too the water study Appendix J at page 4 contains a map showing other projects under consideration by the City that Cal Water considered in its WSA. The EIR should quantify the agricultural acreage converted as represented in that table and discuss the conversion here in the context of all of the previous conversion approved by the City or pending.

8B

4. Air Quality Impacts

Californians experience the worst air quality in the nation, with annual health and economic impacts in at 8,800 deaths (3,000-15,000 probable range) and $71 billion ($36-$136 billion) per year (Cayan 2006; and see *Global Warming: Impacts to Public Health and Air Quality*

9

3 CID requests that all of these cited reports be included in the record. If the City has difficulty finding them by the URL, please let us know and we will forward electronic copies to the City.

http://www.energy.ca.gov/2005publications/CEC-500-2005-197/CEC-500-2005-197-SF.PDF). Ozone and particulate matter (PM) are the pollutants of greatest concern (maximum levels are about double California's air quality standards) and the current control programs for motor vehicles and industrial sources cost about $10 billion per year. The San Joaquin Valley Air Basin ("SJVAB") is already in violation of air quality standards for ozone and PM, as well as other criteria pollutants. As a result, this section of the DEIR is particularly critical, and its flaws are particularly alarming. 9 CONT

Much of the analysis in the DEIR on air quality is taken up with a boilerplate primer the general nature and health effects of various pollutants and the regulatory framework. While not inappropriate as an informational overview, the extensive focus on generalities contrasts with the more limited evaluation and discussion of actual project impacts and mitigations.

e. Thresholds of Significance

The DEIR sets 3 thresholds of significance in assessing the air quality impacts of the project: 1) will the project result in an increase in frequency or severity of air quality violations as determined by comparison with regional and localized thresholds, 2) does the project conform to the assumptions in the air quality plans (AQP's) and 3) will the project conform to the applicable control measures in the AQP's. (DEIR pg 4.3-42)

The DEIR concedes that the Project will exceed SJVAPCD thresholds of significance for ROG, NO_x, and PM_{10}. There is no threshold for $PM_{2.5}$ but the DEIR applies the PM_{10} threshold and assumes that is exceeded as well.

With regard to the second threshold, it argues that the Project is consistent with existing the AQP's growth assumptions. However nowhere in the DEIR does it cite to or specify precisely what the AQP growth assumptions were that are being compared to the project. Rather the DEIR assumes that consistency with the applicable General Plan ensures consistency with the growth assumptions of the AQP. (4.3-43) The DEIR then argues that the project is consistent with the General Plan and therefore *ipso facto* consistent with the AQP. 10

This whole argument is based on two assumptions with no authority to support them. First there is no authority that the AQP's actually used the growth projections in any Selma General Plan in projecting air quality. Second the discussion simply concludes so long as the Project eventually becomes legally consistent with some general plan, than it is consistent with the growth projections of the AQP. This is nonsensical. The currently adopted AQP's were all adopted before the 2035 Selma General Plan was adopted in 2010 so the Selma 2035 plan could not have formed a basis for the growth projections in the AQP's. The DEIR admits that the project is not consistent with the 1997 Selma General Plan and that a general plan amendment would be required if that is the applicable plan. Therefore, even if the AQP's used the 1997 plan as their base for growth projections, clearly the Project would not be consistent with that growth plan. To suggest, as the DEIR does, that that a huge regional commercial project with its attendant traffic generating impacts has no different air quality impacts than existing 1997 general plan designation for highway commercial and heavy industrial zoning is completely unsupported in the DEIR and contrary to established traffic generation standards for the uses.

This discussion goes on further to support its finding of consistency with growth assumptions by the rather astounding statement that this massive project "is not anticipated to result in substantial direct or indirect population growth" This is simply false (See the discussion below under Growth Inducement below). The project will produce significant population growth if it achieves the 6,809 new jobs projected and there is no showing that this growth was anticipated in the AQP plans. Hence the DEIR's analysis of the impacts on this last threshold is simply unsupported by any credible evidence. 10 CONT

f. Impacts to Air Quality

The DEIR use as its $PM_{2.5}$ significance threshold, SJVAPCD standards based on EPA 2006 thresholds. However the EPA is in the process of setting new, lower $PM_{2.5}$ annual standards standard of 12 or 13$\mu g/m^3$ as noted by SJVAPCD in their June 27, 2012 draft of their $PM_{2.5}$ Plan to meet the 2006 standards. Given that this project is at least a 12-year program, those new more stringent standards will likely apply to much of the development. Therefore the air quality discussion should consider the implications of this new more stringent $PM_{2.5}$ standard.

The DEIR concludes that the Project will have long-term air quality impacts that will be significant and unavoidable. However that does not eliminate the need to adopt all feasible mitigation measures.

11

The DEIR recognizes that traffic generated by the project is one of the most significant contributors to air pollution. The DEIR also notes a specific General Plan policy 2.62 to shift peak commuter trips to ridesharing buses, bicycles and pedestrians. Under Air Quality, it then lists a variety of mitigation measures to encourage trip reduction and use of alternative modes of transportation in MM Air 2b. Yet absent from this list is any measure to increase mass transit (buses) serving the project. Given the size of this project and the huge volume of traffic it will generate, it would be feasible to have the proposed CFD for transportation improvements also fund additional bus routes to allow an alternative to driving to the mall. This mitigation measure should be analyzed and included in the Final EIR.

Review of air quality analyses is highly technical and the accuracy of the results depends on both correct inputs and correct methodology. CID has not had sufficient time to retain an expert to review the air quality analysis for the accuracy of the analysis and reserves the right to submit additional comments on this issue during project consideration.

g. Greenhouse Gases and Climate Change

The DEIR does a fairly good job of describing the phenomenon of global warming and its serious repercussions for the County, California and the Nation. (DEIR, section 4.3) As the DEIR notes, greenhouse gases in the atmosphere trap heat near the Earth's surface. Unnaturally elevated atmospheric concentrations of these gases, emitted from human activities, cause average temperatures to 12

increase, with adverse impacts on humans and the environment.[4] As the DEIR recognizes, the overwhelming scientific consensus is that global warming is already underway.

Global warming is an "effect on the environment" under CEQA, and an individual project's incremental contribution to global warming can be cumulatively considerable. (See Pub. Res. Code, § 21083.05(a); see also Sen. Rules Comm., Off. Of Sen. Floor Analyses, Analysis of Sen. Bill No. 97 (2007-2008 Reg. Sess.) Aug. 22, 2007.)

The DEIR does not address the "life cycle" energy impacts of products used in the construction of the Project. It claims that to do would be "speculative". However the creation of building products used in the construction of this huge project is highly energy intensive and thereby productive of GHG. The many acres of parking along with their huge use of asphalt material are likely to generate significant energy and GHG emissions. These impacts are not "speculative"—the impacts are not uncertain or unknowable. There is data about these life cycle impacts available—it just requires effort to find it and apply it to the specific project demands. To completely ignore a major known component of the project GHG emissions is to significantly understate the impacts of the Project.

The DEIR claims that the project will include mixed uses that will reduce the number and distance of vehicle trips, thereby reducing GHG and other pollutant emissions. (DEIR, p. 4.3-73.) It further states: "In terms of land use planning decisions, the proposed project would constitute development within an established community and would not be opening up a new geographical area for development such that it would draw mostly new trips, or substantially lengthen existing trips." (DEIR, p. 4.3-75.) Neither of these statements are supported by substantial evidence. 12 CONT

To say that this project is being developed in an established community and is not leapfrog development is a stretch. This project is proposed well beyond the southern end of the established city commercial district in an area that is now still primarily farmland.

The California Energy Commission ("CEC") has noted that better land use decisions are essential. According to the CEC, if we do not address growth in vehicle miles traveled ("VMT"), it will completely overwhelm the other advances that the State is making to control emissions and lower the carbon content of fuel.[5] But, as the California Energy Commission has found, "[l]and use choices that result in lower energy use and VMT reductions are possible and examples are beginning to emerge across the state."[6] So too, as noted in the DEIR at page 4.3-36, the Legislature in SB 375 recognizes that inefficient land use patterns that require using vehicles to travel to jobs and shopping are a major contributor to GHG and air pollution.

The project only includes 250 residential units in a project that proposes over 3 million square feet of commercial and office uses. That is a drop in the bucket compared with the needed market area.

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4 See also Intergovernmental Panel on Climate Change, Fourth Assessment Report (IPCC 4th) (2007) Working Group (WG) I, Frequently Asked Question 2.1, *How Do Human Activities Contribute to Climate Change and How Do They Compare with Natural Influences?* http://ipcc-wgl.ucar.edu/wg1/FAQ/wg1_faq-2.1.html.

5 California Energy Commission, *The Role of Land Use in Meeting California's Energy and Climate Change Goals*, Final Staff Report (August 2007), at pp. 10, 18. ***insert URL

6 *Id.* at p. 10; see also *California Energy Commission, 2007 Integrated Energy Policy Report*, Committee Final Report (November 2007), Chapter 8, Mitigating Energy Needs With Smart Growth, at p. 261. ***insert URL

There is no consideration either here or under the alternatives analysis of increasing the residential component and decreasing the commercial component to achieve a better jobs\housing balance.

The DEIR quantifies the huge traffic that will be generated by this project, but it notably fails to consider whether the project should be redesigned to increase the housing component to bring the customers closer to the jobs, goods and services. Nor does it discuss in any meaningful way whether this location—on the periphery of a small city—is the appropriate place to locate a regional center intended to serve the entire South Fresno region. As indicated in the Urban Decay section, the project is targeted at a "Trade Area identified in this analysis consists of neighboring jurisdictions and unincorporated areas around Selma, including Fowler, Parlier, Dinuba, Reedley, and Kingsburg." (DEIR, p. 4.13-3.) Thus, the customers of this center are intended to be drawn from all over South Fresno County. Even the citizens of Selma will have no choice but to get into their cars and travel several miles to use this Center. 12 CONT

By failing to address these fundamental questions, the DEIR ignores the environmental questions that the Legislature in SB 375 directed local government to address in making land use decisions. In so doing, it fails in its mission as to inform the decision-makers and the public of the critical environmental concerns raised by the Project.

5. Hydrology

h. References re Impacts to Groundwater Supply

CID incorporates by reference the following studies regarding groundwater impacts in its comments and asked that they be included in the record. The first five have already been provided in hard copy to the City on previous projects and further copies will be provided upon request, if needed. The remaining papers may be downloaded as PDF files direct from the website URL's provided below.

1) Consolidated Irrigation District Groundwater Management Plan, GEI Consultants Inc., March 2009

2) Consolidated Irrigation District Urban Impacts Study, Summers Engineering Inc., July 2007 13

3) Technical Memorandum on the potential regional and local groundwater effects of urban growth in the CID service area, WRIME Inc., July 2007

4) Consolidated Irrigation District Urban Impacts White Paper, Summers Engineering Inc., November 2007

5) Upper Kings Basin Integrated Regional Water Management Plan, WRIME Inc., July 2007 (available at Kings River Conservation District website www.krcd.org at http://www.krcd.org/water/ukbirwma/docs_rept.html .)

6) Kings Basin Integrated Groundwater Surface Water Model, WRIME Inc., November 2007 (available at Kings River Conservation District website www.krcd.org at http://www.krcd.org/water/ukbirwma/docs_rept.html .)

7) Professional Paper 1766, Groundwater Availability of the Central Valley Aquifer, California, U.S. Geological Survey, 2009 (available at http://pubs.usgs.gov/pp/1766/.)

8) Professional Paper "Groundwater depletion and sustainability of irrigation in the US High Plains and Central Valley" Bridget R Scanlon, et.al, 2012 (available at http://ca.water.usgs.gov/pubs/ScanlonEtAl.pdf .)

13 CONT

9) Decision of the Court of Appeals in CID v Selma 204 Cal.App.4th 187 which decision is already in the possession of the City

i. The Analysis of Impacts of the Project on Groundwater Consumption Is Erroneous

The DEIR grossly mischaracterizes water consumption by the proposed Project. It concludes that the Project will result in a *decrease* in groundwater consumption at the site and therefore there is no impact and no need for mitigation. This is notwithstanding the fact stated in the Cal Water Water Supply Assessment, in Appendix J to the DEIR that the Project will consume 10.6% of all water consumed by the entire city and SOI. (App J, p. 11) The amount of groundwater projected to be consumed by this project alone (.934 mgd) represents an increase of over 16% from existing city consumption of 5.93 mgd (*id*) Nowhere in the DEIR discussion of hydrology are these facts presented. Rather they are buried in the technical appendix. 14A

The DEIR's conclusion of no impact is based upon faulty calculations and completely unsupported assumptions. Those are discussed in detail in the in the letter from Summers Engineering, an acknowledged hydrological expert, accompanying this comment letter.

As to the faulty assumptions, first, City in its calculation on page 17 of Appendix J, assumes that this project will use the same average amount of water for landscaping that is used elsewhere in the City (3.0 acre feet per year (ft\yr) per acre) and that a portion of that will recharge groundwater (.75 ft\yr per acre). Yet on page 8 of Appendix J, Cal Water admits that only 3% of the acreage of the project or 8 acres total will actually be devoted to landscaping. Therefore to use a city-wide average based primarily on single family houses when the actual known project landscaping and resultant recharge is far less is clearly erroneous. 14B

Second, the DEIR states that "it might be argued that surface water not used at the Selma Crossings site for agricultural irrigation would be used for the same purpose in the vicinity of Selma, and, therefore, no area loss of the contribution of surface water would occur." (DEIR, p. 4.8-13.) The reason the DEIR says that it "might be argued" is because this is a completely invented assumption, with no supporting evidence in sight. The Summers Engineering letter demonstrates that this assumption is false and that the irrigation water released by the conversion of the agricultural lands of the project will be spread over the entire district and will not mitigate the local groundwater overdrafting. 14C

The third assumption, again completely without citation to evidence is that 50 percent of all treated effluent will recharge the groundwater basin. (DEIR, p. 4.8-14.) The Report notes that the effluent is sent to a SKF District treatment facility that is miles away on the border with Kings County for groundwater recharge there. As Summers notes in his letter, that plant is also downgradient from the 14D

City of Selma, meaning that any recharge will flow to the south away from the plant and will do little to recharge the groundwater around Selma. Thus to include a credit for this recharge at the SKF facility in calculating the local groundwater overdrafting effects is clearly erroneous. 14D CONT

As the Summers Letter confirms, this Project will substantially increase groundwater consumption in an already critically overdrafted basin. Consequently, this section of the DEIR and the Water Supply Assessment upon which it is based need to be completely redone using proper calculations and correct assumptions. Then the DEIR needs to develop appropriate mitigation measures. Such appropriate and feasible mitigation would be for the City of Selma to enter into the Cooperative Agreement with CID to participate in a program to recharge the groundwater basin in the neighborhood of Selma. The City has the proposed cooperative agreement in its possession and correspondence from CID relating to that agreement. CID requests those document be included in the record of this proceeding as they detail the readily available mitigation program that should be discussed in the EIR. 14E

The failure to clearly identify the basis for conclusions regarding Project water consumption is a violation of CEQA. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655-657.). Therefore this issue cannot be ignored without resulting in a defective EIR that misinforms the public and decisionmakers on the groundwater impacts of this project. 14F

j. The Cal Water Water Supply Assessment Does Not Comply With the Requirements of SB 610 and needs to be Redone

The City concedes that this huge project is required to prepare a Water Supply Assessment (WSA) pursuant to SB 610, Water Code Sections 10910 *et sequitur*. Section 10910 requires that the WSA consider the long term impacts on water supply adequacy. 15

Cal Water's WSA repeatedly understates the long term decline in groundwater levels in the Selma area due to overdrafting as documented in the studies which CID has asked the City to consider in this DEIR. Also as noted above, it completely misses the mark on the actual groundwater impacts of this Project. As a result the study is fatally flawed and does not comply with the requirements of SB 610 or CEQA for use in connection with the consideration of the approval of this Project.

6. The Project Conflicts with Many Established Land Use Policies

The DEIR as required by CEQA analyzes the consistency of the project with applicable land use regulations and policies in Section 4.9. The DEIR finds the project consistent with all such policies. It does so in most cases by assuming that any policy which might conflict will be amended to render it consistent with the project. 16A

This process is illustrated in the discussion of the explicit land use designation conflicts between the 1997 General Plan and the uses proposed by the Project. The DEIR concedes that the applicable General Plan for this project is the 1997 Plan and that the 1997 Plan designations conflict with the proposed Regional Commercial designations for the Project. (DEIR, p. 4.9-10-11) The DEIR "solves" the conflict by stating that the 1997 Plan would simply be amended to make it consistent. It then states that "Given that the conforming General Plan Amendment is intended to achieve consistency with the

land use designations set forth in the 2035 General Plan, it would be considered internally consistent." (*Id.*)

16A CONT

This last statement is completely unsupported by any analysis and indeed is unsupportable. If the 1997 Plan is the applicable plan, any amendment to that Plan is required to be internally consistent *with that plan*. That the amendment may be consistent with the 2035 Plan is irrelevant.

It is also not enough to just change the land use designations. The law requires that the "general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies...." (Govt. Code, § 65300.5; see *Concerned Citizens of Calaveras County v. Board of Supervisors* (1985) 166 Cal.App.3d 90, Here the 1997 Plan is replete with policies discouraging the premature conversion of prime agricultural land which is proposed here. It also has strong policies against allowing development that will create unacceptable traffic congestion and numerous other policies that would disfavor a project such as this. To adopt an amendment to the 1997 Plan that flies in the face of all of these policies would clearly create internal inconsistencies. The DEIR needs to honestly face these inconsistencies so that the decisionmakers and the public are aware that the Project is not consistent with established land use policies.

16B

If this is not acceptable, the only alternative is to defer the project until the 2035 Plan is readopted with a legally adequate EIR.

16C

7. Wastewater Impacts

The DEIR discloses that the Project will generate an amount of effluent equal to nearly 25% of existing effluent from the three cities, Selma Kingsburg and Fowler that jointly operate the sewer treatment plant. Full build out of the project would cause the plant to exceed its current capacity. The DEIR therefore indicates that the District will have to significantly increase the size of its treatment facility. The DEIR finds no significant environmental impact associated with that. (DEIR, p. 4.11-30-31)

17

The SKF plant currently operates as a secondary treatment plant that deposits its outflow into percolation ponds to percolate into groundwater. This method of treatment is receiving increasing scrutiny from water quality experts and regional water quality boards. They have concerns of contamination of the aquifer with toxic chemicals and pharmaceuticals present in sewage and not removed by secondary treatment. Therefore, for the DEIR to blindly assume that expansion of the plant will have no potential environmental impacts and happen according to schedule is unfounded. The DEIR needs to address this issue in greater depth and review the Regional Board studies on the issue.

8. Traffic Impacts

The DEIR cannot ignore the significant traffic impacts of this huge regional commercial center and the traffic study admits that "The Project is expected to create significant impacts at many of the roadway segments and intersections studied" (See DEIR, App L; and last page of Executive Summary.) Nevertheless it does its best to limit the scope of the analysis and understate the impacts. It then fails to

18A

propose adequate mitigation measures to mitigate the impacts, particularly on Highway 99. As a result it gives only a partial and misleading analysis of the true traffic impacts of the project. 18A CONT

The DEIR makes it clear that it did not consider the impacts on Highway 99 itself. It lists at page 4.12-4-5 the roadway segments analyzed, and none of them cover any segment of Highway 99. It does include certain on and offramps but not the functioning of 99 itself. 18B

The DEIR identifies significant improvements required to make Mountain View Ave and Hwy 99 interchange function with the development of Phase I of the project. Rather than propose widening the bridge across Hwy 99 to four lanes to accommodate the increased traffic, and standard offramp signalized intersections, the traffic study states "The bridge structure would need to be widened to accommodate this improvement and preliminary studies suggest that it will be difficult to incorporate the new bridge widening into the ultimate interchange configuration". (DEIR, p. 4.12-85)

Instead the engineer proposes as the required mitigation measure an unusual and complicated tear-shaped roundabout on either side of the freeway. This saves considerable developer money but one must question its safety and efficacy. Even the traffic engineer indicates some uncertainty about the feasibility of this design and states "This configuration should be considered preliminary and modification of the lane configurations during design may be required ..." (DEIR, p. 4.12-86.) 18C

In order for the public and the decisionmakers to fully understand why this unusual mitigation measure has been selected, it is essential that the "preliminary studies" mentioned as the justification be made public and attached to the EIR. Exactly why is it that a bridge widening is "difficult to incorporate into the ultimate interchange configuration"? This is not explained yet it is apparently critical to the unusual interchange design. What data does the Engineer have that would support this roundabout design as superior to the bridge widening and standard signalized intersections? To what extent has safety and reduction of traffic congestion been sacrificed in order to save the developer the millions of dollars required to widen the Mountain View overpass? Transparency is critical as to this decision if the EIR is to serve its function as a full disclosure document.

The DEIR later recognizes that the bridge must be widened, but puts it off to Phase II of the project. Since Phase I creates much of the traffic, why the bridge widening is put off in the DEIR to Phase II needs to be fully explained, if it can by something other than developer preference.

There is also an unsolvable problem at the Mountain View and Golden State Intersection. The traffic study proposes substantial widening and multiple turn lanes but even with that, it expects peak Saturday hour traffic to be LOS D. It admits that this is not consistent with the standards of the applicable 1997 General Plan but that this would be "substandard only until the General Plan Update is in force and the intersection is annexed into the City of Selma". A similar LOS D problem and non-solution solution is proposed for the Site Access at Golden State Blvd. 18D

Lowering the minimum acceptable LOS standard does not solve the traffic problem. It may look good on paper but the citizens of Selma stuck in traffic at the intersections won't see it as a reduction in the real impacts on traffic. In any event it means that the Project will violate the applicable General Plan standards at the time of approval if the 1997 Plan remains in effect at time of approval, requiring denial of the Project.

This analysis also understates the impact of the project on railroad crossings. The study uses an artificially lower number of trains running through the intersections as the basis for the analysis. The Federal Railroad Administration (FRA) site indicates that 29 trains per day pass through Selma railroad crossings. Yet Peters Engineering chose to use a substantially lower number of 14 trains per day—one half of the number set in the official register. This was justified based on three days of observation of lower numbers. This is a highly questionable and rather arbitrary assumption that undermines the entire analysis. At a minimum, the traffic engineer should have contacted Union Pacific and determined from the primary source, what the anticipated traffic levels would be when the project is developed. Given that this is a 12 year project, the fact that the engineer observed fewer trains in a recession year is not adequate justification to base the entire railroad safety analysis on such a limited data points with no consideration of future growth in traffic. The DEIR should go back and rerun the analysis using the official number or whatever number UP itself projects. Given that the official number is twice the one used, the new analysis is likely to produce a significantly higher predicted accident rate and the need for much more improvements to the affected railroad crossings. 18E

Looking at specific railroad crossings, the DEIR notes that the predicted accident frequency will exceed .02 accidents per year at the Mountain View railroad crossing even under its understated train traffic numbers. Peters then proposes for Phase I minor crossing improvements in the form of a "pre-signal and pedestrian access". (DEIR, p. 4.12-95) There is no explanation as to what these improvement are or how these particular improvements would work to significantly lower the accident rate. How do we know they will lower the accident rate below the threshold? Public safety is a critical environmental concern and more is needed to show that these minor improvements will actually achieve what is represented. There is similarly no explanation of the limited at grade crossing improvements recommended at the other railroad crossings affected by the project. 18F

The DEIR does later recognize that the project at full build out will create "severe congestion and long queues" at the intersection of Mountain View and Golden State, particularly when trains pass by. (DEIR, p. 4.12-121.) It notes that the "ultimate solution" is a grade separation between the railroad and the roadway. (*Id.*) Yet the DEIR fails to include that as a mitigation measure or explain why it is infeasible. Given the traffic congestion and safety issues at stake at this critical intersection, and the huge size of this project, the feasibility of a development-funded elevated bridge is not out of the question. CEQA requires that potentially feasible mitigation measures be considered and either adopted or an explanation of infeasibility made and supported by substantial evidence in the record. 18G

The mitigation measures proposed mostly rely upon the Developer to "provide fair share payments for improvements". This mitigation language is vaguely worded and virtually unenforceable. How is the developer to "provide" the payments and how is the "fair share" to be determined? MM Trans 1a requires the formation of community facilities financing district or other financing mechanism to fund transportation improvements. However, typically CFD's provide a stream of revenue over time whereas the improvements need to be built at the outset. Therefore, a complex bonding mechanism would be required which in the present economic climate may not be feasible or desired by the City. The bottom line is that the mitigation measures for transportation mitigation are so vague and dependent on future discretionary determinations and uncertainties that the accomplishment of the mitigation program is uncertain. The EIR should provide the methodology for determining fair share and not defer that major discretionary determination to later non-public, staff-level decision-making. 18H

The traffic study clearly highlights the need for extensive roadway improvements, widening and reconfigurations required for the Project. For example, the DEIR calls for Mountain View Avenue to be widened to 6 lanes for a considerable length with additional turning lanes at intersections. Yet nowhere in the DEIR are the secondary impacts of these road projects considered. Will the widening and reconfiguration require tearing down buildings, cutting down heritage trees, loss of yet more agricultural land, and reduced access and parking for property owners in the affected areas? Such secondary impacts are as much a part of the Project as the Mall itself, and under CEQA, the EIR must address "the whole of the project". So these at least need to be looked at and assessed. 18I

The 2035 projections of traffic greatly increase the number of intersections with unacceptable LOS levels, even after mitigation. The study recommends various improvements but recognizes that physical constraints, roadway alignment constraints and right of way constraints may make the recommended improvements infeasible and that therefore the impacts will not be fully mitigated. (4.12-132) Thus the DEIR effectively provides a future exemption from compliance with the mitigations in the EIR when a presumably administrative determination is made behind closed doors that a particular traffic mitigation is now "infeasible". This throws into question the entire elaborate mitigation scheme. While such situations may occur, the Mitigation Monitoring Plan should provide for a stringent open and public process for mitigation measures to be subsequently modified to assure that CEQA's requirement that all feasible mitigation be adopted is not lost in the implementation. 18J

9. The Urban Decay Study is Completely Inadequate and Misleading

The DEIR contains a section that claims to address the potential for "urban decay" resulting from the Project. Such studies have been required as a result of court cases wherein EIR's were successfully challenged for failure to consider the potential for large "big box" shopping centers on the periphery of cities diverting retail traffic from the traditional downtown areas resulting in high vacancy rates and the physical deterioration of the downtown areas of the cities.

The study here, prepared by EPS, appears to be more of a marketing analysis for the project itself. Most of the analysis is devoted to projecting the regional sales that the project will create. There is virtually no attempt to quantify the sales impact of the Project on existing retail and service establishments in the downtown core of Selma. Indeed the section admits at page 4.13-30 that "there will be some level of sales diversions from competing outlets in the Trade Area" but that the extent of such diversion depends on the particular tenants of the Project which are unknown. It asserts without any support that even if the diversion causes existing businesses to close, whether there will be physical deterioration is not inevitable. It then leaps to the conclusion that "urban decay is not a foreseeable consequence of the proposed project". (*Id.*) 19

Like many other portions of the EIR, the analysis here spends a great deal of space in the EIR addressing issues other than the critical issue. When it finally does address the issue, it makes conclusory statements which are not backed up by any actual evidence. The focus of an urban decay study should be to quantify the diversion of sales from existing businesses in the City, not a study of whether the Project can successfully steal business from other cities in the area. Such analyses are possible and done on are regular basis in other cities by looking at the typical mix in a regional center, comparing it to the actual existing businesses in the City to determine the extent of sales and customer

diversion. Thus, the DEIR completely fails to do and therefore fails to adequately consider the detrimental impacts of the Project on the existing businesses and downtown. 19 CONT

10. Growth Inducing Impacts

The DEIR notes in Section 6.2 that CEQA requires a consideration of the indirect and direct growth inducing impacts of a project, but it concludes that "the proposed project would not have the potential to cause substantial direct or indirect population growth." The conclusion is based solely on two defective arguments: 1) the 250 additional homes and 910 additional population proposed by the project if phased in over a 4 year period only adds 228 new residents per year which it claims is insignificant; 2) the 6,809 jobs to be created by the project is less than the unemployed within Fresno County so "the new jobs could readily be filled from the local workforce". Both of these arguments are based on flawed and misleading reasoning. 20A

As to the direct impact of the 250 homes, the addition of 910 people to the City of Selma which currently has a population of 23,395 is significant in and of itself. That represents nearly a 4% increase in City population from a single project. When it is further considered that the existing General Plan did not provide for anywhere near this amount of residential development within the project area, this increase is all the more significant. The DEIR does not look at this overall number and compare it to the city population or the existing planning for the property. Rather the DEIR attempts to minimize the magnitude of the growth by spreading it over a four-year period and only looking at the resulting smaller annual increase. This is exactly the same manipulative technique used by hucksters to sell you that used car and only point out the "low monthly payment" to misdirect you from the fact that the overall price is excessive. An EIR is intended as an objective informational document, and this use of manipulative misdirection is directly contrary to the letter and spirit of the law. It raises serious questions as to the objectivity of the entire document. 20B

The second argument is even more simplistic. The DEIR touts the fact that the project will directly create 6,809 jobs but fails to consider the growth inducing impacts of those jobs. Instead it assumes that because Selma has 2,300 unemployed and Fresno County 69,700, all of the jobs will be filled by existing unemployed creating no need for people to move or travel to the jobs.

Such an argument is backed up by absolutely no citation to authority that would indicate that the jobs being created are likely to be filled by existing residents. That existing unemployed would have the skills needed for all of these jobs is most unlikely. Therefore, people from outside the area are likely to move to Selma to fill many of these jobs. Further the DEIR completely ignores the multiplier effect of new jobs. 20C

As the DEIR consultants well know there are accepted methodologies used by municipal economists for calculating the job and growth inducing affects of various new land uses. That the consultant did not bother to investigate and apply those methodologies here makes the EIR defective as an informational document.

11. The Alternatives Analysis Should Have Considered The Rockwell Pond Regional Center as an Alternative.

An EIR is required to identify a reasonable range of alternatives and to set forth facts and meaningful analyses of these alternatives. (*Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1353; CEQA Guidelines, § 15126.6(a).) Further, an EIR must also include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Project. (CEQA Guidelines, § 15126.6(d).)

The DEIR, at 5-28 mentions the 251 acre Rockwell Pond Regional Commercial Center as a potential alternative site for the regional commercial development thought to be needed in the City of Selma. It concedes that the project is an entitled but not constructed project. Yet the DEIR fails to consider this project as an alternative to the Selma Crossings Project. It simply dismisses it as not owned by the developer and an active project not available to replace this development. 21A

The crucial question that the DEIR and the City fail to address is why there is a need in a City of 23,000 for two huge regional commercial centers. Nowhere does the DEIR consider whether both of these projects can succeed or the consequences if they both compete against each other. The DEIR alternative analysis should have made the Rockwell Pond Project one of the alternatives that is considered and confront the decisionmakers with the question whether both of these huge projects are appropriate. Both create huge negative impacts on the environment. To approve both is to generate double the irreversible environmental impacts, while setting up conditions in which neither project is fully economically successful.

The DEIR also dismisses consideration of an alternative of development consistent with the 1997 General Plan on the grounds that the Council has already determined to change those designations in the 2035 plan. The 2035 Plan is not legally in effect and may never go into effect. That is not proper justification for ignoring consideration of this alternative. A detailed comparison of the impacts of development under the 1997 plan to the enormous impacts of this project might prompt the decisionmakers to an alternative decision---indeed that is the very point of an alternatives analysis. so not to should evaluate an alternative that is specifically designed to ensure that the County complies with its General Plan, protects the health and safety of its citizens, and does its part toward cumulatively reducing greenhouse gas emissions, stabilizing atmospheric concentrations of greenhouse gases, and avoiding dangerous climate change. The DEIR does not suggest that such an alternative is infeasible. The failure to include analysis of feasible alternatives that would reduce Project impacts violates CEQA. 21B

12. The Project Generates Significant Irreversible Changes To the Environment Which Are Unjustified

Section 6.3 of the DEIR purports to address significant irreversible environmental impacts of the project and whether they are justified under State CEQA Guidelines Section 15026(c). It does not actually list those impacts, though they are listed elsewhere. Instead the DEIR argues that the project will incorporate features to reduce consumption of natural resources and therefore the use would not be inefficient or wasteful. 22

The DEIR misses the point of this requirement. Here the "elephant in the living room" that the DEIR carefully ignores is whether as discussed above, the City needs or can support two new huge regional commercial projects developing at the same time only a mile or so from each other. Absent a clear showing of such need, the development of one or the other is an enormous and unjustified consumption of natural resources and generator of severe environmental impacts. 22 CONT

13. Cumulative Impacts

The scope of the cumulative impacts analysis is not sufficiently detailed. There is a cursory discussion of several areas of impact, with no quantification of the impacts that will result from the other projects, resulting in an inadequate analysis. 23A

The cumulative impacts analysis does contain a listing of Cumulative projects in Table 6-1. That table is similar to that in the transportation section of the DEIR contains at Table 4.12-7. However it is appears substantially different from the "Development Projects" mapped in the water study Appendix J at page 4 which was also considering future projects approved or under consideration by the City in calculating future water usage. The DEIR needs to have a consistent base of what is considered the likely development so that the various portions of the DEIR use a consistent basis for projection of environmental impacts. 23B

The Cumulative Impact analysis completely fails to provide any quantitative measures of the cumulative impacts other than for the Project itself. For example there is no aggregate totaling of the amount of important farmland proposed for conversion by the listed projects, no aggregate totaling of the additional vehicle trips, air quality emissions, water consumption, sewage generation etc. All of these numbers should be available in other sections of the EIR or from the environmental review done for approved projects or from standard projection methods available for known acreages and land uses such as the ITE Traffic Generation Manual. 23C

The CEQA Guidelines provide that, in discussing the environmental effects of a project, an EIR must include "a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences." (CEQA Guidelines section 15151.) Without a quantitative analysis and presentation, the true cumulative impact is not addressed and the public and decision-makers are left without critical environmental information. It is just not sufficient to state that the impact on a resource will be significant without any quantitative analysis.

It should also be noted that at page 6-9 the Cumulative impact analysis refers to the "Manteca area". This is clearly an artifact from the consultant's reuse of material from previous EIR's. While unimportant in itself, it serves to reinforce the general impression that many sections of the EIR are simply standard boilerplate rather than crafted to address the facts here. 23D

The discussion under Cumulative Impacts is cursory and in many places misstates what is said in other portions of the EIR. For example the discussion of cumulative transportation impacts states that "all feasible mitigation measures are proposed that would improve operations to acceptable levels." (DEIR, p. 6-10.) The traffic section does not reach that conclusion. In fact it concludes that even with adoption of all feasible measures, the impacts would remain significant and unavoidable. The 23E

cumulative traffic section does conclude that impacts with other project would be a cumulatively considerable, but there is no quantitative information provided to support that conclusion and give decisionmakers and the public information on the extent of the cumulative traffic problem. 23E CONT

The Cumulative analysis is also frequently defective where based on defective analysis of the project impacts. For example, the faulty groundwater consumption analysis for the project leads to an equally defective cumulative determination of no cumulative contribution to groundwater impacts. (DEIR, p. 6-9) The same is true for land use, urban decay and many other impacts. 23F

14. Violation of General Plan Standards

Consistency with the applicable general plan is mandatory for many of the entitlements required for this project to move forward. Yet, as discussed above, the proposed project conflicts with many very specific policies of the applicable 1997 General Plan. By proposing a huge project on the periphery of the City, 280 acres of valuable farmland will be directly converted, and extreme pressure will be created for conversion of thousands of more acres of the surrounding area. In addition the DEIR concedes that the project will even in Phase I, reduce operations at critical intersections below the LOS C standard established in the General Plan. By Phase III, the DEIR concedes that the Project will create conditions at multiple intersections that won't meet LOS C and in some, won't even meet the lower LOS D standard of the new 2035 General Plan. Given this, the project is simply not consistent with the General Plan and cannot legally be approved. 24

Conclusion

Assuming that the City chooses to proceed with this project notwithstanding its explicit inconsistency with the General Plan, the EIR needs to be redone. As we have explained the DEIR misses critical issues, and is misleading and just plain wrong on many of the issues it does address. We point these issues out to give the City the opportunity to correct them by rewriting the EIR needs and recirculating it for further review. If it is not, it will not comply with the requirements of CEQA. As the City well knows, such non-compliance can have serious consequences for the City and the applicant. 25

Sincerely,

LAW OFFICES OF P. SCOTT BROWNE

P. Scott Browne
Attorney for Consolidated Irrigation District

c. Client
selmacrossings@cityofselma.com

/Enclosures as stated

Scott Browne (on behalf of Consolidated Irrigation District (BROWNE)

Response to BROWNE-1

The author summarized the comments contained in the letter. Refer to Response to BROWNE-2 through Response to BROWNE-25.

Response to BROWNE-2

The author stated that Consolidated Irrigation District (CID) has experienced severe problems obtaining an adequate record for previous CEQA lawsuits against the City of Selma and indicated that he hopes that the City will consider the comments carefully in order to render a lawsuit unnecessary. The author requested that the City preserve "in full" all emails and internal correspondence and all materials relied upon by City staff, consultants, and subconsultants in the preparation of the EIR, whether in hard copy or electronic form.

The City of Selma will comply with all applicable requirements for the preparation of an administrative record in the event a lawsuit is filed by CID or another party.

Response to BROWNE-3a

The author asserted that the Draft EIR's Project Description is inadequate because it does not disclose the amount of Important Farmland proposed to be converted to non-agricultural use.

CEQA Guidelines Section 15124 establishes that an EIR Project Description shall provide the following contents:

- Project location and boundaries
- Statement of objectives
- A general description of the project's technical, economic, and environmental characteristics
- A statement describing the intended uses of the EIR

As shown above, the purpose of the Project Description is to describe the characteristics of the project, not to evaluate impacts of the project. Instead, project impacts are most appropriately provided in the impact portion of the EIR. As such, the conversion of agricultural land was evaluated in Section 4.2, Agricultural Resources.

Response to BROWNE-3b

The author asserted that the Draft EIR's Project Description is inadequate because it does analyze the land use conflicts that will occur as a result of developing residences adjacent to active agricultural lands.

As discussed in Response to BROWNE-3a, the purpose of the Project Description is to describe the characteristics of the project, not to evaluate impacts of the project. Instead, project impacts are most appropriately provided in the impact portion of the EIR. As such, potential conflicts with adjacent agricultural land were evaluated in Section 4.2, Agricultural Resources.

Regarding the potential for land use conflicts associated with developing residences adjacent to agricultural lands, it should be noted that this would only apply to the Northwest Area; both the Northeast Area and South Area (which adjoins the most active agricultural land) consist solely of non-residential uses.

As shown in Exhibit 4.2-1, the Northwest Area is bounded by SR-99 to the north and large-lot rural residential and industrial uses to the east. Agricultural uses exist to the west and south. The Draft EIR discloses that the Northwest Area is the last phase of the proposed project; refer to Table 3-7. Furthermore, the City of Selma 2035 General Plan contemplates Very Low Density Residential uses being developed west of the Northwest Area and Regional Commercial uses being developed south of this area. As such, it is likely that the agricultural uses west and south of the Northwest Area will convert to non-agricultural use prior to or concurrently with this phase of the project.

Regardless, even if the agricultural uses west and south of the Northwest Area are still present at time of development, this does not inherently pose a land use conflict. There are numerous examples of residential subdivisions abutting active agricultural areas in the Selma area and the larger San Joaquin Valley. To promote land use compatibility between agricultural and residential uses, many jurisdictions have adopted "Right to Farm" ordinances that require the disclosure of certain aspects of agricultural operations to residential buyers (dust, spraying, early morning operations, etc.) and protect farmers from nuisance lawsuits. This serves to demonstrate that agricultural and residential uses can coexist with each other without substantial conflicts.

Response to BROWNE-3c

The author asserted that the Draft EIR's Project Description is inadequate because it omits any mention of project water consumption. The author disputed the conclusions in the Draft EIR that concern groundwater and referenced an attachment provided by Summers Engineering Inc., which concluded that the project would have significant impacts on groundwater.

As discussed in Response to BROWNE-3a, the purpose of the Project Description is to describe the characteristics of the project, not to evaluate impacts of the project. Instead, project impacts are most appropriately provided in the impact portion of the EIR. As such, groundwater water usage, including the project water consumption, was evaluated in Section 4.8, Hydrology and Water Quality.

The Summers Engineering, Inc. attachment is addressed in Response to JACOBSON-1 through Response to JACOBSON-17, as well as Master Response 1

Response to BROWNE-4

The author stated that the discussion of impacts on agriculture is deeply flawed and provided various citations from State law regarding protection of prime farmland. The author asserted that the proposed project provides a "false view of the problem" by understating the substantial reduction of Fresno County Important Farmland shown in Table 4.2-3. The author objected to a statement in the Draft EIR on page 4.2-2 that Important Farmland acreage in Fresno County has changed by less than

1 percent during the period between 2000 and 2008, and asserted that this statement does not address how the increase in Farmland of Local Importance acreage has offset the loss of other acreage. The author also stated that the Draft EIR ignores the definition of "prime farmland" that is contained in the Cortese Knox Hertzberg Act, which applies to consideration by LAFCO. The author claimed that because LAFCO is a responsible agency for the proposed project, the EIR is defective in failing to include the amount of the land that would meet the Cortese Knox Hertzberg Act definition.

Table 4.2-3 (Fresno County Farmland Summary [2000–2008]) was included for the purpose of providing context about the Fresno County agricultural economy. As discussed in pages 4.2-1 through 4.2-3, Fresno County is the most productive county in the State in terms of dollar value of crops and acreage.

As for the author's comments about Farmland of Local Importance acreage increasing during this period and other classifications decreasing, the reasons for any such trends are unclear, and the Draft EIR appropriately did not speculate about potential explanations. Regardless, this information was merely provided for informational purposes; it was not used in assessing the significance of project impacts on agricultural resources.

Instead, the California Department of Conservation Land Evaluation and Site Assessment's (LESA) Model was used as the basis for assessing the significance of Important Farmland conversion impacts. The CEQA Guidelines Appendix G checklist establishes that the LESA Model should be used to assess the significance of such impacts. Such a model was prepared for the proposed project (see Draft EIR Appendix B). The LESA Model uses six factors to determine the significance of Important Farmland conversion: (1) Land Capability Class, (2) Storie Index, (3) Project Size, (4) Water Resources Availability, (5) Surrounding Agricultural Lands, and (6) Surrounding Protected Resource Lands. Importantly, it does not identify total Important Farmland acreage in the applicable County or the Cortese Knox Hertzberg Act definition of "prime farmland" as factors to be considered determining the significance of impacts.

Furthermore, the Cortese Knox Hertzberg Act definition of "prime farmland" was addressed in Table 4.9-6 in the context of project consistency with LAFCO policies that pertain to annexations and Sphere of Influence adjustments. However, the California Department of Conservation's LESA Model and LAFCO policies that concern agricultural lands are separate and distinct from each other. It is therefore appropriate to treat each agency's criteria for assessing the conversion of agricultural land independently of each other.

In summary, contrary to the author's assertions, the change in Fresno County agricultural land acreage and the Cortese Knox Hertzberg Act definition of "prime farmland" do not have any bearing on the conclusions contained in the EIR associated with conversion of Important Farmland to non-agricultural use.

Response to BROWNE-5

The author stated that the Draft EIR's agricultural impact analysis failed to evaluate the "need" for this project that justifies the conversion of prime agricultural land. The author stated that the 1997 City of Selma General Plan sets forth a number of policies that discourage the premature conversion of agricultural land, and the Draft EIR fails to address the implications of these policies as it relates to the proposed project. The author stated that the Cortese Knox Hertzberg Act also requires an analysis of need and recited a passage from the statute. The author quoted Fresno LAFCO policy 104-01-03, which sets forth criteria for annexation, and asserted that the Draft EIR ignored consistency with this policy. The author reiterated that the Draft EIR does not provide "any credible analysis of the need for this project," particularly as it relates to other existing, available, commercial zoned land within the City limits or if there is sufficient demand for the project. The author noted that the Draft EIR mentions Rockwell Pond and fails to discuss whether there is additional demand for the project above and beyond what would be absorbed by Rockwell Pond. Finally, the author requested that the Rockwell Pond EIR be included in the Administrative Record for the Selma Crossings Project.

To preface this response, CEQA does not require an analysis of the "need" of a particular project but rather an impartial analysis of the environmental impacts of the project. CEQA Guidelines Section 15002 sets forth the General Concepts for the environmental review process:

- Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities.
- Identify the ways that environmental damage that can be avoided or significantly reduced.
- Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

As outlined by CEQA Guidelines Section 15002, the environmental review process is intended to be independent and impartial; EIRs are not intended to advocate on behalf of or against a particular project. Thus, the author's claims that the EIR does not identify the economic need or justification for the project are contrary to the basic concepts of CEQA, because such statements would inappropriately venture into advocacy.

Regarding the City of Selma General Plan, it should be noted that the Draft EIR evaluated the project against both the 1997 City of Selma General Plan and the 2035 City of Selma General Plan, as the City Council had adopted the 2035 plan, but such adoption has been stayed pending the resolution of a legal challenge filed by CID. Regardless, the agricultural policies contained in the 1997 City of Selma General Plan cited by the author were addressed in Table 4.9-4 and the project was found to be

consistent with those policies. Thus, the author's claim that the Draft EIR has ignored these policies is incorrect.

As for project consistency with Fresno LAFCO policies, including the Cortese Knox Hertzberg Act, this was addressed in the Draft EIR on pages 4.9-67 through 4.9-80. Again, the author's claim that the Draft EIR has ignored these policies is incorrect.

Finally, regarding the author's request that the Rockwell Pond EIR be included in the Administrative Record for the Selma Crossings Project, this document was not used during the preparation of the Selma Crossings Draft EIR, nor is it cited the Draft EIR References section. Thus, there is no basis for including it in the Selma Crossings Administrative Record.

Response to BROWNE-6

The author asserted that the farmland conservation mitigation (Mitigation Measure AG-1) is insufficient because it does not provide any analysis of why a greater than 1:1 ratio is infeasible. The author stated that the mitigation does not address how to design an effective farmland conversion program, including no mention of criteria for selecting land for conservation. The author referenced a report prepared by Fresno Council of Governments, which he requested be included in the Administrative Record, and noted that it provides a model set of mitigation measures that could be applied to the proposed project.

The text of Mitigation Measure AG-1 is reproduced below:

MM AG-1 At the time of development of each phase, the project applicant shall preserve Important Farmland acreage (i.e., Prime Farmland, Unique Farmland, and Farmland of Statewide Importance), as mapped by the California Department of Conservation Farmland Mapping and Monitoring Program, within Fresno County at a ratio of no less than 1:1 for each acre of Important Farmland converted to non-agricultural use by the proposed project. Preserved acreage shall be of equal or higher quality than farmland converted to non-agricultural use. The preservation shall be accomplished through one of the following approaches:

- The applicant shall pay fees to the City of Selma equivalent to the cost of preserving Important Farmland. The City shall use the fees to fund an irrevocable instrument (e.g., deed restriction or easement) to permanently preserve farmland via a Trust for Farmland Funds Disbursements. This option shall be pursued if the City of Selma has a farmland preservation program in place at the time permits are sought.
- The applicant shall enter into a binding agreement with one or more private property owners or third-party organizations acceptable to the City of Selma (e.g., Fresno County Farm Bureau or the American Farmland Trust) to

permanently preserve farmland. The agreement shall identify an irrevocable instrument that will be recorded against the preserved acreage property. This option shall be pursued if the City of Selma does not have a farmland preservation program in place at the time permits are sought. This latter approach may be implemented in conjunction with Mitigation Measure BIO-1d.

Mitigation Measure AG-1 outlines two possible options for mitigating the loss of Important Farmland provided that preserve farmland is of equal or higher value than that of the project site. The mitigation measure clearly identifies (1) timing, (2) the responsibilities of the applicant, and (3) the manner by which either option shall be carried out. This approach is consistent with CEQA standards for feasible mitigation.

A 1:1 ratio was selected because this ratio is consistent with the preferred ratio set forth in the 2035 City of Selma General Plan. As such, the lead agency appropriately determined that Mitigation Measure AG-1 should be consistent with the adopted ratio set forth in its General Plan and reflects the common-sense notion that the loss of 1 acre should be offset with the preservation of 1 acre. Requiring a greater ratio would not alter the Draft EIR's conclusion that impacts would still remain significant and unavoidable, as there are no assurances that preservation of existing Important Farmland would yield a net increase of Important Farmland. Thus, the Draft EIR recognized that there were practical limits to the use of preservation as mitigation for the conversion of Important Farmland that render the use of higher preservation ratios to have little to no benefit in terms of mitigating impacts on the environment.

Regarding the Fresno Council of Governments report, this was not used in the preparation of the Selma Crossings Draft EIR and, therefore, is not appropriate for inclusion in the Administrative Record.

Response to BROWNE-7a

The author asserted that the Draft EIR's less than significant conclusion concerning conflicts with Williamson Act contracts to be based on faulty logic and unsupported by substantial evidence. The author disputed the Draft EIR's conclusion that no conflicts would occur with the existing Williamson Act contract, because the City of Selma previously filed a protest that would terminate the contract upon annexation, asserting that this is tantamount to asserting that "the conflict between you and your neighbor will not exist once you shoot your neighbor!" The author asserted that the fact that the City may legally terminate the contract does not eliminate the conflict between the project and the Williamson Act contract and that this in fact is a significant impact in the context of any reasonable legal or common sense interpretation of the CEQA Guidelines. The author asserted that the drafter of the EIR is not an attorney and has no expertise to opine on the legal meaning of the applicable Guidelines and, therefore, there is simply no substantial evidence to support this grossly erroneous interpretation of the CEQA Guidelines.

As noted on page 4.2-16, the City of Selma previously filed a successful protest with the County of Fresno not to succeed to the rights, duties and powers of the County under the Williamson Act contract because this property was within 1 mile of the Selma city limits and was contemplated for annexation at the time the contract was executed. As such, the contract would be terminated upon annexation of the project site into the City of Selma, eliminating the potential for conflicts, which is the basis for concluding that the proposed project would not conflict with this Williamson Act contract. Thus, the Draft EIR appropriately concluded that the automatic termination of the contract would serve as a "self-mitigating" aspect of project that would serve to correct this conflict. Accordingly, the author's claim that a potential conflict with the Williamson Act contract would continue to exist after termination of the contract is not supported by any evidence contained in the Draft EIR.

In addition, the EIR elsewhere discusses the conversion of the land subject to the Williamson Act from agricultural uses to urban uses and found that conversion would not result in significant environmental effects. Moreover, acceleration of the cancellation of the single Williamson Act contract would require the payment of fees to the County of Fresno. This would reduce any impact to a less than significant level because appropriate compensation would be paid to the County.

Response to BROWNE-7b

The author asserted that the Draft EIR's less than significant conclusion concerning conflicts with agricultural zoning are based on faulty logic and are unsupported by substantial evidence. The author stated that the reasoning that "once you rezone the property and eliminate the agricultural activity, the 'conflict' disappears," is completely unsupported.

Pre-zoning the project site to "C-R Regional Commercial" is listed as a discretionary approval on page 3-32 of the Draft EIR and was evaluated in Section 4.9, Land Use. Further, when the project itself entails amendments to the general plan designations or zoning, inconsistency with the existing designations or zoning is an element of the project itself, which then necessitates a legislative policy decision by the agency and does not signify a potential environmental effect. As such, the Draft EIR appropriately concluded that the proposed pre-zoning would serve as a "self-mitigating" aspect of project that would serve to correct this conflict.

On a broader note, the City of Selma 2035 General Plan designated the entire project site for Regional Commercial use. Thus, pre-zoning the site to "C-R Regional Commercial" reflects the intent of the 2035 General Plan. Furthermore, this designation was evaluated at a program level in the City of Selma 2035 General Plan EIR; therefore, this subject was previously evaluated.

In summary, the author's claim that a potential conflict with the existing Fresno County agricultural zoning would continue to exist after the project site has been annexed into the City of Selma and prezoned for "C-R Regional Commercial" is not supported by any evidence contained in the Draft EIR.

Response to BROWNE-8a

The author disputed the Draft EIR's conclusion in Impact AG-3 that the proposed project would not create pressures to convert surrounding agricultural lands to non-agricultural use. The author asserted that the proposed project's residential uses would conflict with adjoining agricultural uses in terms of aerial seeding and spraying and increase economic pressures on these lands through higher property values. The author claimed that the Draft EIR's conclusions are unsupported by substantial evidence and does not cite expert opinion in this regard.

Impact AG-3 addressed the following CEQA Guidelines Appendix G checklist question:

Would the project: [. . .]

> Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

The Impact AG-3 discussion on pages 4.2-16 and 4.2-17 addressed this question by: (1) referencing Exhibit 4.2-3, which depicted all lands designated as Important Farmland in the project vicinity; (2) noting that the 2025 City of Selma General Plan land use map (depicted in Exhibit 3-6) contemplates most of this land converting to urban uses at a future, undetermined date; and (3) referencing that there are no applications on file with the City of Selma to develop any of the surrounding agricultural lands to the project site. These three items served to document the extent of existing Important Farmland in the project vicinity (612 acres); provide context about the long-term, contemplated end uses of these lands; and describe the current, near-term status of these lands.

Based on these three pieces of information, the Draft EIR logically and reasonably concluded that although most of these lands are ultimately contemplated to be converted to urban uses by the 2025 City of Selma General Plan, there are no applications on file with the City of Selma to develop these lands. Therefore, the proposed project would not expedite or otherwise facilitate the premature to conversion of these agricultural lands to non-agricultural use beyond what was previously contemplated by the General Plan. As such, this conclusion was based on substantial evidence, which is defined by CEQA Guidelines Section 15384 as "relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."

Regarding the author's claims that the Draft EIR did not address aerial seeding and spraying or how higher property values would increase economic pressures on these lands, these items do not materially affect any of its conclusions. Aerial seeding and spraying—to the extent that these activities occur in the project vicinity—would be considered "impacts on the project," and not "project impacts on the environment," as project uses would be most susceptible to impacts associated with overflight noise or spray drift. Furthermore, these aerial activities are associated with

agricultural production, and their continuation would serve as indicators that surrounding land uses are still in agricultural use.

Regarding how higher property values might influence the continued agricultural viability of these lands, it should be noted that Exhibit 4.2-3 depicts 612 acres of Important Farmland that are currently adjacent to or in proximity to the existing Selma city limits, which have been largely established in their current location in the project vicinity since the 1970s. These lands presumably have experienced increases in property values because of their proximity to the current city limits during the time that has elapsed and yet have remained in agricultural production, which serves as evidence that this factor by itself has not caused the conversion of these areas to non-agricultural use.

Response to BROWNE-8b

The author also stated that the Draft EIR failed to review the impacts on agricultural on a cumulative basis with the many other projects approved by the City of Selma during the past decade, citing the list of pending and approved projects referenced in the Table 4.12-7 in Section 4.12, Transportation and the Water Supply Assessment. The author stated that the EIR should quantify the agricultural acreage converted to non-agricultural use represented in that table and discuss the conversion here in the context of all previous conversion approved by the City of Selma or pending before the City.

To preface this response, the City of Selma and CID entered into a settlement agreement in November 2012 that nullified CID's legal challenge to the City of Selma 2035 General Plan EIR. As a result of the settlement agreement, the 2025 General Plan EIR is certified and the 2035 General Plan is the adopted, long-range planning document for the City of Selma. The proposed project's regional commercial land use activities, as well as those of the other projects referenced by the author, were contemplated by the 2035 General Plan; therefore, the cumulative conversion of agricultural land to non-agricultural use was addressed programmatically in the 2035 General Plan EIR. As such, this impact was previously disclosed in the 2035 General Plan EIR.

Regardless, cumulative agricultural impacts were addressed in Section 6.4, Cumulative Effects of the Selma Crossings Draft EIR (pages 6-4 through 6-11). Cumulative projects accounted for the analysis were listed in Table 6-1, which included many of the projects accounted for the traffic analysis or Water Supply Assessment. Examples include Walmart Supercenter, Gill Motel and Commercial, Bratton single-family residential, Comfort Suites, Raven Map 5296, Valley View Map 5303, Canales Map 5217, Eye Q II, Graham Commercial, Raven Commercial, Amberwood Commercial, 3-MD Industrial Park, Golden State Industrial Park, Rockwell Pond, and Brandywine. It should be noted that some of these projects are "infill" and thus do not involve the conversion of agricultural lands to non-agricultural use. Regardless, the cumulative agricultural analysis concluded that the proposed project, in conjunction with other pending and approved projects, would convert a substantial amount of Important Farmland to non-agricultural use such that a cumulatively considerable impact would occur.

In summary, contrary to the author's claims, the Draft EIR did evaluate the cumulative impacts of the conversion of Important Farmland with the City of Selma and conservatively concluded that such impacts would be cumulatively considerable.

Response to BROWNE-9

The author made some general statements regarding air quality in California and the San Joaquin Valley and asserted that the much of the Draft EIR's analysis is "taken up with boilerplate primer" concerning the general nature and health effects of various pollutants and regulatory framework. The author stated that while not inappropriate, the "extensive focus on generalities contrasts with the more limited evaluation and discussion of actual project impacts and mitigations."

To clarify, the "Environmental Setting" and "Regulatory Framework" portions of Section 4.3, Air Quality totals 40 pages, while the impact analysis totals 40 pages. Thus, Section 4.3, Air Quality is evenly divided between background discussion of air quality and project-specific analysis. Furthermore, since air quality concepts and relevant applicable statutes, rules, and regulations are fairly complex, the length of the "Environmental Setting" and "Regulatory Framework" sub-sections is both appropriate and reasonable in terms of providing the lay reader with relevant information needed to understand the conclusions of the project-specific analysis.

Response to BROWNE-10

The author referenced the thresholds of significance used in Impact AIR-1 and disputed the finding that the proposed project is consistent with the San Joaquin Valley Air Pollution Control District (SJVAPCD) Air Quality Plan's growth assumptions because it is consistent with the 1997 City of Selma General Plan and the 2035 City of Selma General Plan. The author asserted that this conclusion is based on two assumptions with no authority to support them: (1) there is no authority that the Air Quality Plan actually used the growth projections contained in either version of the General Plan; and (2) that so long as a project becomes consistent with a General Plan, it can be found to be consistent with the Air Quality Plan. The author claimed that the SJVAPCD's current adopted Air Quality Plan was adopted prior to the City of Selma adopting the 2035 City of Selma General Plan and, therefore, the SJVAPCD could not have used this version of the General Plan as the basis for the growth projections in the Air Quality Plan. The author stated that even if the SJVAPCD had used the 1997 City of Selma General Plan as the basis for the Air Quality Plan, the proposed project's regional commercial uses are disproportionately more intense than the end uses contemplated by "Highway Commercial," "Heavy Industrial," and "Business Park" land use designations set forth in that plan for the project site and, therefore, would result in an inconsistent with the Air Quality Plan's traffic assumptions. The author also disputed the finding that the proposed project would not result in substantial direct or indirect growth inducement, asserting that it would achieve substantial population growth if the project achieves the 6,809 new jobs projected in the Draft EIR.

First, Impact AIR-1 concluded that the proposed project would have a significant unavoidable impact in the context of conflicts with an adopted Air Quality Plan. This conclusion was predicated on the proposed project's annual emissions exceeding SJVAPCD annual thresholds for criteria pollutants after the implementation of mitigation. Thus, the Draft EIR drew a conservative conclusion by recognizing the proposed project's potential to result in significant impacts in this regard.

The author's comments suggest that this significant unavoidable conclusion should also be based on the project's alleged inconsistency with the Air Quality Plan's growth assumptions. The Draft EIR found that the proposed project's land use activities and growth assumptions are consistent with those of the "Regional Commercial" land use designation for the project site set forth in the 2035 City of Selma General Plan and are in line with those of the "Highway Commercial," "Heavy Industrial," and "Business Park" land use designations for the project site set forth in the 1997 City of Selma General Plan. The Draft EIR acknowledged that the proposed project would require a General Plan Amendment to change the 1997 General Plan designations to "Regional Commercial," but this would not represent a substantial increase in development intensity relative to what could be developed under the "Highway Commercial," "Heavy Industrial," and "Business Park" land use designations. Thus, the Draft EIR concluded that the proposed project would be consistent with the growth assumptions used in the Air Quality Plan.

Regarding the author's claims that there is no authority that the SJVAPCD Air Quality Plan actually used the growth projections contained in either version of the General Plan, this is incorrect. As noted on Draft EIR page 4.3-43, the Fresno Council of Governments (COG) develops regional growth projections based on information contained in the General Plans for local agencies within the County, including the City of Selma. Fresno COG then provides this information to the SJVAPCD to estimate future emissions, which are reflected in the Air Quality Plan. Once an Air Quality Plan is adopted, it establishes emission budgets for each pollutant of concern that cannot be exceeded. These budgets remain in place until a new Air Quality Plan is adopted. Each time Fresno COG adopts or amends Regional Transportation Plans or Regional Transportation Improvement Plans, it must demonstrate "Conformity" with the applicable air quality plan, using the latest planning assumptions, to assure that the growth accommodated by the land use plans and reflected in the transportation plan would not exceed emission budgets.

Fresno COG confirmed with Michael Brandman Associates[1] the land use assumptions set forth in the 2035 City of Selma General Plan were incorporated into the regional transportation model and have been used most recently for the Conformity Analysis for Amendment No. 3 to the 2011 Federal Transportation Improvement Program and the 2011 Regional Transportation Plan Amendment No 1. The Conformity Findings issued for these plan amendments demonstrated that growth, including the project, would not exceed the emission budgets of SJVAPCD's applicable Air Quality Plan.

[1] Phone conversation between Lauren Dawson (Fresno COG) and Dave Mitchell (Michael Brandman Associates) on July 26, 2012.

As for the author's allegation that there is no evidence to support the statement that there would not be a substantial increase in development intensity, this issue was addressed in Section 4.9, Land Use of the Draft EIR. As discussed on pages 4.9-7 and 4.9-8, the 2035 City of Selma General Plan re-designated approximately 267 acres of the project site from "Highway Commercial," "Heavy Industrial," and "Business Park" to "Regional Commercial."

To further underscore this point, Table 3-1 shows the buildout comparison that occurred with this re-designation. As shown in the table, these land use re-designations reduced maximum buildout potential by 1.5 million square feet. This provides substantial evidence in support of the Draft EIR's conclusions that the proposed project would not conflict with the growth assumptions contained in either the 1997 General Plan or 2025 General Plan and, therefore, would also not conflict with the growth assumptions contained in the SJVAPCD Air Quality Plan.

Table 3-1: General Plan Buildout Comparison

Acreage	1997 City of Selma General Plan		2035 City of Selma General Plan		Net Change in Maximum Buildout Potential
	Land Use Designation (Lot Coverage)	Maximum Buildout	Land Use Designation (Lot Coverage)	Maximum Buildout	
142	Highway Commercial (70%)	4.3 million square feet	Regional Commercial (60%)	3.7 million square feet	(0.6 million square feet)
42	Heavy Industrial (90%)	1.6 million	Regional Commercial (60%)	1.1 million	(0.5 million square feet)
68	Business Park (75%)	2.2 million	Regional Commercial (60%)	1.8 million	(0.4 million square feet)
Total		**8.1 million**	**Total**	**6.6 million**	**(1.5 million square feet)**

Note:
"Maximum Buildout" is calculated by multiplying acreage by lot coverage limit, and then multiplying this value by 43,560 square feet/acre to yield square footage value.
Source: City of Selma, 1997 and 2010.

Finally, regarding the issue of growth inducement, although this subject is not directly related to the Impact AIR-1 analysis, it should be emphasized that the Draft EIR found that the proposed project's direct population growth (i.e., new residents) and indirect population growth (i.e., new employment opportunities) would not be growth-inducing; refer to Draft EIR pages 6-2 and 6-3. In particular, the employment growth analysis noted that the proposed project would be phased over a period of 12 years; thus, when the new employment opportunities are averaged over that length of time, they translate to 567 new jobs per year. Given the size of the local labor force in Fresno County, the Draft EIR concluded that most project employees would be expected to be current local residents, making it unlikely that workers would move to the Selma area from other places such that significant population growth would occur. Thus, contrary to the author's claims, this analysis does not provide support for the author's position that the new employment opportunities would result in substantial population growth that would be conflict with the SJVAPCD's Air Quality plan growth assumptions.

Note that the author's comments on the Draft EIR's growth inducement analysis are further addressed in Response to BROWNE-20a through Response to BROWNE-20c.

Response to BROWNE-11

The author noted that the Draft EIR used the SJVAPCD's standard for $PM_{2.5}$ as its significance threshold, which is based on the United States Environmental Protection Agency's (USEPA) 2006 thresholds. The author stated that the USEPA is in the process of setting new lower $PM_{2.5}$ annual standards and asserted that the project should use the new lower standards, because it has a 12-year buildout period and would likely be subject to these standards. The author also noted that the Draft EIR found that long-term air quality impacts would be significant and unavoidable, which does not eliminate the need to adopt all feasible mitigation measures. The author stated one potentially feasible mitigation measure is to have the proposed Community Facility Financing District fund additional bus routes to allow for alternatives to driving and this measure should be evaluated in the Final EIR. The author stated that the air quality analysis is highly technical and stated that his client (CID) reserves the right to submit additional comments on this issue during project consideration.

The USEPA's $PM_{2.5}$ annual standards referenced by the author were not adopted at the time of Draft EIR release. Furthermore, because these standards have not been formally adopted at the time of this writing as part of a federal rule-making process, they are subject to change, their promulgation is speculative, and there is no requirement to use potential future air quality standards as thresholds of significance. In contrast, the SJVAPCD's current $PM_{2.5}$ significance threshold (15 tons per year) is the most recently adopted standard for this air pollutant; therefore, the Draft EIR appropriately used this as the basis for assessing regional $PM_{2.5}$ impacts.

The Draft EIR also assessed potential localized impacts of $PM_{2.5}$ by comparing the project's contribution against the USEPA's Significant Impact Level (SIL) thresholds. The SIL thresholds define a significant concentration increase in areas that have not attained $PM_{2.5}$ air quality standards at 1.2 $\mu g/m^3$ for the 24-hour $PM_{2.5}$ standard and 0.3 $\mu g/m^3$ for the annual standard. The project's localized impact for $PM_{2.5}$ was estimated at 0.25 $\mu g/m^3$ for the 24-hour standard (21 percent of the threshold) and 0.04 $\mu g/m^3$ for annual standard (13 percent of the threshold).

Regarding the author's proposed mitigation measure for bus service, the Draft EIR set forth the following mitigation measure (as amended in Section 4, Errata):

MM TRANS-6a Prior to approval of the final improvement plans for each phase, the project applicant shall prepare and submit plans to the City of Selma depicting appropriate public transit facilities for review and approval. Such facilities shall adhere to the relevant policies contained in the City of Selma 2035 General Plan and the applicable guidance issued by Selma Transit and Southeast Transit, and may consist of a centralized transit facility or enhanced stops that feature turnouts, shelters, seating, lighting, and other

amenities, as appropriate. The approved public transit facilities shall be incorporated into the final improvement plans for each phase.

This mitigation measure is the most appropriate method of facilitating accessibility to bus service, since it is consistent with the policies set forth in the 2035 City of Selma General Plan. Likewise, the mitigation measure does not require the project applicant to directly fund or operate bus service, since existing transit providers (Selma Transit and Southeast Transit) currently provide such service, and they would be expected to modify their service to serve the proposed project. Note that the proposed project would indirectly fund this service through the accrual of new tax revenues to local agencies. Making the project accessible to existing bus service is considered the most effective approach to facilitating the use of public transit rather than requiring the project applicant to fund and operate a potentially redundant bus system.

Finally, regarding the author's statement that CID reserves the right to submit additional air quality comments at a later date, it should be noted that the Draft EIR public review period closed on July 16, 2012. As such, any additional comments submitted by CID would be considered late comments. Public Resources Code Section 21003.1 establishes that "Comments from the public and public agencies on the environmental effects of a project shall be made to lead agencies as soon as possible in the review of environmental documents . . . in order to allow lead agencies to identify, at the earliest possible time in the environmental review process, potential significant effects of a project, alternatives, and mitigation measures which would substantially reduce the effects." In this case, submittal of additional, late comments by CID in the context of air quality would be contrary to the intent of Public Resources Code Section 21003.1.

Response to BROWNE-12

The author stated that the Draft EIR does not provide a "life cycle" energy impact assessment of global warming impacts from the constriction of the proposed project and noted that the Draft EIR found this approach to be speculative. The author disputed this conclusion, asserting that there is readily available data that can be used to quantify these emissions. The author also disputed the Draft EIR's conclusion that the proposed project's mixed uses would reduce the number and distance of vehicle trips, which he claimed was not supported by substantial evidence. The author stated that the project consists of 3 million square feet of commercial uses and only includes 250 dwelling units, and asserted that this would contribute to inefficient land use patterns that promote vehicle trips. The author claimed that the Draft EIR failed to consider whether the proposed project should be redesigned to increase the housing component. The author stated that the Draft EIR is silent regarding any meaningful discussion of whether the project location is the appropriate place to locate a regional center that would serve the entire South Fresno Region, referencing statements provided in the Draft EIR's urban decay analysis.

The Draft EIR discussed "life cycle" emissions page 4.3-67 and the discussion is reproduced below:

> An upstream emission source (also known as life cycle emissions) refers to emissions that were generated during the manufacture of products to be used for construction of the project. Upstream emission sources for the project include but are not limited to the following: emissions from the manufacture of cement, emissions from the manufacture of steel, and/or emissions from the transportation of building materials. The upstream emissions were not estimated, because they are not within the control of the project and to do so would be speculative at this time. Additionally, the California Air Pollution Control Officer's Association White Paper on CEQA & Climate Change supports this conclusion by stating, "The full life-cycle of GHG [greenhouse gas] emissions from construction activities is not accounted for . . . and the information needed to characterize [life-cycle emissions] would be speculative at the CEQA analysis level." Therefore, pursuant to CEQA Guidelines Sections 15144 and 15145, upstream/life cycle emissions are deemed to be speculative and no further discussion is required.

To summarize, a "life cycle" assessment of construction emissions inherently involves speculation, as the manufacturing of building products is outside of the control of the proposed project and relies on information that is unavailable to the lead agency. In addition, this approach is not endorsed by California Air Pollution Control Officer's Association (CAPCOA) White Paper on CEQA & Climate Change—a leading industry group that is actively involved in shaping greenhouse gas regulations—for the same reasons.

As for the author claim that the Draft EIR's conclusion that the proposed project's mixed uses would reduce the number and distance of vehicle trips is not supported by substantial evidence, this issue was discussed at length on pages 4.3-72 through 4.3-74. To recap, the proposed project is located in proximity to existing and planned bicycle facilities, would construct a pedestrian network, and would include a mix of residential, retail, office, and entertainment uses that qualify as "suburban mixed use." The latter point is supported by the description of project characteristics in Table 3-5 in Section 3, Project Description. The project is also adjacent to the east of areas designated by the 2035 General Plan for a variety of residential land uses that will contribute to the mix of uses served by the project. Collectively, these complementary factors serve as the basis for the Draft EIR's statements regarding how project characteristics would reduce the number and length of vehicle trips relative to "business as usual" conditions.

The emission reductions from land use measures were quantified using the SJVAPCD's Greenhouse Gas Emission Reductions Measures Tool. The tool was developed to assist Valley land use agencies and others in assessing and reducing the impacts of project specific greenhouse gas emissions on global climate change. The tool supports the SJVAPCD document, *Guidance for Valley Land Use Agencies in Addressing GHG Emissions Impacts for New Projects under CEQA*. Reduction estimates provided by the tool are based on substantial evidence compiled by the SJVAPCD to support the

GHG emission threshold approach adopted by the SJVAPCD Governing Board. This includes the CAPCOA document, Quantifying Greenhouse Gas Mitigation Measures, A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures, dated August 2010. The SJVAPCD and CAPCOA based their reduction estimates on the best available research and technical reports that analyze the benefits of land use and transportation measures on air quality and greenhouse gas emissions.

Finally, regarding the author's comments about the Draft EIR failing to consider increasing the housing component or how the project location affects vehicle miles traveled, these two factors are fundamental project characteristics and are reflected in the project objectives. Thus, redesigning the project to include more housing or relocating the project to a more "ideal" location in order to reduce vehicle trips would be in conflict with the project objectives as well as the basic concepts of CEQA. In addition, the project is expected to attract regional commercial uses that are not available in Selma and the surrounding small communities and that may currently require a longer vehicle trip to the Fresno or Visalia markets. Furthermore, because greenhouse gas emissions impacts were found to be less than significant after mitigation, no additional mitigation is necessary, which obviates the need for further consideration of these items.

Response to BROWNE-13

The author stated that CID incorporates by reference the following studies related to groundwater and requested that they be included in the record:

- Consolidated Irrigation District Groundwater Management Plan
- Consolidated Irrigation District Urban Impacts Study
- Technical Memorandum on the potential regional and local groundwater effects of urban growth in the CID service area
- Consolidated Irrigation District Urban Impacts White Paper
- Upper Kings Basin Integrated Regional Water Management Plan
- Kings Basin Integrated Groundwater Surface Water Model
- Professional paper 1766, Groundwater Availability of the Central Valley Aquifer
- Professional Paper, "Groundwater depletion and sustainability of irrigation in the US High Plains and Central Valley"
- Decision of the Court of Appeals in CID v. Selma

Note that the Water Supply Assessment cited several of these documents as sources, including the Groundwater Management Plan and the Urban Impacts Study; therefore, several of these documents

are currently part of the Administrative Record. The other documents will be included in the Administrative Record.

Response to BROWNE-14a

The author asserted that the Draft EIR grossly mischaracterized water consumption by the proposed project. The author objected to the conclusion that the proposed project would result in a net decrease in groundwater consumption, stating that the Water Supply Assessment indicates that the proposed project would consume 10.6 percent of all water consumed by the entire City and Sphere of Influence. The author claimed that the proposed project would result in an increase of 16 percent from existing consumption of 5.93 million gallons per day (mgd). The author stated that this discussion is not presented in the Draft EIR and instead "buried in the technical appendix." The author referenced the Summers Engineering comments (Comments JACOBSON-1 through JACOBSON-15) as providing further discussion of this issue.

Characterization of water consumption is addressed in Master Response 1.

Response to BROWNE-14b

The author asserted that the Water Supply Assessment employs faulty assumptions for landscaping usage and associated groundwater recharge. The author noted that the Water Supply Assessment uses the City of Selma's average landscaping water figure (3.0 acre-feet/year per acre) and recharge value (0.75 acre-feet/year per acre), and asserted that the Water Supply Assessment admits that only 3 percent of the total acreage (8 acres) would be devoted to landscaping. The author claimed it was inappropriate to use a city-wide average based primarily on single family homes when actual known project landscaping and associated recharge is far less and clearly erroneous.

Recharge in urban environments is addressed in Master Response 1.

Response to BROWNE-14c

The author referenced a statement from page 4.8-13 of the Draft EIR concerning an assumption about the reassignment of surface water used for agricultural irrigation from the project site to another site, and asserted that this was a "complete invented assumption" with no supporting evidence. The author stated that the Summers Engineering letter demonstrates that this assumption is false and that the irrigation water "released" by conversion of the project site to urban use will spread over the entire district and will not mitigate local groundwater overdraft.

Surface water is addressed in Master Response 1.

Response to BROWNE-14d

The author referenced a statement from page 4.8-14 concerning an assumption that 50 percent of all treated effluent from the SKF wastewater treatment facility will be recharged into the groundwater basin. The author referenced the Summers Engineering letter and stated that the plant is "miles away" and downgradient from the City of Selma and, thus, any recharge will flow to the south and do

little to recharge the groundwater around Selma. The author asserted that the use of this credit in calculating the local groundwater overdrafting effects is erroneous.

Percolation of wastewater is addressed in Master Response 1.

Response to BROWNE-14e

The author referenced the Summers Engineering letter and stated that the proposed project will substantially increase groundwater consumption in an already critically overdrafted basin. The author asserted that the Water Supply Assessment and the Draft EIR's evaluation of groundwater needs to be complete redone using proper calculations and correct assumptions, and that appropriate mitigation measures need to be developed. The author stated that one mitigation measure would be for the City of Selma to enter into the Cooperative Agreement with CID to participate in a program to recharge the groundwater basin the Selma area. The author noted that the City of Selma has the proposed Cooperative Agreement in its possession and requested that it be included in the record of this proceeding.

The conclusions of the groundwater analysis are addressed in Master Response 1.

Response to BROWNE-14f

The author stated that the failure to identify the basis for conclusions regarding project water consumption is a violation of CEQA and that the issue cannot be ignored without resulting in a defective EIR that misinforms the public and decision makers about groundwater impacts.

Groundwater impacts are addressed in Master Response 1.

Response to BROWNE-15

The author stated that the Water Supply Assessment does not comply with Water Code Section 10910 by not considering the long-term impacts on water supply adequacy. The author asserted that the Water Supply Assessment repeatedly understates the long-term decline in groundwater levels in the Selma area due to overdrafting as document by CID's studies. The author reiterated prior comments about groundwater recharge and stated that the Water Supply Assessment is "fatally flawed" and does not comply with the requirements of Water Code Section 10910.

As indicated in Master Response 1, the Water Supply Assessment employed reasonable and justifiable assumptions. Furthermore, even when CID's comments on the groundwater calculations are reconciled with those contained in the Water Supply Assessment, it does not change the conclusion that the proposed project would result in a net decrease in groundwater consumption relative to existing conditions. As such, there is no legal basis to revise and recirculate the Water Supply Assessment as suggested by the author.

Response to BROWNE-16a

The author referenced the Draft EIR's analysis of project consistency with the City of Selma General Plan and noted that the document indicates that the project would achieve consistency with the 1997 General Plan through the approval of a General Plan Amendment that would re-designate the project site to "Regional Commercial." The author referenced a statement that this General Plan Amendment would also achieve consistency with the 2035 General Plan and asserted that this statement is unsupported by any analysis. The author stated that if the 1997 General Plan is the applicable General Plan, then the project must be internally consistent with that plan.

The Draft EIR explained the disposition of the 1997 General Plan and the 2035 General Plan on page 3-21:

> The City of Selma General Plan Update 2035 (2035 General Plan) was adopted by the Selma City Council on October 4, 2010. However, adoption of the General Plan has been stayed pending resolution of a lawsuit filed against the General Plan EIR. Thus, at the time of this writing, the City of Selma General Plan 1997 Update (1997 General Plan) is the prevailing land use planning document for the City of Selma. As previously shown in Table 3-3, the 1997 General Plan and 2035 General Plan contemplate different land use designations for the project site. (Refer to Section 4.9, Land Use for further discussion of the differences between the 1997 and 2035 General Plans.)
>
> By virtue of 2035 General Plan being on hold, the parcels comprising the project site remain designated under the 1997 General Plan land use map. As such, a conforming General Plan Amendment would be necessary to re-designate 287 acres of the project site to Regional Commercial use and 20 acres to Public Facilities use.

The Draft EIR makes clear that approval of the 2035 General Plan is on hold pending resolution of the lawsuit filed by CID against the City of Selma. Thus, the Draft EIR appropriately acknowledged and disclosed that a General Plan Amendment would need to be processed to achieve consistency with the 1997 General Plan, if in fact this the most recently adopted plan at the time the project is considered for approval.

Furthermore, the Draft EIR evaluated the proposed General Plan Amendment to the 1997 General Plan on pages 4.9-10 and 4.9-11. This analysis noted that this General Plan Amendment would achieve consistency with the land use designation contemplated by the 2035 General Plan for the project site ("Regional Commercial") and, therefore, concluded that this amendment would not create any inconsistencies between the two plans. Contrary to the author's claims, this conclusion is relevant because the City of Selma previously adopted the 2035 General Plan and, thus, has clearly indicated that this plan is intended to be the future General Plan for the City.

Finally, state law allows cities and counties to amend their General Plans up to four times annually. As such, the proposed General Plan Amendment to the 1997 General Plan is entirely permissible and in accordance with state guidance.

Response to BROWNE-16b

The author asserted that proposed General Plan Amendment to the 1997 General Plan is inconsistent with various policies that concern premature conversion of prime agricultural land to non-agricultural use and unacceptable traffic congestion. The author asserted that the Draft EIR needs to "honestly face these inconsistencies so that the decision makers and the public are aware that the project is not consistent with these established land use policies."

Project consistency with applicable 1997 General Plan goals and policies was provided in Table 4.9-4 of the Draft EIR. Relevant agricultural and traffic goals and policies are reproduced following this paragraph. As indicated in the excerpt below, Table 4.9-4 and the project were found to be consistent with all applicable agricultural and traffic goals and policies. The author did not provide any specific examples of inconsistencies; therefore, no further response can be provided.

Goal 1	Protect adjacent and nearby agricultural lands within the City's Planning Area, while providing for logical growth of the City.	**Consistent:** The 1997 General Plan designates approximately 253 acres of the project site as Highway Commercial or Light Industrial. These land use designations overlap with most of the portions of the project site designated "Prime Farmland" and "Farmland of Statewide Importance." The re-designation of this area to Regional Commercial and the addition of 35 acres that would be designated either Regional Commercial or Public Facilities represent the logical continuation of the 1997 General Plan's vision for this area. Furthermore, prime agricultural lands west and south of the project site would not be added to the City's Planning Area or Sphere of Influence, which is consistent with the objective of protecting nearby agricultural lands.
Policy 1.1	To the maximum extent feasible, prime agricultural lands should not be designated for urban development to preserve them as a natural resource and provide a buffer between existing and future development in the City and neighboring cities.	**Consistent:** Approximately 253 acres of project site were already designated for Highway Commercial or Light Industrial use by the 1997 General Plan. These land use designations overlap with most of the portions of the project site designated "Prime Farmland" and "Farmland of Statewide Importance." The re-designation of this area to Regional Commercial and the addition of 35 acres that would be designated either Regional Commercial or Public Facilities would not represent a significant departure from what was contemplated by the 1997 General Plan. Furthermore, prime

		agricultural lands west and south of the project site would not be added to the City's Planning Area or Sphere of Influence, which is consistent with the objective of using establishing agricultural buffers.
Policy 1.2	The premature conversion of producing agricultural lands to urban uses is discouraged. Steps to curb conversion of these lands include the use of Williamson Act contracts and "right to farm" covenants.	**Consistent:** The project site is contiguous to existing urban development in several locations, such as the Northeast Area. Furthermore, the proposed project would be phased in a manner that would allow the areas adjacent to urban development to develop first, followed by the areas further away. Finally, the parcel that is currently encumbered by a Williamson Act contract would be developed in the last phase, which would allow this property to remain in agricultural production until economic conditions warrant converting this site to urban use. These characteristics are consistent with the objective of discouraging the premature conversion of agricultural land to urban use.
Policy 1.4	Support Fresno County General Plan objectives and policies which protect agricultural lands by maintaining large agricultural parcel sizes and preventing the development of these parcels until it is appropriate to be annexed into the City for development.	**Consistent:** The proposed project employs phasing provisions to allow the portions of the project site adjacent to urban development to develop first, with areas further away developing later. This would minimize or avoid pressures on the portions of the project site that abut agricultural land uses in unincorporated Fresno County to prematurely convert to urban use.
Goal	Provide high-quality, efficient, and safe transportation, sewer, water, and storm drain facilities while maintaining the social, economic, and environmental quality in the Community.	**Consistent:** The proposed project would install necessary infrastructure or provide fees to service providers for the installation of necessary infrastructure, including transportation, sewer, water, and storm drainage facilities. These characteristics are consistent with the objective of providing high-quality, efficient, and safe facilities that maintain social, economic, and environmental quality in the community.
Policy 3.11	Arterials shall be improved to four lanes, with appropriate variations in intersection design to alleviate special traffic problems where necessary.	**Consistent:** Golden State Boulevard and E. Mountain View Avenue would be improved to its full General Plan contemplated section along the project frontage, which would include four lanes.
Policy 3.28a	Major arterials shall be built in areas where traffic demand warrants the development of this facility to meet the adopted level of service standard.	**Consistent:** The proposed project would implement improvements to Golden State Boulevard and E. Mountain View Avenue, which are designated as major arterials. This is consistent with the objective of developing such facilities to meet the adopted level of service standard.

Policy 3.34.a	Continue to provide a high level of service to the community. Therefore, the City designates Service Level "C" as defined in the Highway Capacity Manual (published by the Transportation Research Board of the National Research Council) as the minimum desirable service level at which freeways, expressways, major arterials, arterial streets and collector streets should operate. All new facilities in these categories shall be designed to operate at this level or better for a period of at least 20 years following their construction.	**Consistent:** The traffic analysis contained in this EIR uses Level of Service C as the minimum acceptable standard for all facilities under the jurisdiction of the City of Selma. Refer to Section 4.12, Transportation for further discussion.
Policy 3.38.a	Developers shall mitigate traffic impacts associated with their projects to minimize the impacts to freeways, major arterials, arterials, and collector streets.	**Consistent:** The project applicant will provide either the full cost or fair-share cost, as appropriate, of roadway improvements necessary to maintain acceptable levels of service on freeways, major arterials, arterials, and collector streets.

The author's comments regarding consistency with 1997 General Plan goals and policies that concern traffic are further addressed in Response to BROWNE-24.

Response to BROWNE-16c

The author referenced his prior comments (BROWNE-16b) and asserted that if this is not acceptable, the only alternative is to defer the project until the 2035 General Plan is readopted with a legally adequate EIR.

As indicated in Response to BROWNE-16a and Response to BROWNE-16b, the proposed project is consistent with both the 1997 General Plan and the 2035 General Plan. Thus, there is no legal basis to defer the project until the legal challenge to the 2035 General Plan is resolved.

Finally, at the time of this writing, CID's legal challenge against the 2035 General Plan has not yet been resolved. Thus, the author's claims that the 2035 General Plan was found to be legally inadequate is not correct.

Response to BROWNE-17

The author referenced the Draft EIR's discussion of wastewater impacts and noted that SKF deposits its outflow into percolation ponds to percolate into groundwater. The author stated that this method of treatment is receiving increasing scrutiny from water quality experts and regulatory agencies, particularly in terms of contamination of the aquifer with toxic chemicals and pharmaceuticals present in sewage. The author stated that Draft EIR improperly assumed that the expansion of the SKF plant would have no potential environmental impacts and, thus, this issue should be addressed in greater depth, including review of the Regional Water Quality Control Board studies of this issue.

The Draft EIR's discussion of wastewater impacts in relation to the SKF wastewater treatment plant from page 4.11-30 is reproduced below:

> As shown in Table 4.11-10, the proposed project would generate approximately 0.824 mgd of effluent at buildout, which is scheduled to occur in 2024 at the earliest. The SKF CSD wastewater treatment plant has a year-round treatment capacity of 4.8 mgd. Currently, the plant receives average dry weather flows of 4.0 mgd and average wet weather flows of 3.8 mgd; therefore, 0.8 to 1.0 mgd remains available for new projects.
>
> As discussed previously, SKF CSD Capital Improvement Program contemplates expansion of the treatment plant to serve new growth in the service area. Currently, expansion is scheduled to begin in fiscal year 2017–2018 and be completed by the end of fiscal year 2019–2020. Therefore, it would be expected that adequate treatment capacity would be in place by the time the project is fully complete. The proposed project would pay capacity fees to SKF CSD, which would be used for capital improvements, such as expansion of the treatment plant.

Contrary to the author's claims, the Draft EIR did not explicitly state that expansion of the SKF treatment facility was necessary to serve the proposed project. Rather, there is adequate existing capacity to serve the proposed project's buildout effluent. Furthermore, because the treatment facility expansion is expected to be completed by 2020—which at most 67 percent of the project could be completed (refer to Table 3-7)—adequate future capacity is reasonably expected as well.

Nonetheless, in recognition that other planned and approved projects would be expected to be developed by the time the proposed project builds out, the Draft EIR discussed SKF's plans to expand its treatment facility in the interests of informed decision making. SKF is ultimately responsible for conducting environmental review for the planned treatment plant expansion, including any review of wastewater disposal methods. Because the wastewater treatment plant expansion is not triggered by the proposed project and is outside the jurisdiction of the City of Selma, it is neither appropriate nor necessary for the Draft EIR to evaluate this issue.

Response to BROWNE-18a

The author stated that the scope of the Draft EIR's traffic analysis was limited and understated the impacts, and the proposed mitigation measures are inadequate to mitigate the impacts.

The scope of the traffic impact study was determined based on consultation with the agencies having jurisdiction over the roadways in the study area. The study included analysis of all intersections and roadway segments that the affected agencies asked be included in the study. The traffic impacts are fully disclosed. Refer to Response to BROWNE-18b through Response to BROWNE-18j for further discussion of the author's comments on the traffic analysis.

Response to BROWNE-18b

The author stated that the Draft EIR did not consider the impacts on SR-99 itself by not evaluating any freeway segments or on- or off-ramps.

Caltrans was consulted prior to the initiation of the traffic study and identified specific facilities it wanted studied, including the SR-99/Floral Avenue interchange, SR-99/Highland Avenue interchange, SR-99/Second Street interchange, SR-99/Mountain View Avenue interchange, SR-99/ Kamm Avenue interchange, and SR-99/Bethel Avenue interchange. Peters Engineering Group has prepared numerous traffic studies in the San Joaquin Valley and has consulted with Caltrans District 6 during the preparation of most of these studies. Peters Engineering Group's experience is that Caltrans District 6 typically only requests evaluation of the ramp intersection and not the freeway mainline. As such, Caltrans's request to study only ramp intersections is consistent with recent past practice in the region. Therefore, it can be concluded that Caltrans has sufficient information to conclude that the existing six-lane State freeway has sufficient capacity to accommodate the project and future growth and does not require additional analysis of this State facility. Nonetheless, analysis of the interchange and freeway ramps was performed to determine whether traffic queues will back up and block the mainline of the freeway. By providing mitigation measures that do not block the mainline, freeway operations will be maintained at levels acceptable to Caltrans.

Response to BROWNE-18c

The author referenced the proposed improvements to the SR-99/Mountain View Avenue interchange and stated that the mitigation was "unusual and complicated" and serves to save the applicant money by requiring roundabouts instead of widening the overcrossing. The author stated that the Draft EIR must provide justification for the roundabout improvements in lieu of the overcrossing widening for Phase 1 of the project.

Figure H-1 in Appendix H of the traffic impact study presents the geometric layout of the teardrop roundabouts. Development of this drawing and the substantial effort and iterations involved in laying out the feasible geometry per Caltrans standards constitute the preliminary studies mentioned and already attached to the EIR. By inspection, without the need for studies, an experienced designer can observe that the existing bridge is not of sufficient length, width, height, and cross-slope to be incorporated into the ultimate interchange envisioned in the City of Selma 2035 General Plan update. Therefore, the traffic impact study stated that it will be difficult to incorporate a bridge widening associated with the existing bridge into the ultimate interchange configuration. So as to avoid the construction of a bridge widening that would only be useful until Phase 2 of the Project, and to avoid construction impacts over the freeway, the alternate roundabout mitigation was considered to eliminate the need for left-turn lanes over the bridge and thereby eliminate the need for a bridge widening that may soon be demolished.

The configuration presented is considered preliminary in the sense that detailed design may reveal the need to revise the layout. This does not relieve the Project of the requirement to mitigate, but allows

Caltrans the flexibility to approve a geometric layout that may differ slightly from that illustrated in Figure H-1.

Although the use of modern roundabouts is a relatively new approach in the United States, roundabouts are widely accepted by transportation professionals and not considered unusual or more complicated than other intersection or interchange modification projects. Successful roundabouts have been constructed in the City of Fresno, the City of Reedley, and at freeway interchanges under the jurisdiction of Caltrans. Caltrans encourages consideration of roundabouts when appropriate and Caltrans staff were involved in discussions with the analyst when the possibility of the use of roundabouts was raised. Caltrans staff suggested the teardrop configuration may be considered. The subsequent analyses indicate that the teardrop configuration can successfully mitigate the identified impact of Phase 1 of the Project.

Roundabouts have been shown to be safe (crashes are typically low-speed sideswipe rather than high-speed head-on or T-bone) and effective in managing traffic congestion when properly designed. As stated in National Cooperative Highway Research Program Report 672, Second Edition, Roundabouts: An Informational Guide.:

> Overall, there is an observed reduction of 35% and 76% in total and injury crashes, respectively, following conversion to a roundabout. These values are consistent with results from international studies. The findings of these studies all show that injury crashes are reduced more dramatically than crashes involving property damage only. This is in part due to the configuration of roundabouts, which eliminates severe crashes such as left turn, head on, and right angle crashes (Chapter 5/Safety, page 5-15).
> [. . .]
>
> A roundabout that operates within its capacity will generally produce lower delays than a signalized intersection operating with the same traffic volumes (Chapter 3/ Planning, page 3-30).

As discussed in Section 4.12, Transportation, the proposed roundabout mitigation measure is capable of successfully mitigating the Phase 1 Project impacts associated with it.

Phase 2 adds a substantial amount of traffic to the interchange and triggers the need for additional improvements (e.g., bridge widening). Phase 2 of the project will be constructed on the west side of the freeway, creating a substantial increase in the number of trips across the freeway and creating higher volumes on conflicting movements. The analyses indicate that the existing two-lane bridge will not accommodate the Phase 2 volumes and the only feasible mitigation includes bridge widening. As such, Mitigation Measures TRANS-2e and TRANS-2f are proposed requiring bridge widening, which would fully mitigate the impact to a level of less than significant.

Response to BROWNE-18d

The author disputed the conclusion in the Draft EIR that LOS D operations at the Golden State Boulevard/Mountain View Avenue and Golden State Boulevard/Main Site Access intersections would be considered acceptable once the City of Selma 2035 General Plan is adopted because the 1997 General Plan establishes LOS D as the minimum acceptable performance standard.

The Draft EIR appropriately discloses the proposed mitigation will maximize the size of the intersection with a resulting LOS D and the appropriate finding of a significant and unavoidable impact. The DEIR also discloses that the City of Selma 2035 General Plan Update considers LOS D acceptable (as do many other nearby cities such as Kingsburg, Fresno, and Clovis) and under such criteria the impact would be considered mitigated.

Refer to Response to BROWNE-16a through Response to BROWNE-16c for further discussion of City of Selma 2035 General Plan.

Response to BROWNE-18e

The author stated that the grade crossing safety analysis used an artificially low number of trains. The author noted that the Federal Railroad Administration (FRA) reports that 29 trains per day pass through Selma and yet Peters Engineering Group used 14 trains per day, which was based on three days of observation. The author characterized the lower number as "highly questionable and rather arbitrary" and stated that, at a minimum, Union Pacific should have been contacted to obtain the number of daily trains. The author stated that the analysis should be redone with the official number of trains provided by Union Pacific.

As stated on Draft EIR page 4.12-10, Peters Engineering Group performed 12-hour video surveillance of each grade crossing on two separate weekdays in March 2011. This approach was based on guidance provided by the California Public Utilities Commission (CPUC), which requires that video surveillance be performed to determine the actual number of train movements at each grade crossing.

It should also be noted that the FRA train movement numbers cited by the author is from the United States Department of Transportation Crossing Inventory Information, which has an "Effective Begin-Date of Record" of January 31, 1991. As such, this information is more than 20 years old and, thus, less accurate and relevant than current train movement data.

Finally, in response to the author's comment, Peters Engineering Group contacted Union Pacific to request information about daily rail movements in Selma. Union Pacific representative Kenneth Tom indicated in an email dated August 16, 2012 that an average 15 trains a day travel through Selma. This serves to confirm the validity of the use of 14 trains per day in the grade crossing safety analysis and, therefore, would not materially alter the conclusions of the analysis. As such, there is no need to "rerun the analysis" as suggested by the author.

Response to BROWNE-18f

The author referenced the proposed pre-signal and pedestrian access improvements proposed for the Mountain View Avenue railroad grade crossing and asserted that there is no explanation regarding these improvements, specifically how they would lower the accident rate.

The Draft EIR described the railroad grade crossing methodology on pages 4.12-71 and 4.12-72, which is reproduced below:

> The at-grade railroad crossings analysis includes a description of the existing facilities. The Federal Highway Administration (FHA) Railroad-Highway Grade Crossing Handbook dated August 2007 (Appendix E) includes a description of the National Cooperative Highway Research Program (NCHRP) Report 50 Accident Prediction Formula. The expected number of accidents per year is calculated herein based on the NCHRP procedures as described in the Hazard index analyses are presented FHA handbook. FHA indicates that an at-grade crossing with a predicted accident frequency greater than 0.02 accidents per year warrants an improvement to a higher level of traffic control devices and warning devices.

The proposed improvements contemplated by Mitigation Measure TRANS-1h involve the installation of a pre-signal on westbound Mountain View Avenue and pedestrian safety facilities at the grade crossing (where none currently exist). The pre-signal would serve to stop vehicles prior to the grade crossing, thereby avoiding circumstances in which vehicles are stopped on the railroad tracks. The pedestrian facilities would consist of train-activated warning devices and a concrete sidewalk to allow persons on foot to more safely cross the tracks. Pre-signals and pedestrian facilities are well-known and very specific improvements that are widely accepted in the transportation engineering community as safety enhancements. More importantly, the installation of these safety improvements would reduce the impact to a level of less than significant.

Response to BROWNE-18g

The author asserted that the Draft EIR acknowledged that grade separation is the "ultimate solution" for the Golden State Boulevard/Mountain View Avenue intersection and nearby railroad grade crossing, but fails to include this as a mitigation measure or explain why it is in feasible.

The Draft EIR on page 4.12-121 identified a grade separation as a conceptual, long-term improvement that would alleviate severe congestion and long queues at this intersection; however, it also disclosed that this improvement would require extensive engineering study in order to determine it to be feasible. For example, an engineering study would need to determine how a grade separation over Golden State Boulevard and the Union Pacific Railroad tracks would align with the SR-99/ Mountain View Avenue interchange, while also maintaining vehicular access for the existing businesses on this segment of Mountain View Avenue (Selma Flea Market and Darling Oil & Tire). Additionally, property acquisition may be required from adjoining properties, the implications of

which are unknown at this point. Thus, it is uncertain that such a grade separation could meet some or all of these objectives, while also being economically viable. Thus, the Draft EIR appropriately concluded that the grade separation is too speculative at the time of this writing.

Response to BROWNE-18h

The author noted that most of the traffic-related mitigation measures require the applicant to provide its fair share payments for improvements and asserted that this language is vaguely worded and virtually unenforceable. The author also noted that Mitigation Measure TRANS-1a requires the formation of a Community Financing District or other financing mechanism to fund transportation improvements and stated that such a vehicle provide a stream of revenue over time whereas most of the mitigation measures need to be built at the outset. The author asserted that a complex bonding mechanism would be required due to the current economic climate, which may not be feasible or desirable to the City of Selma. The author stated that the Draft EIR should provide the methodology for determining fair share and not defer major discretionary determination to later, non-public, staff-level decision making.

Most of the traffic-related mitigation measures require the applicant to provide its fair share contribution for the cost of the improvement because the need for the improvement is triggered by a number of planned and approved projects, including the proposed project. This reflects the requirements of CEQA Guidelines Section 15126.4(a)(4)(B), which establish that mitigation must be roughly proportional to the impacts of the project. As such, requiring the project applicant to provide the full cost of the improvement would be in conflict with CEQA requirements.

As for the author request to describe the fair share methodology that would be used, it should be noted that the City of Selma, the County of Fresno, and Caltrans have all adopted approaches to calculating equitable share for transportation improvements. All of these approaches were adopted as part of a discretionary approval process and, thus, are appropriate for use at the staff level.

Regarding the proposed use of a Community Financing District or other financing mechanism to fund transportation improvements, this approach is employed because of the size, scale, and phased characteristics of the project. These types of financing mechanisms are typically used for large master planned land development projects (e.g., business/industrial parks, large residential subdivisions, etc.) that will require extensive infrastructure improvements to be installed as the project builds out. Although the author is correct in noting that bonding will likely be necessary to finance the improvements, it is speculative to claim that the use of funding through a Community Financing District is not feasible or desirable due to the current economic climate.

Furthermore, contrary to the author's suggestion, not all traffic improvements are required prior to opening day of Phase 1. Rather, most of the improvements are triggered by Phase 2 and Phase 3, which reinforces the appropriateness of using this type of financing mechanism to implement improvements.

Response to BROWNE-18i

The author asserted that the traffic study highlights the need for extensive roadway improvements, citing widening Mountain View Avenue to six lanes as one example. The author inquired if the widening of the roadway would result in a need to remove buildings, cut down trees, convert agricultural land to non-agricultural use, and impair vehicular access to other properties. The author asserted that the EIR must address these effects of the proposed project.

The City of Selma 2035 General Plan contemplates Mountain View Avenue as an Arterial roadway between DeWolf Avenue and Bethel Avenue. As illustrated in City of Selma 2035 General Plan Figure 2-1, Arterial roadways have a section that ranges from 101 to 125 feet in width, with 70 to 74 feet being curb-to-curb width and the remainder consisting of landscaping and pedestrian facilities. The City of Selma 2035 General Plan EIR evaluated buildout of the General Plan on a programmatic basis, including development of the circulation network. As such, the widening of Mountain View Avenue was previously evaluated on a programmatic basis in the General Plan EIR.

The Draft EIR evaluated the environmental impacts of the proposed project in detail, including all frontage and roadway improvements. The planned improvements to Mountain View Avenue are specifically disclosed on pages 3-25 and 3-26 of Section 3, Project Description. In addition, the project site plan accounts for the planned widening of Mountain View Avenue.

Finally, the Draft EIR evaluated potential impacts of the development of the proposed project, including the conversion of Important Farmland to non-agricultural use, impacts on special status plan and wildlife species, tree removal, and impacts to cultural resources (including historic buildings). To the extent that the planned widening of Mountain View Avenue would trigger one or more of these impacts, they have already been evaluated and disclosed in the Draft EIR.

Response to BROWNE-18j

The author stated that the 2035 traffic scenario indicates that a number of intersections would experience unacceptable levels of service after mitigation. The author noted that the Draft EIR's traffic analysis identifies a number of improvements, but acknowledges that physical constraints, roadway alignment constraints, and right-of-way constraints may make the recommended improvements infeasible and, therefore, impacts would not be fully mitigated. The author claimed that this effectively provides a future exemption from compliance with mitigations and allows the lead agency to make an "administrative determination" behind closed doors that mitigation is infeasible. The author asserted that this calls into question the entire traffic mitigation scheme and stated that the Mitigation Monitoring and Reporting Program should provide for a stringent open and public process for mitigation measures to assure that all feasible mitigation is adopted and not lost in the implementation.

To clarify, the Draft EIR cited several reasons why the various recommended improvements for the Year 2035 traffic scenario may not be feasible, including physical constraints, roadway alignment

constraints, and right-of-way constraints, and lack of jurisdiction over the affected facility by the lead agency.

As previously explained in Response to BROWNE-18g, CEQA Guidelines Section 15126.4 requires that mitigation measures must be feasible (i.e., fully enforceable through permit conditions, agreements, or other legally binding instruments). In this case, the Draft EIR has identified several factors that may render the contemplated improvements to be infeasible, which is consistent with the CEQA objective of informed decision making.

Regarding the author's claims that the Draft EIR effectively provides a future exemption from compliance with mitigations and allows the lead agency to make an "administrative determination" behind closed doors, this is incorrect. Because many of the "ultimate improvements" are scheduled to occur many years in future, primarily as a result of cumulative impacts and future phases of the project, the Draft EIR disclosed that certain mitigation measures may not be feasible and set forth the associated reasoning. Thus, these conclusions have been publicly presented. Furthermore, determining that a mitigation measure is infeasible does not constitute an "exemption," since by definition, the feasibility of a mitigation measure reflects whether it is achievable based on economic, environmental, legal, technological, or other factors.

Finally, CEQA Guidelines Section 15097 establishes requirements for mitigation monitoring and reporting. Specifically, lead agencies are obligated to track the implementation of mitigation measures and document their successful completion. The project applicant will be legally obligated to implement all mitigation measures set forth in the Mitigation Monitoring and Reporting Program; they are not elective. As such, there is certainty that all feasible mitigation measures will be implemented as envisioned by the Draft EIR.

Response to BROWNE-19

The author referenced the Draft EIR's urban decay analysis and stated that it appears to be "more of a marketing analysis for the project itself." The author argued that most of the analysis is devoted to projecting the regional sales that the project will create and that there was virtually no attempt to quantify the sales impact of the project on existing retail and service establishments in the downtown core of Selma. The author asserted that the urban decay analysis is largely based on conclusionary statements that are not supported by any actual evidence. The author asserted that the urban decay analysis should quantify the diversion of existing business in the City by looking at the typical mix in a regional shopping center and comparing it to the actual businesses in the City to determine the extent of the sales and customer diversions. The author asserted that the Draft EIR failed to adequately consider the detrimental impacts of the project on the existing businesses and downtown.

The methodology that underpinned the Draft EIR's urban decay analysis was provided on page 4.13-20:

> The proposed Selma Crossings retail will potentially capture retail sales from three major sources:
>
> 1. Demand that has been historically "leaked" to establishments outside the Trade Area
> 2. Demand from new households and visitors/through commuters
> 3. Demand from new workers who live elsewhere (nonresidents)
>
> The economic impact of the Selma Crossings Project will depend upon the degree to which these three sources of demand are captured. To the extent that the project captures newly created demand, or demand currently leaking outside the Trade Area, the retail market impact on existing establishments will be reduced. However, negative retail market impacts may result if the project captures sales from within the Trade Area that formerly were captured by existing establishments. It is likely that a portion of the Trade Area residents will continue to shop elsewhere; however, this leakage is assumed to be generally offset by expenditures of non-Trade Area residents who would potentially be attracted to Selma by the Selma Crossings Project. Each retail sales source is described below.

As such, the urban decay analysis considered both existing sales associated with existing residents (at existing business), as well as future sales associated with new residents (at existing and new business). Thus, the urban decay analysis appropriately did not limit itself to existing conditions, as this would not accurately depict the conditions at project buildout.

Regarding the author's claims that the analysis is inadequate because it does not quantify diversions from existing businesses, it should be emphasized that the Draft EIR's urban decay analysis was predicated on the project providing "super regional" retail uses that are largely non-existent in the Trade Area (Entertainment Destinations, Outlet Center, Tourist/Recreational, etc.). Thus, the urban decay analysis explained that the project is expected to largely capture sales that would otherwise occur outside of the Trade Area, further minimizing detrimental impacts on existing businesses. Furthermore, as noted on page 4.13-29, the proposed project may have positive impacts on existing Trade Area retail by creating "spill-over" opportunities from customers who might not otherwise visit or shop in the area.

In summary, the urban decay analysis evaluated the project's super regional retail characteristics and concluded that these uses have been limited to the potential to adversely impact existing businesses, which are generally local serving.

Response to BROWNE-20a

The author referenced the Draft EIR's discussion of growth inducement and asserted that its conclusions were based on defective arguments.

The author's specific comments regarding the growth inducement analysis will be addressed in Response to BROWNE-20b and Response to BROWNE-20c.

Response to BROWNE-20b

The author noted that the Draft EIR indicates that the proposed project would directly induce growth by adding 910 persons to the City of Selma's population, an increase of nearly 4 percent. The author asserted that the 1997 General Plan did not provide for that amount of residential development in the project vicinity and that the Draft EIR does not compare this overall number to the City population or existing planning for the property. The author claimed that the Draft EIR instead attempted to minimize the magnitude of growth by spreading it out over a 4-year period and by looking only at the resulting smaller annual increase. The author asserted that this approach was "manipulative misdirection" and contrary to the letter and spirit of the law and also calls into question the objectivity of the entire EIR.

CEQA Guidelines Section 15126.2(d) establishes that EIR must consider the growth-inducing impacts of a proposed project in the context of additional housing or removal of obstacles to population growth. The CEQA Guidelines does not set forth any specific methods for evaluating the significance of growth inducement.

The Draft EIR evaluated the direct growth inducement effects of the proposed project on page 6-3. The relevant paragraph is reproduced below:

> The proposed project contemplates a maximum of 250 new dwelling units. Using the City of Selma's average household size of 3.64, the proposed project would be expected to add 910 persons to the City's population. As shown in Table 3-6 in Section 3, Project Description, the project would be phased over a period of 12 years, with the residential component developed over a 4-year period between 2021 and 2024. When residential population growth is averaged over this 4-year period, this translates to 228 new residents per year. This amount of annual population growth represents a 0.98-percent increase above the City's 2011 population of 23,395. As such, this small amount of population growth would not be considered significant. Note that the residential component would be developed as a later phase of the proposed project; therefore, the percentage of population growth would likely be even smaller due to intervening population growth.

The Draft EIR appropriately averaged population growth over a 4-year period, as this represents a fundamental characteristic of project implementation previously disclosed in Section 3, Project Description. Regardless, it described the total amount of population growth (910 residents) and, thus, provided full disclosure of this matter. Whether one prefers to use a 1-year period or a 4-year period as the basis for calculating population growth is a matter of personal preference and does not

materially affect the conclusions contained in the Draft EIR, and neither calculation suggests a significant growth-inducing impact.

As for the author's claims that the Draft EIR should have evaluated population growth in relation to the 1997 General Plan's land use designations for the property, there is no basis for this approach. As previously noted, the CEQA Guidelines do not establish any methodologies for evaluating the significance of population growth; therefore, lead agencies are afforded discretion in terms of determining the appropriate analytical approaches. In this case, the City of Selma determined that comparing the proposed project's direct annual population growth with the existing population provided a conservative approach to assessing population growth, because the proposed project's residential uses would be developed in the final phase of the project, and the total City population will be likely be higher when actually developed. Thus, the annual population growth numbers reported in the Draft EIR are likely higher than what would actually occur.

Furthermore, comparing the proposed project's population growth with the 1997 General Plan does not provide an accurate or meaningful approach to this issue. As previously noted, the City of Selma adopted the 2035 General Plan in 2010, which designates the project site for "Regional Commercial" use. Although the 2035 General Plan is on hold pending the resolution of a legal challenge filed by CID, it is evident that City of Selma intends the project site to be developed as "Regional Commercial." Although the Draft EIR appropriately discloses that a conforming General Plan Amendment to the 1997 General Plan would be required in the event the legal challenge to the 2035 General Plan is not resolved by the time the decision makers take action on the project, the primary purpose of the General Plan Amendment is to achieve consistency with the vision of the 2035 General Plan.

Finally, the Draft EIR evaluated the impacts of population growth on several topical areas in detail, including air quality, noise, public services and utilities, and transportation. Thus, the evaluation of growth impacts is the pertinent issue, whereas the methodology used by the Draft EIR to estimate population growth is less important.

Response to BROWNE-20c

The author referenced the Draft EIR's evaluation of indirect growth inducement for the new employment opportunities created by the proposed project and claimed it was not supported by any "citation to authority that would indicate that the jobs being created are likely to be filled by existing residents." The author asserted that the existing unemployed are unlikely to have the skills needed for all of these jobs and, thus, people from outside the area are likely to move to Selma to fill many of these jobs. The author asserted that the Draft EIR also ignored the multiplier effect of new jobs. The author claimed that there are accepted methodologies used by municipal economists for calculating the job- and growth-inducing effects of new land uses and that the Draft EIR preparers did not bother to investigate and apply these methodologies.

The Draft EIR provided an employment estimate for the proposed project in Table 3-6. The table identifies the sources used in the calculation of the employment estimates, which were based on either standard industry employee/square-foot rates or employment figures for comparable land use activities. Contrary to the author's claims, these are in fact the two of the most widely used approaches for estimating employment in the context of CEQA.

The employment values from Table 3-6 were used in the Draft EIR's analysis of growth inducement as it relates to indirect population growth from new jobs. The key passage from Draft EIR page 6-3 is reproduced below.

> As shown in Table 3-5 and Table 3-6 in Section 3, Project Description, the proposed project is estimated to create 6,809 new jobs over a 12-year period. When averaged over this period, this translates to 567 jobs per year. New employment opportunities would consist of full-time, part-time, and seasonal positions. The California Employment Development Department indicates that as of December 2011, there were 2,300 unemployed persons in Selma and 69,700 unemployed persons in Fresno County. Accordingly, it would be expected that the proposed project's new jobs could readily be filled from the local workforce.

As with direct population growth, new job opportunities were averaged on an annual basis, reflecting the implementation characteristics of the proposed project. This annual average value was then compared with recent unemployment numbers for Selma and Fresno County to arrive at the conclusion that there is ample available labor such that it would be unlikely for the project's employment opportunities to cause significant numbers of persons to move to the Selma area.

Regarding the author's claim that the existing unemployed are unlikely to have the skills needed for all of these jobs, this is a speculative statement. The proposed project's estimated 6,809 employment opportunities would range from entry-level seasonal positions to professional careers. The California Department of Employment Development indicates that the Fresno County labor force (employed and unemployed persons) totaled 446,700 as of June 2012, with 68,200 persons unemployed. Given the sheer size of the local labor force and the availability of local labor, it would be expected that the proposed project's employment positions could be filled primarily from local residents. This includes residents currently employed at other jobs as well as residents who are unemployed. It should be noted that the author did not provide any support for his statement that the existing unemployed are unlikely to have the skills needed for all of these jobs.

Response to BROWNE-21a

The author noted that the Draft EIR evaluated the Rockwell Pond site as a potential alternative site for the proposed project and disputed the conclusion that the site is not a feasible location because it is not available to the project applicant and is the subject of an active development proposal. The author stated that the Draft EIR failed to address why there is a need in a City of 23,000 persons for two

huge regional commercial centers. The author asserted that the Draft EIR does not consider whether both of the projects can succeed or the consequences if they compete against each other. The author asserted that the Draft EIR "should have made the Rockwell Pond Project one of the alternatives that is considered and confront the decision makers with the question of whether both of these huge projects are appropriate." The author claimed that to approve both projects is to generate double the irreversible environmental impacts, while setting up conditions in which neither project is fully economically successful.

CEQA Guidelines Section 15126.5 establishes that the purpose of an EIR's alternatives analysis is to provide decision makers and the general public with a reasonable degree of feasible project alternatives that could attain most of the basic project objectives, while avoiding or reducing any of the proposed project's significant adverse environmental effects. Thus, the Draft EIR's evaluation of alternatives was limited to concepts that would accomplish these goals.

In the case of the Rockwell Pond, this was considered as a potential alternative location to the project in accordance with CEQA Guidelines Section 15126.6(f)(2), but was found to be infeasible for three reasons: (1) the applicant does not own, control, or otherwise have access to the site; (2) the project site is the subject of an active development proposal and, thus, is currently committed to higher and better uses; and (3) this site would not avoid or substantially lessen the proposed project's significant unavoidable impacts associated with Important Farmland or traffic. All three reasons are recognized by the CEQA Guidelines as legitimate grounds for rejecting an alternative from further consideration. Note that the author did not dispute the Draft EIR's reasoning in this regard.

Instead, the author disputes the Draft EIR's conclusions regarding the Rockwell Pond location on the basis that there is no economic justification for two large, regional-serving commercial projects in the City of Selma. The determination of whether one project is preferable to another, however, is not an analysis that is required or appropriate under CEQA.

To the extent the author's comments could be read as a request to assess the cumulative impacts of both the proposed project and the Rockwell Pond Project in the alternative impacts section, such an analysis would be duplicative and unnecessary. The cumulative impacts of the proposed project, the Rockwell Pond Project, and several other approved or pending projects were assessed in Section 6.4, Cumulative Impacts. As such, the alternatives analysis was not required to include analysis of the Rockwell Pond Project.

Response to BROWNE-21b

The author noted that the Draft EIR's analysis dismissed consideration of development consistent with the 1997 General Plan because the Selma City Council has already determined to change those land use designations by adopting the 2035 General Plan. The author stated that the 2035 General Plan is not legally in effect and may never go into effect, and, therefore, this is not proper grounds for ignoring consideration of this alternative. The author claimed that a detailed comparison of the

impacts of development under the 1997 General Plan to the "enormous impacts" of the proposed project might prompt to the decision makers to an alternative decision, which is the very point of an alternatives analysis. The author stated that the Draft EIR does not suggest that such an alternative is infeasible and, therefore, the failure to include analysis of feasible alternatives violates CEQA.

The Draft EIR discussed the potential of evaluating a project alternative that would be developed pursuant to the 1997 General Plan land use designations on page 5-29. The relevant paragraphs are reproduced below:

> As explained in Section 3, Project Description, the Selma City Council adopted the City of Selma General Plan Update 2035 in October 2010, which re-designated all of the parcels comprising the project site to "Regional Commercial" and contemplated annexation of the site into the Selma city limits. Following the Council action, the certification of the 2035 General Plan EIR was legally challenged and adoption of the 2035 General Plan was stayed until the matter was resolved; thus, the 1997 General Plan is the prevailing document at the time of this writing. The 1997 General Plan designated the parcels comprising the project site for various uses, including Highway Commercial, Light Industrial, and Business Park. Additionally, approximately 55 acres of the project site are outside of the 1997 General Plan Planning Area and, therefore, do not have a land use designation. Finally, it should be noted that the parcels comprising the project site are currently located in unincorporated Fresno County; thus, the 1997 General Plan's land use designations for the project site are non-binding.
>
> Evaluating a project alternative that considered the hypothetical development that could occur under the 1997 General Plan was initially considered, but ultimately rejected because the Selma City Council adopted the 2035 General Plan in October 2010. The 2035 General Plan demonstrates that City has made a different policy determination for the project site than previously set forth in the 1997 General Plan. Although it would be speculative to predict the outcome of the legal challenge to the 2035 General Plan EIR, there is no evidence at this time indicating that the City of Selma would consider reversing course and reverting back to the 1997 General Plan's land use designations for the project site.

The rejection of this potential alternative is based on Selma City Council's policy decision to adopt the 2035 General Plan in 2010, which changed the land use designations for the project site to "Regional Commercial." Because the Selma City Council is the highest decision-making authority for the City of Selma, it is both logical and reasonable that the Draft EIR—an official City document—should be consistent with the policy direction of the City Council.

Furthermore, as previously explained in Response to BROWNE-10, the net effect of re-designating the project site to "Regional Commercial" uses was to reduce buildout potential by 1.5 million square feet. Thus, evaluating an alternative that could be pursuant to the 1997 General Plan land use designations would likely yield more square footage than the proposed project. This would be contrary to the CEQA Guidelines' stated objective that the purpose of alternatives analysis is to avoid or substantially lessen significant impacts, while also advancing most of the basic project objectives.

Response to BROWNE-22

The author referenced the discussion in Section 6.3, Significant Irreversible Changes and claimed that the proposed project generates significant irreversible changes to the environment that are unjustified. The author referenced CEQA Guidelines Section 15026(c),[2] stating that the discussion in Section 6.3 does not actually list those impacts but rather argues that the project will incorporate features to reduce consumption of natural resources and, therefore, the use would not be inefficient or wasteful. The author reiterated his previous comments from BROWNE-21a regarding whether the City of Selma can support two large, regional commercial developments and asserted that absent a "clear showing of such need, the development of one or the other is an enormous and unjustified consumption of natural resources and generator of severe environmental impacts."

The analysis of "significant irreversible changes," which is required by CEQA Guidelines Section 15126.2(c), is separate and distinct from the analysis of "Significant Unavoidable Impacts," which is required by CEQA Guidelines Section 15126.2(b). The "Significant Unavoidable Impacts" of the project are discussed in Section 6.1 of the Draft EIR; this section summarizes each of the impacts analyzed in Section 3 that were found to be significant and unavoidable. Section 6.3, in turn, discusses "Significant Irreversible Changes" as required under Section 15126.2(b) of the CEQA Guidelines, which requires that EIRs address the use of nonrenewable resources during construction and operations of the proposed project, irreversible damage that can result from environmental accidents associated with the project, and irretrievable commitments of resources to assure that such current consumption is justified. The Draft EIR addressed these requirements by discussing the consumption of energy and water, and the generation of air pollution; the potential for hazardous materials releases; and how project consumption would compare with other similar projects in the region.

Response to BROWNE-23a

The author asserted that the scope of the cumulative impact analysis is not sufficiently detailed and consists of cursory discussion of several areas of impact, with no quantification of the impacts that will result from other projects.

The author's specific comments in the Draft EIR's cumulative impact analysis are addressed in Response to BROWNE-23b through Response to BROWNE-23f.

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[2] Note that there is no "Section 15062(c)" of the CEQA Guidelines .

Response to BROWNE-23b

The author stated that the cumulative projects listed in Table 4-1 are similar to those listed in Table 4.12-7 of the Draft EIR, but substantially different from the "Development Projects" mapped on page 4 of the Water Supply Assessment in Appendix J. The author asserted that the Draft EIR must have a consistent base of what is considered likely development so that the various portions of the document use a consistent basis for projection of environmental impacts.

The Draft EIR's cumulative impact analysis employs the "list" approach as set forth in CEQA Guidelines Section 15130. In accordance with the CEQA Guidelines, Draft EIR Table 4-1 consisted of a list of "past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency." As such, the City of Selma exercised discretion in developing the list of projects contained in Table 4-1, focusing on projects that were likely to still be economically viable in the future (and, thus, "probable"), and which possessed characteristics that had the potential to create cumulative considerable impacts in conjunction with the proposed project.

Page 4 of the Water Supply Assessment in Appendix J includes Figure 2: Selma Development Projects. This figure depicts most of the approved or pending development project in the City of Selma, some of which are more than 4 miles from the project site. However, as explained on pages 4 and 5 of the Water Supply Assessment, Figure 2 was not the basis for estimating planned growth in the California Water Service Area service area. Instead, the following approach was used:

> In July 2008, Cal Water completed its Water Supply and Facility Master Plan (WSFMP) for the Selma District. The WSFMP provides a more in-depth analysis of Selma's proposed and planned development based on its General Plan and updated information than does Cal Water's 2006 Urban Water Management Plant (UWMP). The City's 2006 population was estimated to be 22,930. Selma's current sphere of influence encompasses about 12.9 square miles (8,281 acres) and 6,310 parcels. Selma's proposed expanded sphere of influence is about 24.7 square miles (15,821 acres).
>
> Selma Crossings (previously called the South Selma Specific Plan) is located along the southeastern Selma city limits in Fresno County. The site is at the northeast quadrants northwest and southwest of the intersection of Mountain View Avenue and State Highway Route 99. The total area of the proposed project is 287 acres versus the previous plan for 304 acres; hence, the revised development area is 94.4% of the previous plan.
>
> Based on information in the City of Selma's Notice of Preparation, the State of California, Department of Finance, Demographics Division's January 2007 estimate persons per dwelling unit is 3.45. For the purposes of estimating water demands in this WSA, the Department of Finance's 2007 estimate is used.

> The total projected increase in population if all anticipated development occurs within the current SOI is 48,580 people using the City's projections. Combining that with the current population estimate results in a total population of 71,510 people.
>
> The WSFMP for the Selma District developed a population forecast based on land use plans and residential development that includes the proposed acreages for various categories of housing and the number of dwelling units per acre. The WSFMP includes a table of total dwelling units as function of development density: minimum, average and maximum. For its current sphere of influence (SOI), the WSFMP indicates for average planned dwelling unit (DU) density at ultimate build out, a total of 17,078 DUs excluding residential reserve areas and 25,380 DUs including residential reserves. Using an average of these numbers (21,229 DUs) and the number of residents per DU at 3.45, the projected population for planned areas at build out in the current SOI would be 73,240 or 1,703 more people more than the City's forecast.

To summarize, the Water Supply Assessment was based on growth forecasts contained in the California Water Service Company Water Supply and Facility Master Plan, which reflects growth contemplated by the City of Selma 2035 General Plan. Figure 2 was provided merely to illustrate the growth contemplated by the General Plan. The map was not intended to provide an all-inclusive summary of all potential development projects within the General Plan area. Rather, Figure 2 merely provides context for the amount of growth contemplated within the California Water Service Company service area. As a practical matter, however, many of the projects listed in Draft EIR Table 4-1 are depicted in Figure 2 (e.g., Amberwood, Rockwell Pond, Bratton single-family residential).

Further, the Water Supply Assessment was prepared in accordance with the requirements of the California Water Code, which is separate and distinct from CEQA requirements. Thus, Figure 2 of the Water Supply Assessment was not intended to supplant the separate "list of projects" required to identify "past, present, and probable future projects" for purposes of evaluating cumulative impacts under Section 15130 of the CEQA Guidelines.

Response to BROWNE-23c

The author claimed that the cumulative impact analysis completely fails to provide any quantitative measures of the cumulative impact other than for the project itself. The author cited as an example the lack of an aggregate totaling of the amount of important farmland proposed for conversion by the listed projects, or aggregate totaling of the additional vehicle trips, air quality emissions, water consumption, or sewage generation. The author stated that all of these numbers should be available in other sections of the EIR, from environmental review done for approved projects, or from standard projection methods available for known acreage and land uses such as the Institute of Transportation Engineers. The author cited language from the CEQA Guidelines stating that an EIR must provide a sufficient degree of analysis to provide decision makers with information that enables them to make a

decision that intelligently takes into account of environmental consequences, and he asserted that a quantitative analysis must be provided in the interests of informed decision-making.

To preface this response, the City of Selma and CID entered into a settlement agreement in November 2012 that nullified CID's legal challenge to the City of Selma 2035 General Plan EIR. As a result of the settlement agreement, the 2025 General Plan EIR is certified and the 2035 General Plan is the adopted, long-range planning document for the City of Selma. The proposed project's regional commercial land use activities, as well as those of the other projects referenced by the author, were contemplated by the 2035 General Plan; therefore, the cumulative impacts associated with agricultural resources, air quality, water consumption, sewer demand, and traffic were addressed programmatically in the 2035 General Plan EIR. As such, these impact were previously disclosed in the 2035 General Plan EIR.

Regarding the Selma Crossings Draft EIR, CEQA Guidelines Section 15130 sets forth requirements for EIR analysis of cumulative impacts, which were provided on pages 6-5 and 6-6 of the Draft EIR and are reproduced below:

- A cumulative impact only occurs from impacts caused by the proposed project and other projects. An EIR should not discuss impacts that do not result from the proposed project.
- When the combined cumulative impact from the increment associated with the proposed project and other projects is not significant, an EIR need only briefly explain why the impact is not significant; detailed explanation is not required.
- An EIR may determine that a project's contribution to a cumulative effect impact would be rendered less than cumulatively considerable if a project is required to implement or fund its fair share of mitigation intended to alleviate the cumulative impact.

To summarize, the CEQA Guidelines clearly emphasize that cumulative impact analysis should focus only on significant effects and not on impacts that are not significant. Furthermore, the CEQA Guidelines do not require that the cumulative impact analysis provide a "quantitative" analysis as implied by the author.

In accordance with the previously mentioned requirements, the Draft EIR evaluated the proposed project's cumulative impacts on pages 6-5 through 6-11. It was recognized that the proposed project's individual impacts on agricultural resources, air quality, noise, and transportation would be so far-reaching in scope that they would have inherent cumulatively considerable impacts, when combined with the effects of other pending and approved projects. The Draft EIR provided numeric quantification of cumulative noise and traffic impacts in Section 4.10, Noise and Section 4.12, Transportation and, those numbers were referenced in the cumulative effects analysis on pages 6-5 through 6-11. For agricultural resources and air quality, quantification of cumulative impacts is more difficult because of the lack of detailed information about the sites, the proposed implementation

schedule, end users, and similar items. As such, the EIR appropriately did not provide numeric values, as it would have been speculative.

For other areas, quantification would provide no meaningful insight into the potential for cumulatively considerable impacts. For example, aesthetics impacts are highly localized to the area within view of a particular site and tend to reflect more qualitative factors such as visual compatibility with the surroundings. Likewise, biological, cultural, and geologic impacts are highly dependent on the site-specific conditions and generally have limited potential to contribute to cumulatively considerable impacts, since many other projects will not have the same site-specific conditions.

In summary, quantification is not required by the CEQA Guidelines and would not provide any meaningful insight into the conclusions of the cumulative effects as presented in the Draft EIR.

Response to BROWNE-23d

The author noted that there is a reference to "Manteca area" on page 6-9 and asserted that this is clearly an artifact from the consultant's reuse of material from a previous EIR. The author noted that while this is unimportant, it serves to reinforce the general impression that many of the sections of the EIR are simply standard boilerplate rather than crafted to address the facts relevant to the proposed project.

The erroneous reference to "Manteca area" has been corrected and the change is noted in Section 4, Errata. It should be noted that the erroneous reference occurred in a sentence describing the geographic scope of the cumulative land use analysis and the subsequent discussion clearly describes the Selma area.

Regarding the author's claims that many of the sections of the Draft EIR are "boilerplate," a brief review of the Draft EIR demonstrates that the bulk of the EIR content is clearly tailored to the Selma Crossings Project—refer to Section 3, Project Description; Section 4.1, Aesthetics, Light, and Glare; Section 4.2Agricultrual Resources; Section 4.4, Biological Resources; Section 4.7, Hazards and Hazardous Materials; Section 4.9, Land Use; Section 4.12, Transportation, Section 4.13, Urban Decay, etc. Thus, the one instance of an erroneous reference to another jurisdiction does not provide evidence for the author's sweeping claims that many sections of the EIR are merely standard boilerplate.

Response to BROWNE-23e

The author stated that the cumulative impact discussion is cursory in many places and misstates what is said in other parts of the Draft EIR. The author cited a statement from the cumulative transportation discussion that "all feasible mitigation measures are proposed that would improve operations to acceptable levels" and asserted that the Draft EIR Transportation section concludes that impacts would remain significant and unavoidable even with adoption of all feasible measures. The author reiterated a prior comment about the lack of quantitative information provided to support this conclusion.

The cumulative transportation discussion on page 6-10 has been revised to reflect the conclusion from the Draft EIR Transportation section that impacts would remain significant and unavoidable even with adoption of all feasible measures. The change is noted in Section 4, Errata.

Refer to BROWNE-22c for discussion of the quantification issue.

Response to BROWNE-23f

The author stated that the cumulative impact analysis is frequently defective where based on defective analysis of the project impacts, citing as an example the "faulty" groundwater consumption analysis. The author stated that the same is true for land use, urban decay, and many other impacts.

The author's comments concerning groundwater, land use, and urban decay were previously addressed in Response to BROWNE-14a through Response to BROWNE-16c, and Response to BROWNE-19. As indicated in those responses, the author's comments do not materially affect the conclusions of any of these analyses. Thus, for the same reason, the cumulative impact analysis of these subject areas is not materially affected.

Response to BROWNE-24

The author asserted that the proposed project conflicts with many very specific policies of the applicable 1997 General Plan. The author reiterated prior comments regarding conflicts with policies concerning conversion of farmland to non-agricultural use and traffic congestion. The author specifically noted that all three phases of the project would result in intersections that operate below the 1997 General Plan standard of LOS C, and the third phase would operate below the 2035 General Plan standard of LOS D. The author claimed that the project is simply not consistent with the General Plan and cannot be legally approved.

The author comments regarding consistency with 1997 General Plan goals and policies that concern farmland were previously addressed in Response to BROWNE-16b.

The 1997 General Plan sets forth the following policy that concerns LOS for transportation facilities:

- **Policy 3.34.a:** Continue to provide a high level of service to the community. Therefore, the City designates Service Level "C" as defined in the Highway Capacity Manual (published by the Transportation Research Board of the National Research Council) as the minimum desirable service level at which freeways, expressways, major arterials, arterial streets, and collector streets should operate. All new facilities in these categories shall be designed to operate at this level or better for a period of at least 20 years following their construction.

The 2035 General Plan sets forth the following policy that concerns LOS for transportation facilities:

- **Policy 2.33:** To continue to provide a high level of service to the community. Therefore, the City designates Service Level "D" as defined in the Highway Capacity Manual as the

> minimum desirable service level at which freeways, expressways, major arterials, arterials and collector streets should operate. All new facilities in these categories shall be designed to operate at this level or better for a period of at least 20 years following their construction.

Both policies use the phrase "minimum desirable service level" and "should operate," which serve to indicate that the City of Selma recognizes that it may not always be feasible to achieve the minimum LOS standards at all times. Neither LOS standard is mandatory; therefore, the author's characterization as such is not supported by the text of the 1997 General Plan or the 2035 General Plan.

On a broader note, the Draft EIR's traffic analysis sought to identify feasible improvements for every intersection that would operate at unacceptable LOS under "with project" conditions. At most locations, the implementation of the mitigation measures identified in the Draft EIR would achieve the 2035 General Plan minimum operational objective of LOS D or better; refer to Tables 4.12-24, 4.12-29, and 4.12-34. However, at certain locations, feasible improvements are either not available or would not improve operations to the desired levels. In these cases, the City of Selma decision makers have the discretion to determine if the proposed project's benefits outweigh the potential for traffic operations to operate below desired levels at certain times.

Response to BROWNE-25

The author summarized the comments in the letter and stated that the Draft EIR needs to be redone and recirculated for further review.

CEQA Guidelines Section 15088.5 establishes that a lead agency is only required to recirculate an EIR when "significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review." In this case, all of the author's comments have been adequately and fully addressed, and the responses do not require significant revisions to the Draft EIR analysis or conclusions. Thus, this does not constitute the disclosure of "significant new information" and recirculation is not warranted.

SUMMERS ENGINEERING, INC.
CONSULTING ENGINEERS

JOSEPH B. SUMMERS
1923-2006

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July 16, 2012

Phil Desatoff
Consolidated Irrigation District
PO Box 209
Selma, CA 93662-0209

SUBJECT: Selma Crossings Draft Environmental Impact Report

Dear Phil:

Summers Engineering has reviewed the above subject document. During the past several years Consolidated Irrigation District (CID) has raised concerns over the impacts of urban development in all five of the incorporated cities within CID's overall boundary. The following comments we are providing for the Selma Crossings Draft Environmental Impact Report (DEIR) echo these concerns relative to groundwater overdraft. CID has commissioned a number of engineering studies that clearly indicate the conversion of agricultural land irrigated with imported surface water to urban use supported exclusively by pumped groundwater results in increased groundwater deficits. The findings of the subject DEIR contradict CID's studies and other recent groundwater studies that have been prepared by third party agencies such as the Upper Kings Basin Water Forum. Our comments on the subject DEIR identify a number of significant discrepancies and errors that were used in the City's analysis of groundwater impacts, and we refute the subsequent finding of a less than significant impact. 1

- P. 4.8-13 beginning with the 6th paragraph
  The DEIR analysis of agricultural (ag) groundwater consumption for the development area uses values from a memorandum we prepared for the District in 2006. The memorandum indicates the calculated average ag water demand in CID is 3.05 acre-feet per acre (a-f/ac). For lands that receive surface water supplies, 1.60 a-f/ac is provided from imported surface water and 1.45 a-f/ac is provided from groundwater that is pumped by growers. The DEIR assumes that 75% of the water demand is used by the crops through evapo-transpiration (ET) and 25% returns to groundwater through deep percolation. In other words the assumed irrigation efficiency is 75%. These assumptions are reasonable for a mixture of flood and drip irrigation as stated in the DEIR. The DEIR analysis indicates the amount of recharge provided by ag irrigation is 0.762 a-f/ac (3.05 a-f/ac x 25%) and the net consumptive use of groundwater is 0.688 a-f/ac (1.45 a-f/ac - 0.762 a-f/ac). These calculations neglect a significant contribution to groundwater recharge which comes 2a

from precipitation. Average annual precipitation in the Selma area is approximately 0.92 a-f/ac. About 1/3rd of the precipitation is used by crops through ET so the net recharge provided by precipitation in ag areas is 0.67 a-f/ac. Due to the high permeability of the surface soils in CID, precipitation in ag areas typically percolates with minimal evaporation. When the recharge provided by precipitation is included in the DEIR calculations, the net consumptive use by ag is approximately zero (1.45 a-f/ac - 0.762 a-f/ac - 0.67 a-f/ac). 2a CONT

The DEIR's statement that urban development results in 0.75 a-f/ac of recharge and a net consumptive use of 2.37 a-f/ac is erroneous and misleading. The full context of these numbers is found in the DEIR on pages 16 and 17 of Appendix J, which indicate the water demand for irrigated landscaping is 3.0 a-f/ac with 75% efficiency, resulting in 0.75 a-f/ac of deep percolation. The proposed area of irrigated landscaping is only 7% of the total development area so the actual contribution to recharge from irrigation of landscaped areas would be negligible. Averaged over the entire acreage of the development it would be less than 0.1 a-f/ac, not 0.75 a-f/ac. 2b

The arguments and logic used in the paragraph ending on p. 4.8-13 and continuing on p. 4.8-14 is invalid. The first assumption is that imported irrigation water that will no longer be used on the urban developed land will somehow be applied to the remaining ag lands that are nearby. This assumption indicates a lack of understanding of irrigated agriculture and District operations. Growers apply the amount of water that is demanded by their crop plus whatever additional water is required due to the inefficiencies of delivering the water from the canal to the plant. The grower's determination of how much water is needed is based on a combination of experience and crop science. If climatic conditions were the same in two consecutive years, but land next door to a grower switched from ag to urban use, he would not be compelled to apply more water and the District would therefore not deliver more water to him in the second year. Since imported surface water in CID is typically used to supplement the total supplies needed, the District may or may not use the water no longer needed for the urban land to lengthen the duration of irrigation deliveries. In that case the additional surface water available would be delivered throughout the District and the benefit to groundwater near the development area would be negligible. In other words, a relatively small increase in available surface supplies would be spread over the entire District service area. 2c

The final sentence on p. 4.8-14 suggests that the land to be developed should be considered land without imported surface water since the surface water it was receiving will now be applied to nearby ag lands. This statement not only defies logic, it defies reality. The land to be developed is currently receiving imported surface water so the groundwater consumption is the water demand less imported surface water and recharge from deep percolation (3.05 a-f/ac - 1.60 a-f/ac - 0.762 a-f/ac = 0.688 a-f/ac). As noted earlier, when precipitation is included the net groundwater consumption is approximately zero for ag use. The propagation of erroneous assumptions in the DEIR's analysis attempts to prove that existing ag 2d

consumptive use is approximately equal to the proposed future urban consumptive use, which is clearly false. 2d CONT

- P. 4.8-14, 2nd and 3rd paragraphs
  The DEIR analysis assumes that spreading treated effluent from the SKF wastewater treatment plant onto disposal fields near the plant offsets groundwater use at the development site. Only about 20% of the wastewater that is percolated at the SKF plant benefits CID groundwater because the plant is located near the southerly boundary of the District and the groundwater flow is northeast to southwest. Exporting groundwater from the Selma area (as waste water) approximately three miles south to be percolated at the SKF plant does not provide any appreciable benefit to groundwater supplies at the location of the proposed development and should not be included in the analysis of groundwater impacts. 3

- P. 4.8-14, 4th paragraph
  The statement is based on erroneous findings noted previously herein and is patently false. Urban development will cause a significant increase in consumptive groundwater use. The value of 304 acres that is used in the calculation should be 287 acres according to the text indicated on p. 5 of Appendix J. 4

- Appendix J, p. 16, 5th paragraph
  It is stated that groundwater levels in Selma wells have been relatively constant for the past 35-years. This is contradictory to later statements that CID's monitoring wells have shown a gradual decline in water levels and that Selma's wells dropped 45-feet during the draught of the late 1980's but only recovered to within 10-feet of pre-draught levels. We would not characterize a 10-foot drop, which is roughly 20% of the current depth to water, as being relatively constant. 5

- Appendix J, p. 16, 8th paragraph
  The values of 952 ac-ft/yr and 304 acres that are used in the calculation should be updated respectively to 1,048 ac-ft/yr per p. 8 of Appendix J, and 287 acres per p. 5 of Appendix J. The resulting urban water demand for the development would then be 3.65 ft/yr versus 3.12 ft/yr, a significant difference when used correctly for the analysis of urban versus ag groundwater consumption. 6

- Appendix J, bottom half of p. 17 and top half of p. 18
  The same erroneous logic and assumptions are used as noted previously for pp. 4.8-13 & 14 of the DEIR. 7

- Appendix J, p. 18, 8th paragraph
  The last sentence states that "conversion of agricultural to urbanized use of land, as set forth in the Selma Crossings project, will <u>increase</u> groundwater consumptive use." We agree with this statement which refutes the calculations and findings presented in the preceding 2½-pages of Appendix J as well as pp. 4.8-13 & 14 of the DEIR. 8

- Appendix J, p. 18, 9th paragraph
  Cal Water believes that groundwater supplies will be reliable for the next 20-years if CID and other water agencies implement measures to reduce withdrawals and/or increase recharge. This implies that groundwater supplies may not be reliable since there is no guaranty those agencies will have the financial means to implement such measures. The last sentence indicates that Cal Water intends to work with CID to develop plans for additional recharge facilities. To our knowledge in working closely with the District on groundwater issues, no such efforts have been made by Cal Water, and no supporting records of such efforts are presented in the DEIR. 9

Following are the groundwater consumption calculations presented in the DEIR versus calculations that have been corrected per our comments. The DEIR calculations did not include groundwater recharge that is provided by precipitation in both ag and urban areas. In our 2006 memorandum we used a liberal assumption that all urban area precipitation not used by landscaping ET would provide groundwater recharge. This assumes the precipitation runs off roofs, over sidewalks, through street gutters, into the storm sewer system, and eventually into an earthen storm water basin all with negligible evaporation losses. The corrected calculations include our estimate of the recharge provided by urban area precipitation under this assumption. 10

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DEIR Groundwater Consumptive Use Calculations vs. Corrected Calculations

		DEIR Calculation	Corrected Calculation	
(1)	Ag irrigation demand	3.05	3.05	a-f/ac
(2)	Recharge provided by ag irrigation (1) x 25%	0.69	0.76	a-f/ac
(3)	Imported surface water	0	1.60	a-f/ac
(4)	Recharge provided by precipitation	0	0.67	a-f/ac
(5)	Net ag consumptive groundwater use (1) - (2) - (3) - (4)	2.36	0.02	a-f/ac
(6)	Selma Crossings total annual water demand	952	1,048	a-f/yr
(7)	Selma Crossings acreage	304	287	acres
(8)	Selma Crossings unit water demand (6) ÷ (7)	3.12	3.65	a-f/ac
(9)	Recharge provided by landscape irrigation	0.75	0.10	a-f/ac
(10)	Recharge provided by precipitation	0	0.72	a-f/ac
(11)	Recharge provided by wastewater	1.48	0	a-f/ac
(12)	Net urban consumptive groundwater use (8) - (9) - (10) - (11)	0.89	2.83	a-f/ac
(13)	Net change in consumptive groundwater use due to urban development (12) - (5)	-1.47	+2.81	a-f/ac
(14)	Increase (+) or decrease (-) in total annual consumptive groundwater use after urban development (7) x (13)	-447	+ 806	a-f/yr

11

The corrected calculations show that the Selma Crossings development would increase annual groundwater consumption by more than 800 acre-feet and would have a significant impact on groundwater supplies.

Very truly yours,

Scott Jacobson

SLJ/sj

SUMMERS ENGINEERING, INC.

GENERAL QUALIFICATIONS AND IN-HOUSE RESOURCES TO PERFORM WORK

Summers Engineering, Inc. (SEI) provides consulting services to numerous California irrigation and water districts. The consulting services involve the design of canals, drains, wells, concrete structures, siphons, and pipeline transmission facilities. Many of the consulting services have involved various canal seepage and groundwater investigations. These investigations have included monitoring well installations, calculations of groundwater storage, estimates of safe groundwater yield, and estimates of regional groundwater flow.

Water supply studies for irrigation districts have required in-field percolation or infiltration tests to estimate actual water losses from existing open canal systems. The construction of evaporation ponds and other storage ponds have also required in-field seepage tests to estimate the long term percolation/infiltration rate. SEI has analyzed and reviewed existing well data and hydrogeologic data for various areas and has the capability of calculating the anticipated drawdown for wells once an aquifer's characteristics are known. SEI has supervised pump tests on wells to determine site specific aquifer characteristics and using this information has made calculations to estimate the resulting impact to groundwater levels and to recommend optimum well spacing.

Numerous feasibility analyses and cost estimates for projects comparable to the construction tasks envisioned have been prepared. The construction cost estimates have been the basis for selling bonds or obtaining certificates of participation for financing project construction.

SEI has AUTOCAD capability and experienced engineers and draftsmen are available to design and prepare all the required maps and construction drawings.

Attached is a resume of Summers Engineering, Inc. summarizing the history of the engineering firm.

Summers Engineering, Inc
Since 1962

887 North Irwin Street
P. O. Box 1122
Hanford, CA 93232
559-582-9237

COMPANY PROFILE

The civil engineering firm of Summers Engineering, Inc., was established in April 1962. Principal work has consisted of feasibility studies, drainage studies, water supply studies, groundwater investigations, environmental impact studies, contract negotiations for water supply and loans, the design, preparation of specifications and supervision of construction of wells, canals, drains, pipelines, pumping plants and municipal facilities. Other work has consisted of the design of small airports, roadways, and small building design and site planning.

Summers Engineering provides consulting services to:

- Numerous water agencies on the feasibility, financial analysis, and design of irrigation and drainage works and rehabilitation of existing facilities.
- Several municipalities to provide general engineering services including the design of water treatment plants, water transmission facilities, storage tanks and the design review and field inspection for drainage, sewer, and water facilities for proposed developments.
- Numerous irrigation and water districts on drainage and groundwater investigations.
- Federal agencies on water resources matters.

The firm consists of five registered civil engineers, technicians, draftsmen, and clerical staff.

SEI has AutoCAD and ArcView capability and experienced engineers and draftsmen are available to design and prepare all the required maps and construction drawings.

Summers Engineering, Inc.

List of Similar Projects

1. **Solano Irrigation District – A.B. 3030 Groundwater Management Plan**

   Prepared the original plan which was approved by the District in 1995. Currently preparing an upgrade to the plan to meet the requirements of S.B. 1938.

2. **Solano Irrigation District – An Updated Plan for the Improvement of the Irrigation Distribution Works**

   This report was an update to a report entitled "*A Plan for the Improvement of the Irrigation Distribution Works*" dated 1985. The original report summarized the various irrigation facilities within the distribution system needing rehabilitation or improvement to provide more dependable service. The update reanalyzed the facilities recommended for improvement, provided a recommended priority for replacement, and included estimates of cost for all of the proposed improvement/replacements projects. This report provided the basis for the District's rehabilitation and betterment program over the last 12 years.

3. **Solano Water Authority – North Central Solano County Groundwater Resources Report**

   14

   Concerns were raised regarding the availability of groundwater resources during the environmental review process for some proposed developments. This report was a comprehensive discussion on groundwater resources describing the existing geologic and hydrogeologic information for the North Central Solano County area.

4. **Solano Irrigation District – Water Conservation Plan**

   Preparation of the District's USBR Water Conservation Plan.

5. **Solano County Water Agency – Putah South Canal Rehabilitation and Betterment Master Plan**

   The purpose of this report was to identify and recommend specific projects for rehabilitating and improving the Solano Project facilities.

6. **Westlands Water District – Water Supply Management Recharge/Storage Options**

   This report summarized potential options for groundwater recharge and identified possible recharge sites within the District.

7. **Grassland Basin Drainers – San Joaquin River Water Quality Improvement Project – Project Description**

   Report summarizes the Grassland Bypass Project and the current successes to date, and then describes a proposed water quality improvement project (now being implemented) to

address the San Joaquin River drainage reduction requirements and still maintain the viability of agriculture within the Grasslands Drainage Area.

8. Solano County Water Agency – Maine Prairie Water District Solano Project Entitlement Exchange Options

The purpose of this report was to review water management options within the Maine Prairie Water District and the Solano Irrigation District and make recommendations on what projects could be implemented to further improve water management and make water available for Solano Project entitlement exchanges.

9. Solano Irrigation District – 5 Year Water Management Plan Revision

This report included the preparation of the 5 Year Update for the USBR of the District's Water Management Plan. 14 CONT

10. Maine Prairie Water District – 5 Year Water Management Plan Revision

This report included the preparation of the 5 Year Update for the USBR of the District's Water Management Plan.

11. Solano Project Rehabilitation And Betterment Master Plan Update

This report was an update to the Solano Project Putah South Canal Rehabilitation and Betterment Report Master Plan prepared in 1999. The previous report identified and recommended specific projects for rehabilitating and improving the Solano Project Putah South Canal facilities. Additional review of all Solano Project facilities determined there was a need to prepare an update report summarizing all proposed improvement and maintenance projects, including a 5-year construction priority for implementation of the projects.

RESUME

SCOTT L. JACOBSON

Registered Civil Engineer California No. 51586

Education: Colorado State University, 1989, B.S.C.E.

Position: Staff Engineer, Summers Engineering, Inc.

Scott L. Jacobson is a Staff Engineer for Summers Engineering, Inc., in Hanford California. Summers Engineering, Inc., specializes in water resources engineering with an emphasis on municipal water supply, irrigation, and drainage projects. Mr. Jacobson has worked for Summers Engineering, Inc. since 1990 in the field of water resources engineering in the San Joaquin Valley and other areas in California.

Responsibilities:

Mr. Jacobson's work experience has included hydraulic design, pipeline design, hydrologic analysis, structural design, drainage system design, groundwater investigations, preparation of specifications, contract administration, construction supervision, construction inspection and the preparation of various feasibility reports and cost estimates.

Work Experience:

Mr. Jacobson helped design and supervise the construction of pumping plants off the California Aqueduct. These projects included a 3,625 HP addition to an existing turnout and pumping plant and an all new 1,200 HP installation with an 8,500 foot 42" diameter steel pipeline. Recently Mr. Jacobson designed and supervised the automation of four existing check structures on San Luis Water District's Third Lift Canal.

Other work has included hydraulic analyses for several canal automation projects, the design of several pump station rehabilitation projects and gravity pipelines replacing canals, a feasibility study and pilot test for a district-wide turnout metering project, a feasibility study for expanding an existing irrigation pipeline distribution system in Coachella Valley, and a feasibility study for the rehabilitation of a 300 cfs, 19 mile long canal system.

Mr. Jacobson is experienced with AutoCAD, computer modeling, and has performed field surveys using a total station.

Scott Jacobson (on behalf of Consolidated Irrigation District) (JACOBSON)

Response to JACOBSON-1

The author provided introductory remarks and summarized the findings of his letter. The author specific comments are addressed in Responses to JACOBSON-2 through JACOBSON-11, as well as Master Response 1.

Response to JACOBSON-2a

The author referenced the discussion of groundwater on page 4.8-13 of the Draft EIR and disputed the assumptions concerning agricultural groundwater consumption. The author stated that the Draft EIR's agricultural irrigation recharge value (0.762 acre-foot/acre) and net consumptive use of groundwater value (0.688 acre-foot/acre) neglect the contribution to groundwater from precipitation. The author noted that annual precipitation in Selma is approximately 0.92 acre-foot/acre and provides 0.67 acre-foot/acre of recharge. The author stated that when recharge from precipitation is factored in, the net consumptive use by agricultural is approximately zero.

Recharge from precipitation is addressed in Master Response 1.

Response to JACOBSON-2b

The author stated the Draft EIR's assumption that urban development results in 0.75 acre-foot/acre of recharge and has a net consumptive use value of 2.37 acre-foot/acre is erroneous and misleading because this applies to irrigated landscaped area. The author asserted that the Water Supply Assessment (Appendix J) indicates that landscaped areas would only represent 7 percent of the total area and, therefore, if averaged over the entire developed area, the recharge value would be less than 0.1 acre-foot/acre.

Recharge in urban environments is addressed in Master Response 1.

Response to JACOBSON-2c

The author disputed the Draft EIR's assumption that surface water used for irrigation at the project site would ultimately be reassigned to other agricultural lands in the Selma area. The author stated that growers apply the amount of water that is demanded by their crop plus whatever additional water is required due to the inefficiencies of delivering water from the canal to the plant. The grower's determination of how much water is needed is based on a combination of experience and crop science, and if climactic are same two years in a row, but neighboring land switched from agricultural to urban use, the grower would not be compelled to apply more water. The author noted that surface water is typically used by CID to supplement the total supplies needed and, therefore, the agency may not use the water no longer needed for the urban land to lengthen the duration of irrigation deliveries. The author stated that the additional water supplies available would be delivered through the district and the benefit to groundwater near the project site would be negligible; thus, a relatively small increase in available surface supplies would spread over the entire service area.

Surface water is addressed in Master Response 1.

Response to JACOBSON-2d

The author referenced the statement that the project site should be considered land without imported surface water and asserted that it defies logic because it is currently receiving surface water. The author referenced his prior comments about the net consumptive use of agricultural being zero (when precipitation is factored in) and asserted that this erroneous assumption reinforces the notion that the Draft EIR attempted to prove that existing agricultural consumptive use is approximately equal to the proposed future urban consumptive use.

Surface water is addressed in Master Response 1.

Response to JACOBSON-3

The author referenced the discussion of percolation of treated wastewater at the Selma-Kingsburg-Fowler County Sanitation District (SKF) wastewater treatment plant on Draft EIR page 4.8-14 and asserted that only about 20 percent of this wastewater benefits CID groundwater because of the location of the plant at the southern boundary of the district and because of the northeast-to-southwest groundwater flow. The author claimed that exporting water from the Selma area (as wastewater) approximately 3 miles to the south to percolate at the SKF plant does not provide any appreciable benefits to groundwater supply in the project vicinity and, therefore, should not be included in the analysis.

Percolation of wastewater is addressed in Master Response 1.

Response to JACOBSON-4

The author referenced a statement from page 4.8-14 of the Draft EIR indicating that the proposed project would result in a decrease of consumptive groundwater use by 400,000 gallons/day and asserted that it is based on erroneous findings previously identified. The author also stated that 287 acres should have been used as the acreage of the project site instead of 304 acres based on the text on page 5 of the Water Supply Assessment.

Acreage is addressed in Master Response 1.

Response to JACOBSON-5

The author referenced a statement from page 16 of the Water Supply Assessment (and also Draft EIR page 4.11-25) concerning groundwater levels in the Selma area having been relatively constant for the past 35 years and asserted that this statement is contradictory to another statement that CID's monitoring wells have shown a gradual decline in water levels. The author also asserted that this statement was in conflict with other statements that Selma's wells dropped 45 feet during the drought of the later 1980s and only recovered to within 10 feet of the pre-drought levels. The author stated that his firm would not characterize a 10-foot drop, which is roughly 20 percent of the current depth to water, as being relatively constant.

Groundwater levels are addressed in Master Response 1.

Response to JACOBSON-6

The author referenced a statement from page 16 of the Water Supply Assessment (and also Draft EIR page 4.11-25) concerning the use of 952 acre-feet/year and 304 acres for urban water demand and indicated that the values of 1,048 acre-feet/year and 287 acres should have been used instead. If these values were used, the author asserted that the calculation would yield an urban water demand rate of 3.65 feet/year, which is significantly higher than the value of 3.12 feet/year used in the Draft EIR.

Urban water demand is addressed in Master Response 1.

Response to JACOBSON-7

The author reiterated prior comments abut erroneous assumptions used the calculations of water consumption and recharge.

Groundwater use and recharge assumptions are addressed in Master Response 1.

Response to JACOBSON-8

The author referenced a statement from page 18 of the Water Supply Assessment (and also Draft EIR page 4.11-27) concerning conversion of agricultural land to urban use increasing groundwater consumptive and indicated that his firm agrees with this statement and asserted that it refutes the various calculations presented in the Water Supply Assessment and Draft EIR.

Conversion of agricultural land to urban use is addressed in Master Response 1.

Response to JACOBSON-9

The author referenced a statement from page 18 of the Water Supply Assessment (and also Draft EIR page 4.11-27) concerning the reliability of groundwater supplies and disputed the conclusion that reliability will be assured if other agencies implement measures to reduce withdrawals or increase recharge. The author asserted that there is no guarantee those agencies will have the financial means to implement such measures. The author also disputed a statement that Cal Water intends to work closely with CID to develop plans for additional recharge facilities, asserting that his firm is not aware that any efforts have been made by Cal Water, nor has any been presented in the Draft EIR supporting this claim.

Reliability of groundwater supplies are addressed in Master Response 1.

Response to JACOBSON-10

This comment consists of a paragraph describing the calculations presented in Comment JACOBSON-11.

Refer to Response to Master Response 1.

Response to JACOBSON-11

This comment consists of calculations prepared by the author that indicate that the proposed project would increase annual groundwater consumption by more than 800 acre-feet and would have a significant impact on groundwater supplies.

Refer to Response to Master Response 1.

Response to JACOBSON-12

This comment consists of a statement of the general qualifications of Summers Engineering, Inc. No response is necessary.

Response to JACOBSON-13

This comment consists of a profile of Summers Engineering, Inc. No response is necessary.

Response to JACOBSON-14

This comment consists of a description of similar projects involving Summers Engineering, Inc. No response is necessary.

Response to JACOBSON-15

This comment consists of Scott Jacobson's resume. No response is necessary.

City of Kingsburg
1401 Draper Street, Kingsburg, CA 93631-1908
(559)897-5821 (559)897-5568

July 16, 2012

Bryant Hemby, Assistant Planner
City of Selma Community Development Department
1710 Tucker Street
Selma, California 93662

Via Email and US Mail

Dear Mr. Hemby,

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) prepared for the Selma Crossing Commercial Project. The City of Kingsburg has reviewed the DEIR and has the following comments: 1

1. The traffic study included intersections and segments within the existing City of Kingsburg city limits and future city limits. The study also identified mitigation measures or improvements that would be necessary within these areas to address the traffic impacts from the development. The DEIR MM Trans 1A, states that traffic impact fees or other funding mechanism will be established and payable to the City of Selma. The City of Kingsburg requests that the mitigation measure be amended to state that the project pay fair share payments to the City of Kingsburg for the transportation improvements that are or will be within the City of Kingsburg's jurisdiction. Unless the City of Kingsburg receives the funds to construct the improvements, the impacts cannot be reduced to less than significant. 2

2. The trade area includes the City of Kingsburg and several surrounding communities. The urban decay analysis evaluates the potential impacts and benefits to other retail within the Selma area, but does not evaluate the potential impacts within the trade area outside the Selma area, such as in Kingsburg. The study states that the project will shift 20% of retail sales from existing establishments within the trade area, yet impacts are less than significant. The study also states that physical deterioration is not inevitable, given that vacant buildings may be reused or re-tenanted. However, if large retail and smaller establishments vacate for the new "super center" the spaces, and potentially entire centers, may stay vacant and become eyesores or nuisances for some years and create a significant environmental impact within the City of Kingsburg. The conclusion that impacts to existing retail within the trade area will be less than significant area is 3

not supported by the documentation within the study. This impact will be significant to the community of Kingsburg should existing businesses relocate to the new center. 3 CONT

Please forward any additional environmental documents, which include the Final Environmental Impact Report and Notice of Determination to the City of Kingsburg, Attention: Darlene Mata. 4

Sincerely,

Darlene R. Mata

Planning Director, City of Kingsburg

City of Kingsburg (KINGSBURG)

Response to KINGSBURG-1

The agency provided introductory remarks to preface the letter. No response is necessary.

Response to KINGSBURG-2

The agency noted that the Draft EIR's traffic analysis evaluated intersections and roadways that within the existing or future Kingsburg city limits and identified necessary mitigation measures. The agency referenced the provisions of Mitigation Measure TRANS-1a and requested that the mitigation measure be amended to state that the project pay fair-share payments to the City of Kingsburg for transportation improvements that would be under its jurisdiction. The agency stated that unless it receives the funds to construct the improvements, the impacts cannot be reduced to a level of less than significant.

Mitigation Measure TRANS-1a requires the project applicant and the City of Selma to establish a community facilities financing district or other financing mechanism to facilitate the collection of fair-share fees and implementation of necessary improvements. Fair-share fees would be collected at the time building permits are sought and would be applied to necessary improvements, which may include improvements within the jurisdictional control of other agencies such as Caltrans, the County of Fresno, and the City of Kingsburg. As part of the establishment of the community facilities financing district or other financing mechanism, the issue of funding improvements that are outside the jurisdictional control of the City of Selma will be addressed, and it would be expected that there will be a mechanism to allow collected fees to be transferred to the appropriate agency for implementation of necessary improvements. However, because the community facilities financing district or other financing mechanism is still in conceptual form at the time of this writing, it would be premature to make any further statements about it. For the same reason, it is not necessary to revise the text of Mitigation Measure TRANS-1a to make the changes requested by the City of Kingsburg.

Regarding the agency's statement that impacts cannot be reduced to a level of less than significant unless the City of Kingsburg receives fair-share payments for traffic improvements, please note that the Draft EIR concluded that the residual significance of Existing Plus Phase I Traffic Conditions, Year 2020 Traffic Conditions, and Year 2035 Traffic Conditions impacts would remain significant and unavoidable because of uncertainty about implementation of various improvements. Thus, the Draft EIR disclosed the possibility that impacts may remain unmitigated because of factors outside the control of the City of Selma.

Response to KINGSBURG-3

The agency noted that the urban decay analysis trade includes Kingsburg and several surrounding communities, but only evaluates impacts on Selma and not on areas outside of Selma. The agency noted that the analysis indicates that the project will shift 20 percent of retail sales from existing establishments within the trade area, and yet still concludes urban decay impacts are less than significant. The agency stated that extended vacancies may be a significant problem in Kingsburg if

large and small stores vacate their existing spaces for the proposed project. The agency asserted that the less than significant conclusion is not supported by the documentation in the study and that urban decay impacts will be significant to Kingsburg should existing business relocate to the proposed project.

As described in the Draft EIR on page 4.13-1, "Urban Decay" is the causal chain of events that begins with store closure and culminates with substantial physical deterioration that effectively precludes the re-tenanting or reuse of the property in question as well as other surrounding properties. Generally, this process occurs over a period of years and is often reinforced by declining economic conditions in a broader area. The mere closure of a single store location—either because of competitive pressures or a desire to relocate to a more desirable location—does not constitute urban decay; rather, it is the chain of events that ultimately results in substantial physical deterioration that represents urban decay. In short, urban decay is a fairly extreme condition that it is rarely observed in most vibrant retail markets.

At the time of this writing, the proposed project's specific tenants are unknown. In the absence of specific information about tenants and the market segments they occupy, the urban decay analysis evaluated the project in a more general sense. The analysis noted that the proposed project would likely have a significant regional-serving and visitor-serving component to it because of its location along the SR-99 corridor and the types of end uses envisioned (auto mall, hotel, water park, etc.). These types of commercial uses have strong attraction potential and typically attract retail dollars that would otherwise not spent in the trade area. In this sense, these sales generally do not come at the expense of other business in the trade area. Furthermore, these uses also attract other complementary commercial uses such as restaurants, banks, and gas stations that seek to cater to the new customers attracted to the trade area by the proposed project. Although some of these new complementary commercial uses may end up competing directly with similar existing businesses, the overall net increase in commercial activity would be expected to sustain existing outlets. Even if some existing outlets were to close, re-tenanting or reuse of vacant properties would be expected to occur within a reasonable amount of time such that physical deterioration is unlikely to occur.

For these reasons, although it is possible that one or more existing business from Kingsburg may relocate to the proposed project, urban decay is not a foreseeable result. Moreover, Kingsburg's unique retail attributes (such as the Swedish-themed downtown area and the lack of major regional shopping centers) position it in a manner to attract businesses and customers who prefer an alternative to the types of regional-serving retail and entertainment uses envisioned by the proposed project. As such, it is unlikely that Kingsburg would experience urban decay as a result of the proposed project.

Response to KINGSBURG-4

The agency provided concluding remarks to close the letter. No response is necessary.

DEIR 14

Bryant Hemby

From: Mark Amorino [mark.conmad@pacbell.net]
Sent: Monday, July 23, 2012 9:13 AM
To: Bryant Hemby
Subject: DEIR - Selma Crossing Commercial Project

The Consolidated Mosquito Abatement District is satisfied that our concerns have been addressed in the Draft Environmental Impact Report.

1

Thank you for the opportunity to provide recommendations for the mitigation of potential mosquito production habitat associated with the 20 acre stormwater basin.

Mark Amorino
Field Supervisor
Consolidated Mosquito Abatement District
mark@mosquitobuzz.net

Consolidated Mosquito Abatement District (CONMAD)

Response to CONMAD-1

The agency stated that it was satisfied that its concerns had been addressed in the Draft EIR. No response is necessary.

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

July 18, 2012

JUL 19 2012

Bryant Hemby
City of Selma
1710 Tucker Street
Selma, CA 93662

Dear Mr. Hemby:

Subject: Comments for the Draft Environmental Impact Report for the Selma Crossing Commercial Project

The County of Fresno appreciates the opportunity to review and comment on the project noted above. Based on the County's review of this project, the following comments are offered for your consideration and inclusion in the Final Environmental Impact Report (FEIR): 1

Transportation:

1. The Traffic Impact Study (TIS) and site plan needs to clearly indicate how it will accommodate the official plan line, shown as Exhibit A, and connection to the ultimate solution to the intersection, which is the grade separation project (Mountain View Plan Line, pages 8 to 10) 2

2. The TIS mentions ultimate configuration of Mountain View & Golden State Boulevard as a grade separation, but does not clearly indicate that the project should contribute to this ultimate project. The Mountain View project is listed as a project #39 on the California Public Utilities Commission priority list. (See Exhibit B) 3

3. Measure C – The Mountain View Widening project from Bethel to Tulare County Line starts east of Bethel intersection with Mountain View. The widening project will not improve the Bethel/Mountain View intersection. The TIS should recognize/state that should the County Measure C project not move forward, the identified mitigation measure will apply to the project. 4

4. The TIS does not account for the Section 130 project currently under design at the intersection of Mountain View & Union Pacific Railroad. Please contact the County Design section to get specifics on this project. 5

5. Does study and site plan account for Class 1 bike path on Golden State Boulevard? 6

If you have any questions, please contact me at (559) 600-4207, or e-mail; 7
bsholars@co.fresno.ca.us

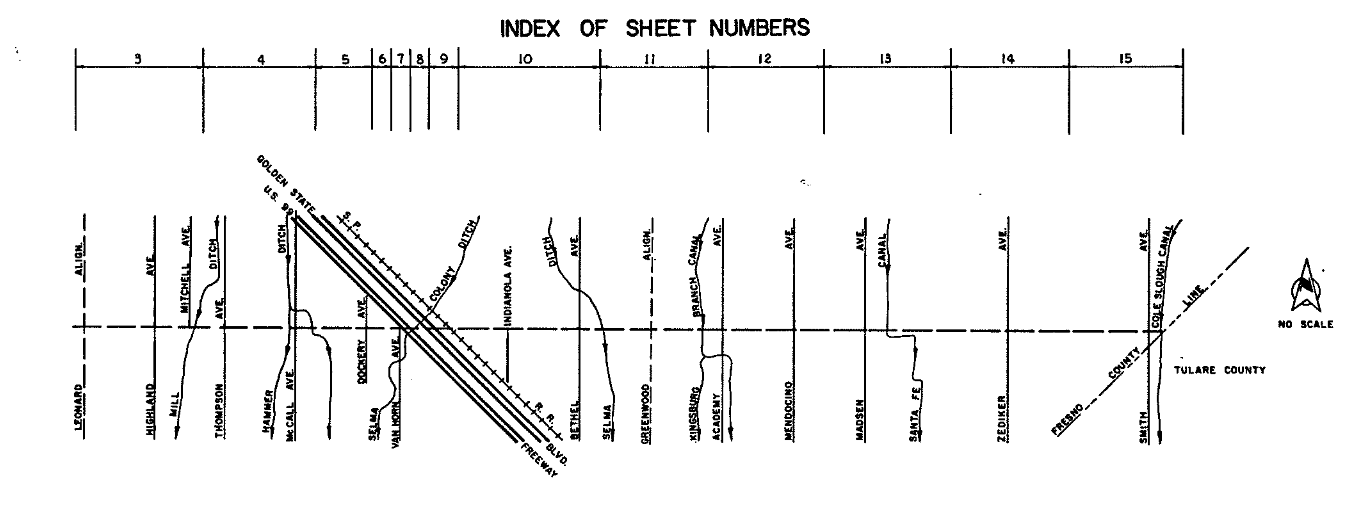
Sincerely,

Briza Sholars, Planner
Development Services Division

c: John Robertson, Design
Will Kettler, Development Services
Bernard Jimenez, Manager

BS:lo

43



I, the undersigned, Director of Public Works of the County of Fresno, California, do hereby certify that I have examined the Precise Plan Lines delineated on this map consisting of 15 sheets and I am satisfied that this map is technically correct.

Dated October 3, 1966

Clinton L. Beery
County Director of Public Works

PRECISE PLAN OF STREETS AND HIGHWAYS

SERIAL Nº 56

PRECISE PLAN LINES

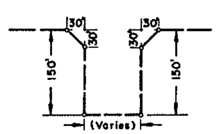
MOUNTAIN VIEW AVENUE

FROM A POINT 330 FEET WEST OF HIGHLAND AVENUE TO THE TULARE COUNTY LINE

#75131
Filed and recorded at the request of the County of Fresno this 20 day of October, 1966 at 15 minutes past 2 PM and recorded in Volume 2 of Record of Precise Plans at page 43, Official Records of Fresno County.
No Fee

J. L. Brown County Recorder

By Helen Hart
Deputy



Typical Intersection Plan Line:

LEGEND

- Precise Plan Lines
- Right of Way Lines
- Property Lines
- City Limit
- Section Line

Note:
All setbacks shall be measured from the "Precise Plan Lines".

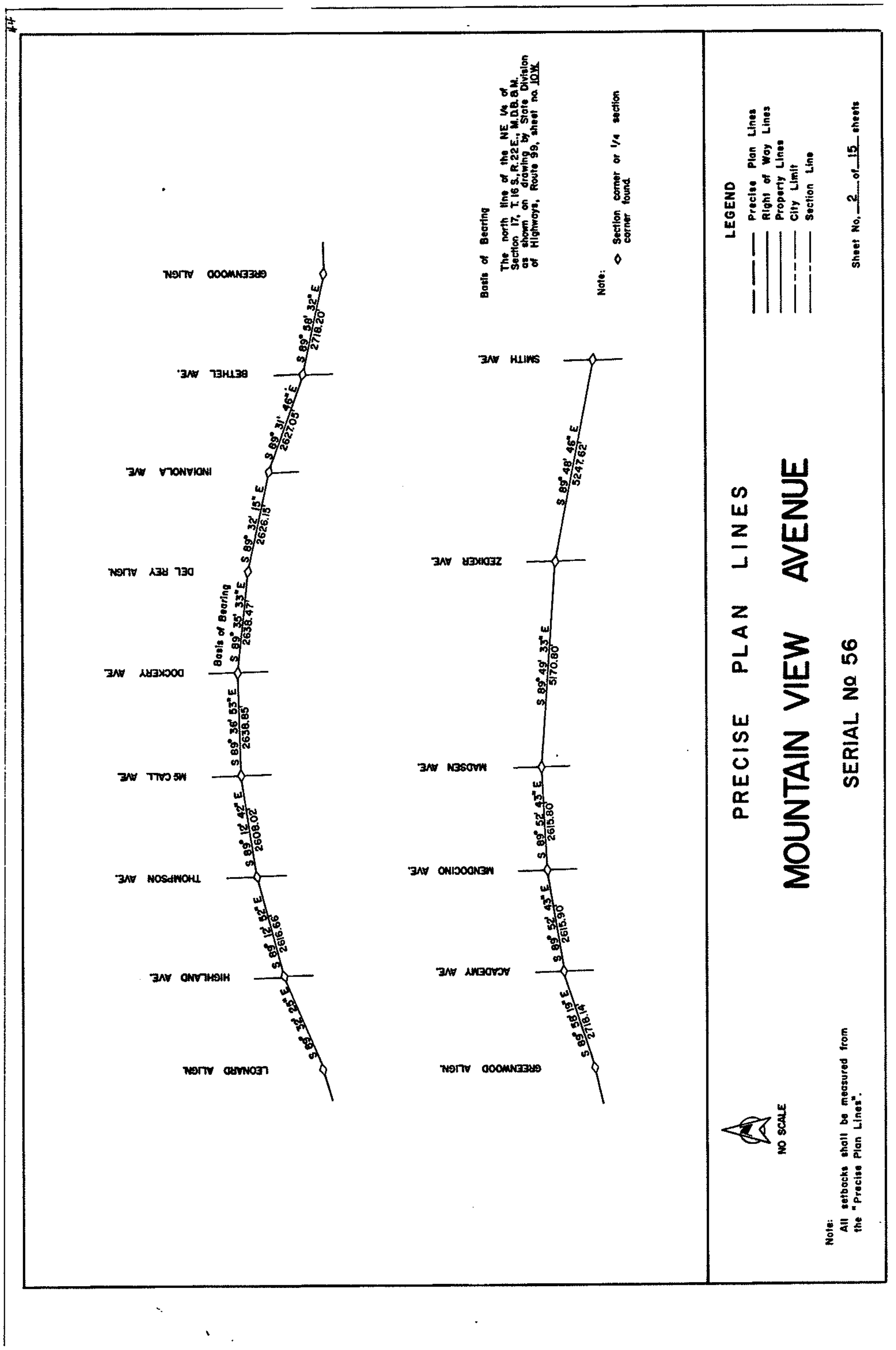
The undersigned hereby certifies that this map of Precise Plan Lines consisting of 15 sheets was adopted by the Fresno County Planning Commission on the 11th day of August, 1966, by Resolution No. 3900

Harold Takenaka
Director of Planning — Secretary

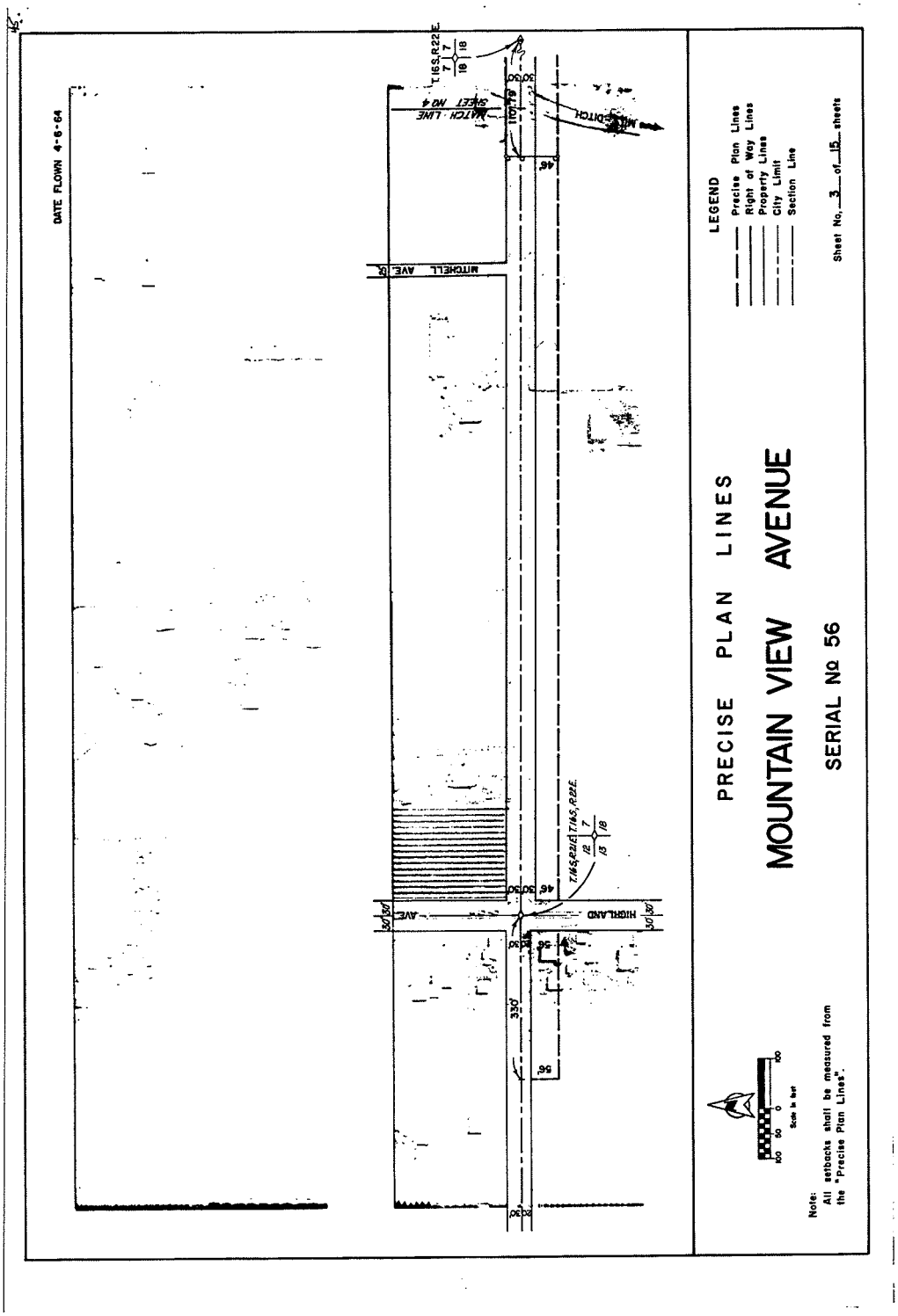
The undersigned hereby certifies that this map of Precise Plan Lines consisting of 15 sheets was adopted by the Board of Supervisors of Fresno County, California, on the 4th day of October, 1966, by Ordinance No. 383-A-85

By [signature]
Deputy Clerk

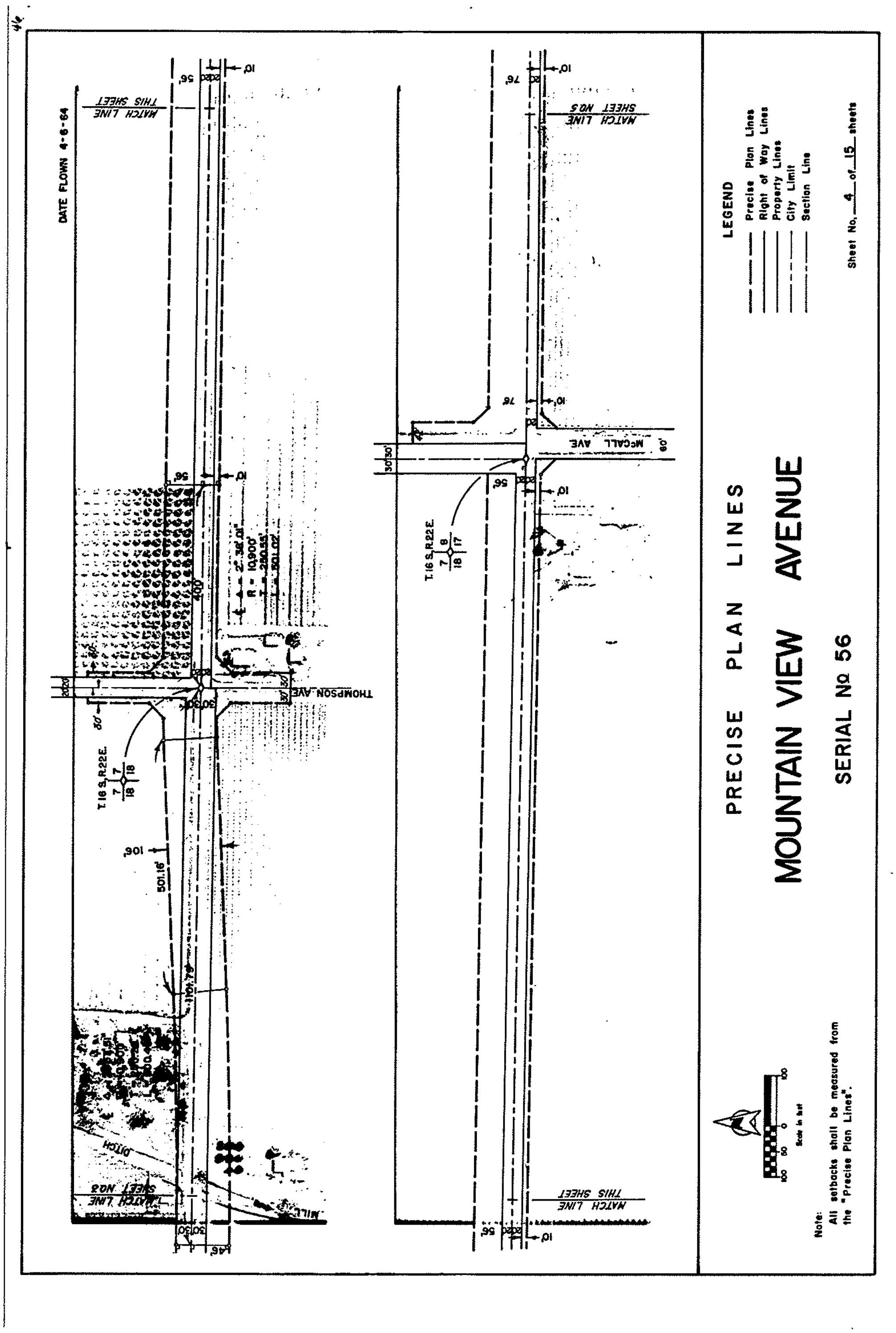
Sheet No. 1 of 15 sheets


LEONARD ALIGN.
S 89° 32' 25" E
HIGHLAND AVE.
S 89° 12' 52" E
2616.66
THOMPSON AVE.
S 89° 12' 42" E
2608.02
MC CALL AVE.
S 89° 36' 53" E
2638.85
DOCKERY AVE.
Basis of Bearing
S 89° 35' 33" E
2638.47
DEL REY ALIGN.
S 89° 32' 15" E
2626.15
INDIANOLA AVE.
S 89° 31' 46" E
2627.05
BETHEL AVE.
S 89° 56' 32" E
2718.20
GREENWOOD ALIGN.
GREENWOOD ALIGN.
S 89° 56' 15" E
2716.14
ACADEMY AVE.
S 89° 52' 43" E
2615.90
MENDOCINO AVE.
S 89° 52' 43" E
2615.80
MADSEN AVE.
S 89° 49' 33" E
5170.80
ZEDIKER AVE.
S 89° 48' 46" E
5247.62
SMITH AVE.
Basis of Bearing
The north line of the NE 1/4 of Section 17, T. 16 S., R. 22 E., M.D.B.&M. as shown on drawing by State Division of Highways, Route 99, sheet no. 10 W.
Note:
◇ Section corner or 1/4 section corner found.
LEGEND
Precise Plan Lines
Right of Way Lines
Property Lines
City Limit
Section Line
Sheet No. 2 of 15 sheets
PRECISE PLAN LINES
MOUNTAIN VIEW AVENUE
SERIAL № 56
NO SCALE
Note:
All setbacks shall be measured from the "Precise Plan Lines".

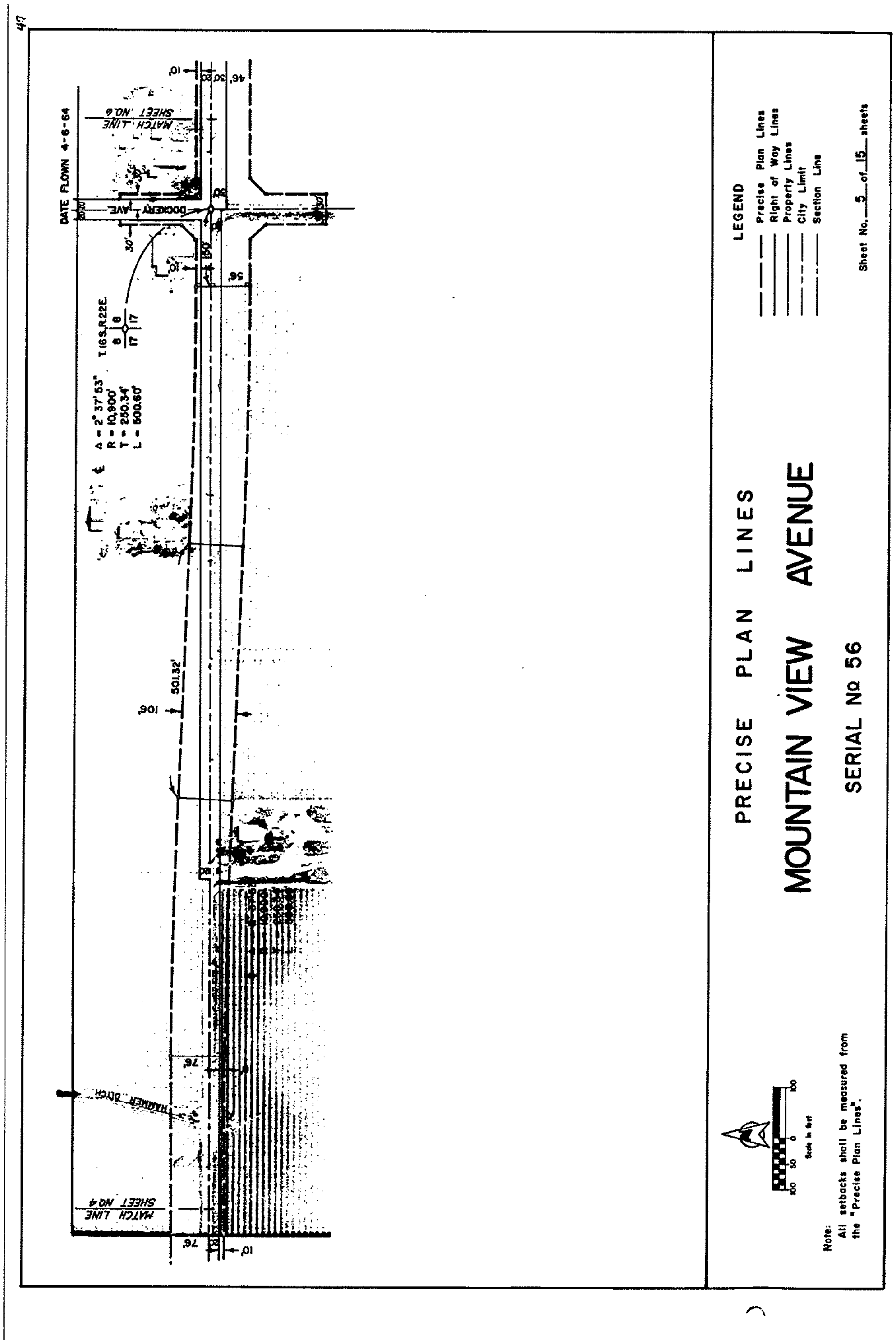
8
CONT


PRECISE PLAN LINES
MOUNTAIN VIEW AVENUE
SERIAL No 56
LEGEND
Precise Plan Lines
Right of Way Lines
Property Lines
City Limit
Section Line
Sheet No. 3 of 15 sheets
DATE FLOWN 4-6-64
MITCHELL AVE.
HIGHLAND
AVE.
MATCH LINE SHEET NO 4
T.16S.,R.22E.
Note:
All setbacks shall be measured from the "Precise Plan Lines".

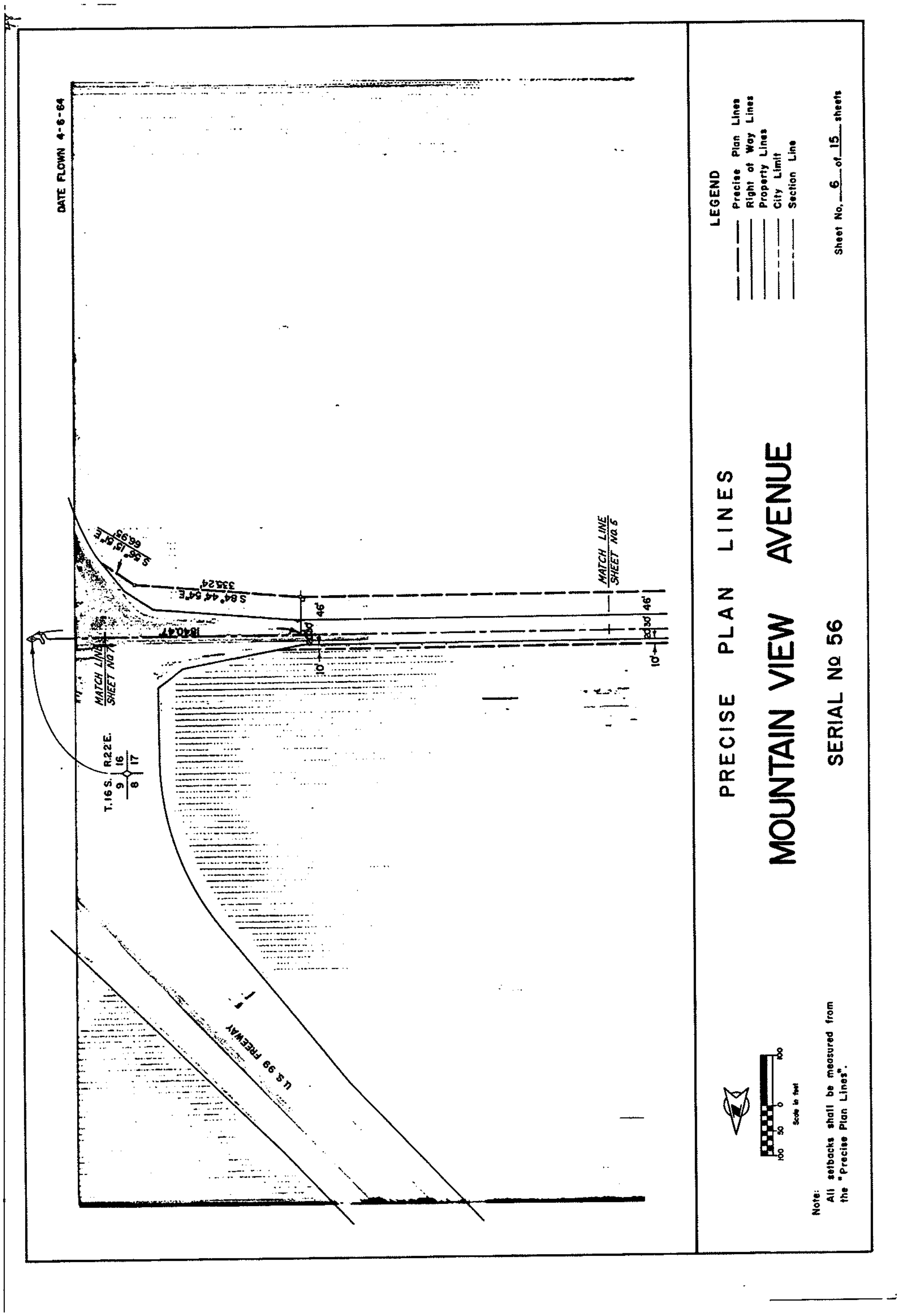
8
CONT


PRECISE PLAN LINES
MOUNTAIN VIEW AVENUE
SERIAL Nº 56
LEGEND
Precise Plan Lines
Right of Way Lines
Property Lines
City Limit
Section Line
Sheet No. 4 of 15 sheets
Note: All setbacks shall be measured from the "Precise Plan Lines".
Scale in feet
DATE FLOWN 4-6-64
MATCH LINE THIS SHEET
MATCH LINE SHEET NO.5
MATCH LINE SHEET NO.3
THOMPSON AVE
McCALL AVE
T.16 S.,R.22 E.
DITCH
MILL

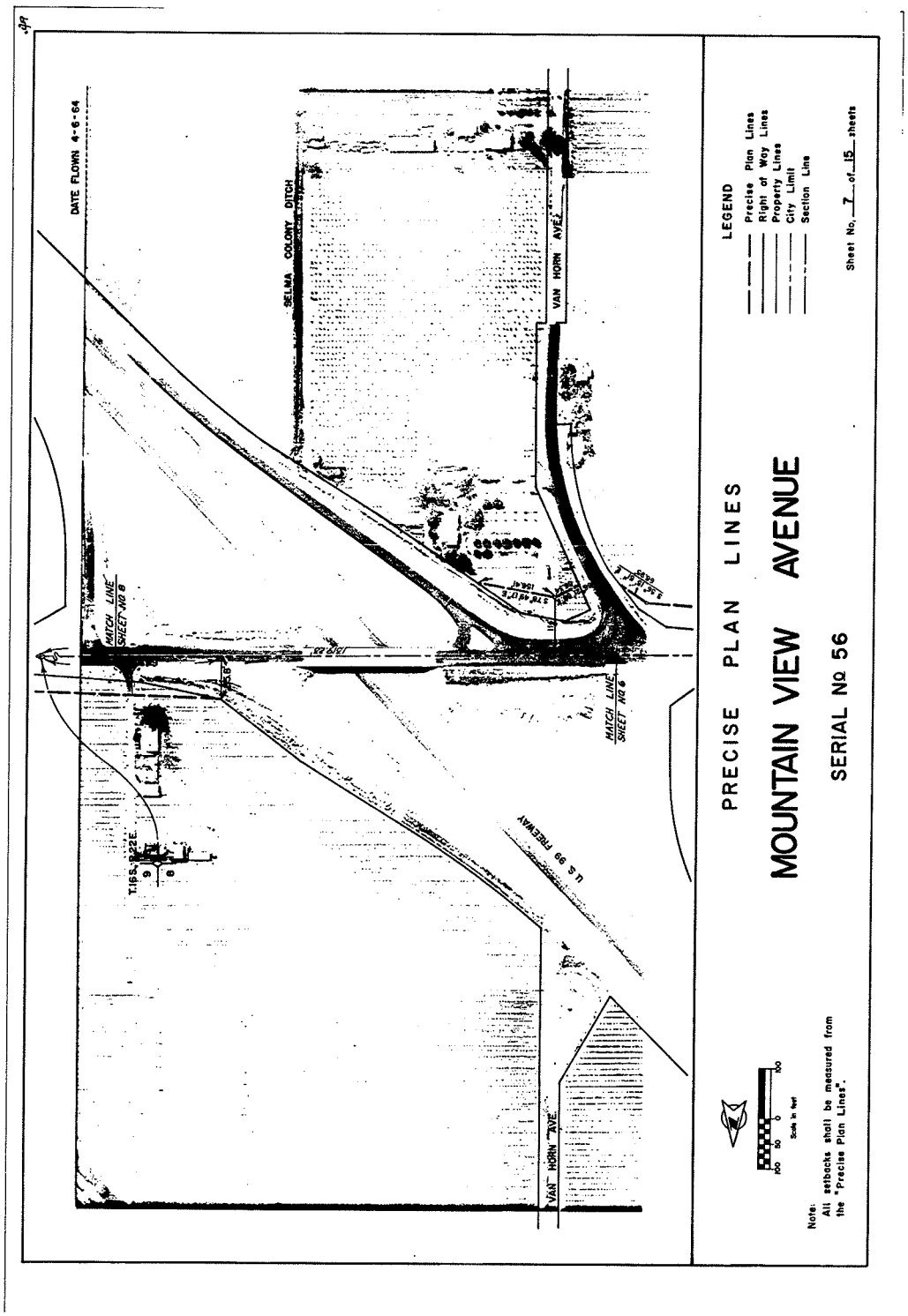
8
CONT


PRECISE PLAN LINES
MOUNTAIN VIEW AVENUE
SERIAL No 56
LEGEND
Precise Plan Lines
Right of Way Lines
Property Lines
City Limit
Section Line
Sheet No. 5 of 15 sheets
Note:
All setbacks shall be measured from the "Precise Plan Lines".
DATE FLOWN 4-6-64
MATCH LINE SHEET NO 6
MATCH LINE SHEET NO 4
DOCKERY AVE.
Δ = 2° 37' 53"
R = 10,900'
T = 250.34'
L = 500.60'
T.16S.R.22E.
501.32'
106'
76'
56'
46'
10'
30'
Scale in feet

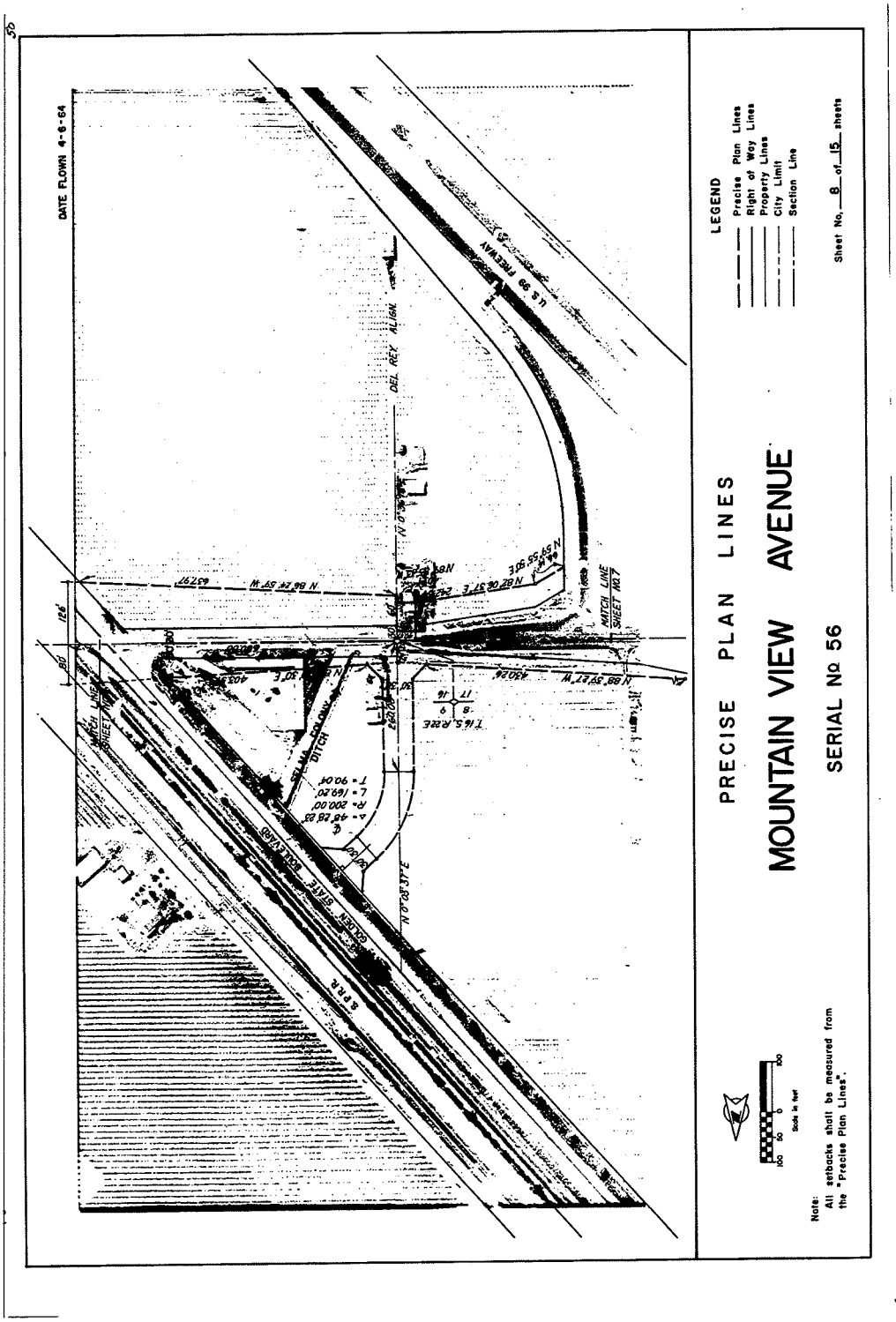
8
CONT


DATE FLOWN 4-6-64
LEGEND
Precise Plan Lines
Right of Way Lines
Property Lines
City Limit
Section Line
Sheet No. 6 of 15 sheets
PRECISE PLAN LINES
MOUNTAIN VIEW AVENUE
SERIAL Nº 56
MATCH LINE SHEET No 5
S 84°44'54"E
335.24
1840.47
46'
30'
10'
T.16S. R.22E.
9 16
8 17
U.S. 99 FREEWAY
Scale in feet
Note:
All setbacks shall be measured from the "Precise Plan Lines".

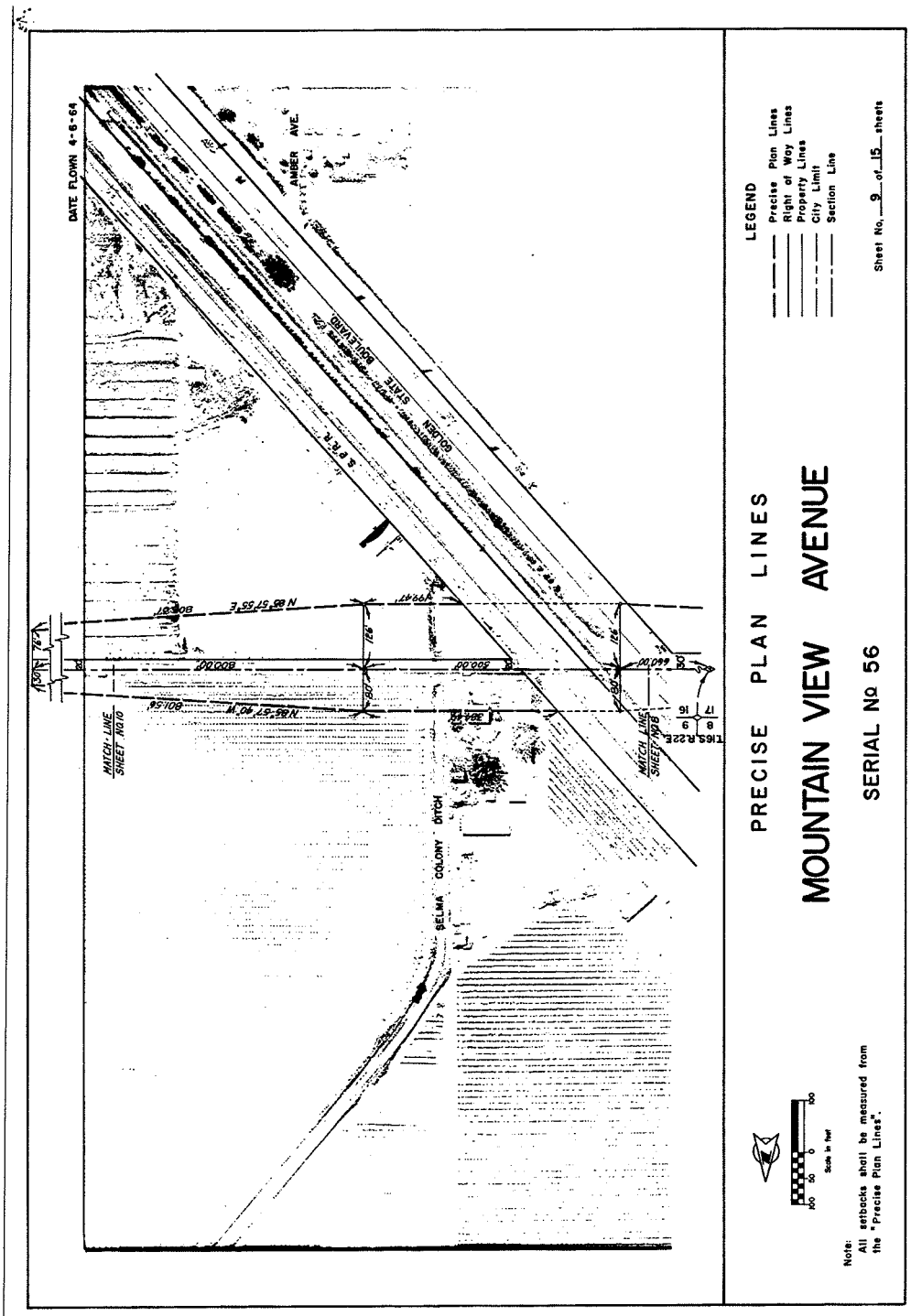
8
CONT


DATE FLOWN 4-6-64
SELMA COLONY DITCH
VAN HORN AVE.
MATCH LINE SHEET NO 8
MATCH LINE SHEET NO 6
T.16S. R.22E.
U.S. 99 FREEWAY
VAN HORN AVE.
LEGEND
Precise Plan Lines
Right of Way Lines
Property Lines
City Limit
Section Line
Sheet No. 7 of 15 sheets
PRECISE PLAN LINES
MOUNTAIN VIEW AVENUE
SERIAL NO 56
Note:
All setbacks shall be measured from the "Precise Plan Lines".

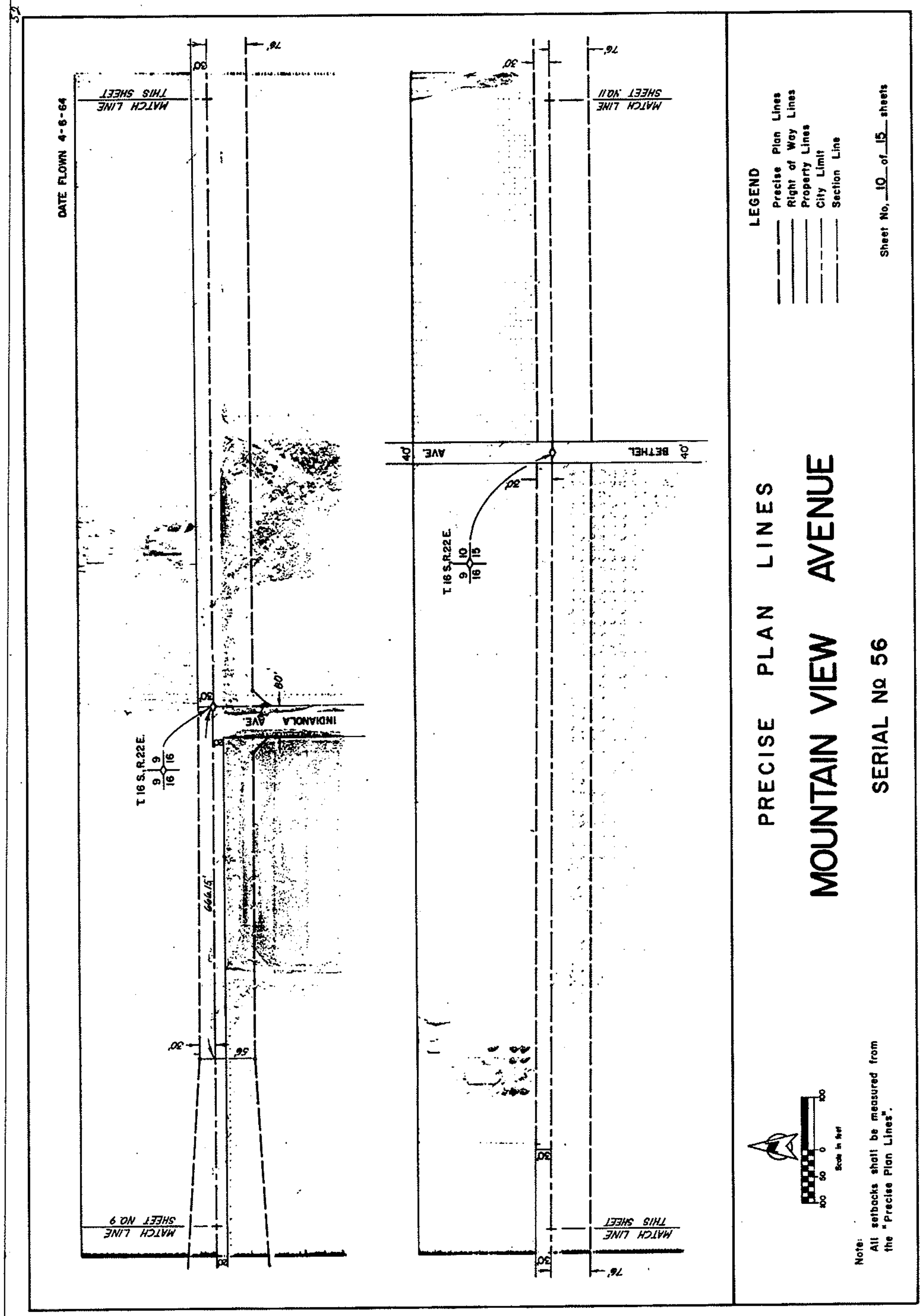
8
CONT


PRECISE PLAN LINES
MOUNTAIN VIEW AVENUE
SERIAL No 56
LEGEND
Precise Plan Lines
Right of Way Lines
Property Lines
City Limit
Section Line
Sheet No. 8 of 15 sheets
DATE FLOWN 4-6-64
DEL REY ALIGN.
MATCH LINE SHEET NO 7
MATCH LINE SHEET NO 9
SILVA DRAIN DITCH
GOLDEN STATE BOULEVARD
SPRR
U.S. 99 FREEWAY
Note:
All setbacks shall be measured from the "Precise Plan Lines".

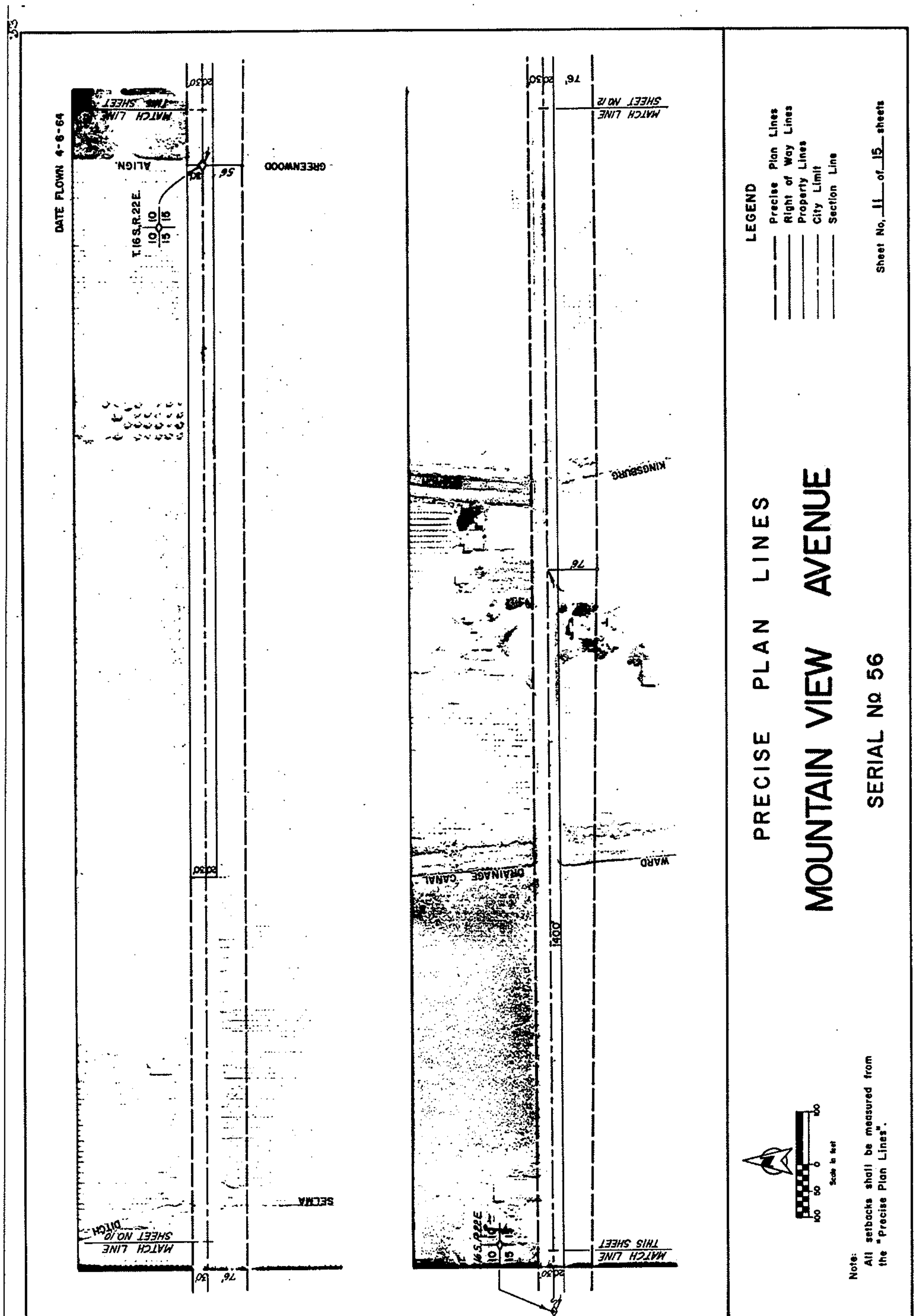
8
CONT


PRECISE PLAN LINES
MOUNTAIN VIEW AVENUE
SERIAL No 56
LEGEND
Precise Plan Lines
Right of Way Lines
Property Lines
City Limit
Section Line
Sheet No. 9 of 15 sheets
DATE FLOWN 4-6-64
AMBER AVE.
GOLDEN STATE BOULEVARD
SELMA COLONY DITCH
MATCH LINE SHEET No 10
MATCH LINE SHEET No 8
T16S.R22E
Note:
All setbacks shall be measured from the "Precise Plan Lines".

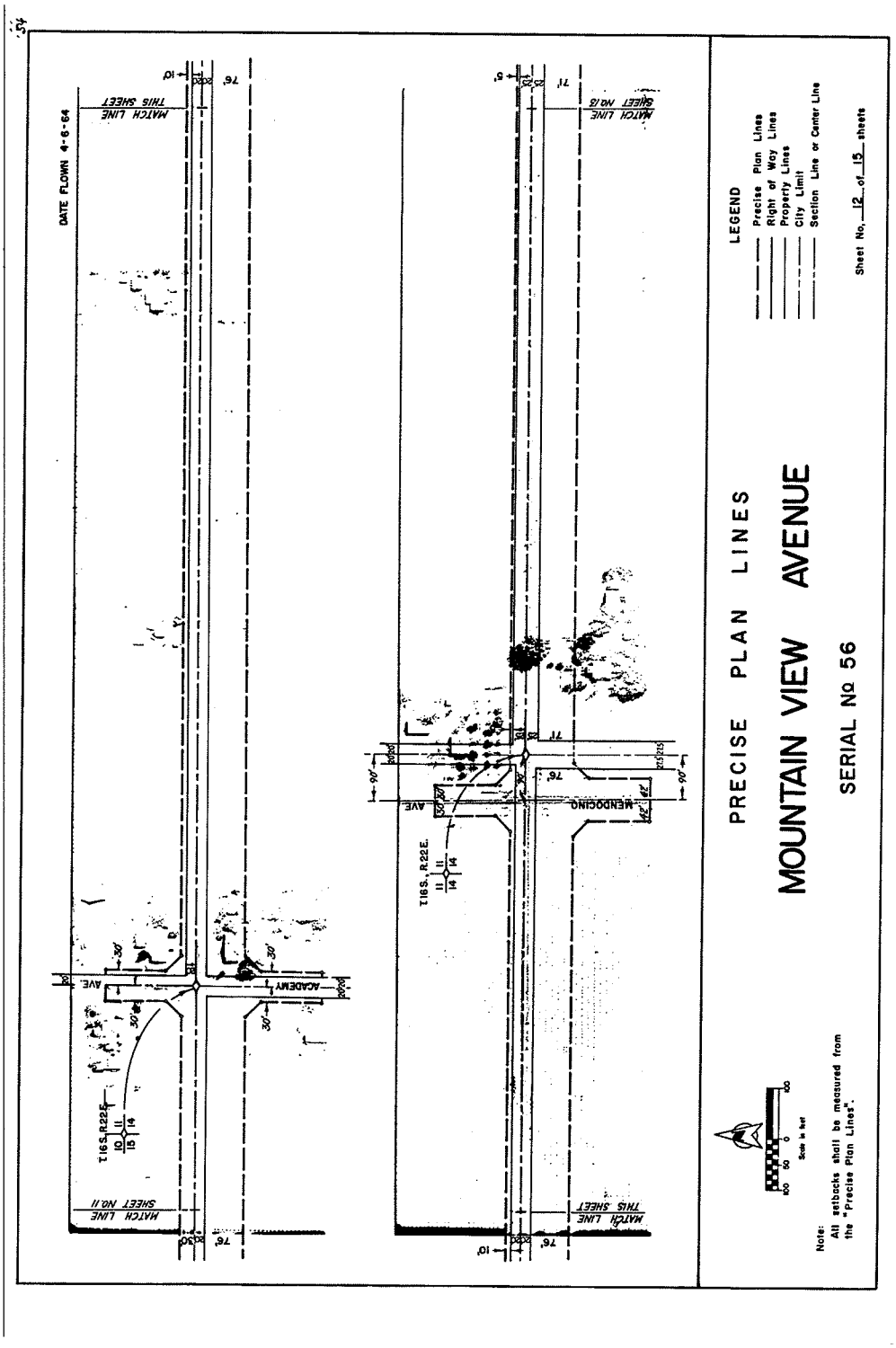
8
CONT


PRECISE PLAN LINES
MOUNTAIN VIEW AVENUE
SERIAL No 56
DATE FLOWN 4-8-64
LEGEND
Precise Plan Lines
Right of Way Lines
Property Lines
City Limit
Section Line
Sheet No. 10 of 15 sheets
Note: All setbacks shall be measured from the "Precise Plan Lines".
INDIANOLA AVE.
BETHEL AVE.
MATCH LINE THIS SHEET
MATCH LINE SHEET NO. 9
MATCH LINE SHEET NO. 11
T. 16 S., R. 22 E.
Scale in feet

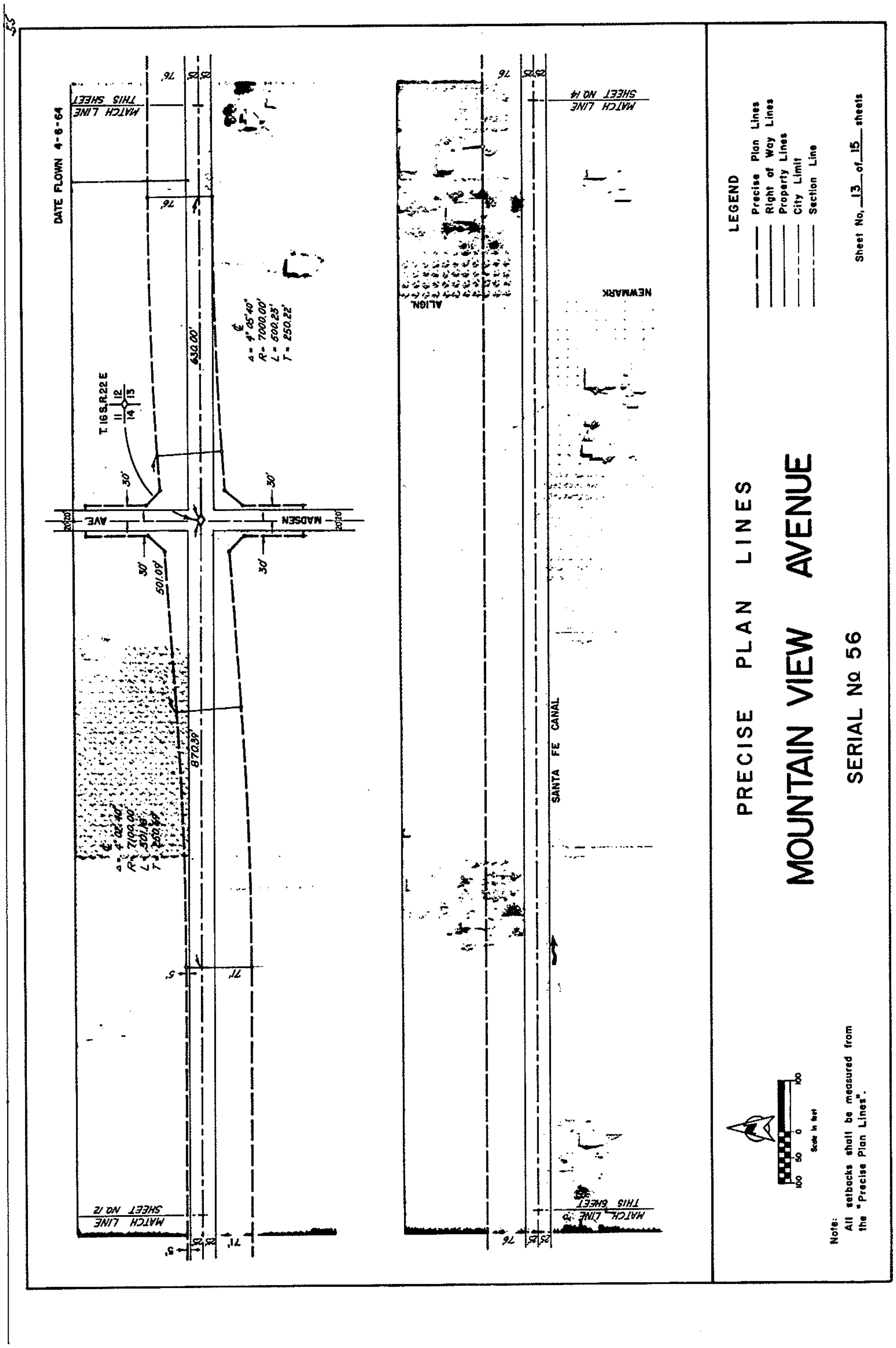
8
CONT


DATE FLOWN 4-6-64
MATCH LINE THIS SHEET
MATCH LINE SHEET NO 10
MATCH LINE SHEET NO 12
MATCH LINE THIS SHEET
ALIGN.
GREENWOOD
SELMA
KINGSBURG
WARD
DRAINAGE CANAL
DITCH
T.16 S.,R.22 E.
1400
PRECISE PLAN LINES
MOUNTAIN VIEW AVENUE
SERIAL Nº 56
LEGEND
Precise Plan Lines
Right of Way Lines
Property Lines
City Limit
Section Line
Sheet No. 11 of 15 sheets
Scale in feet
Note:
All setbacks shall be measured from the "Precise Plan Lines".

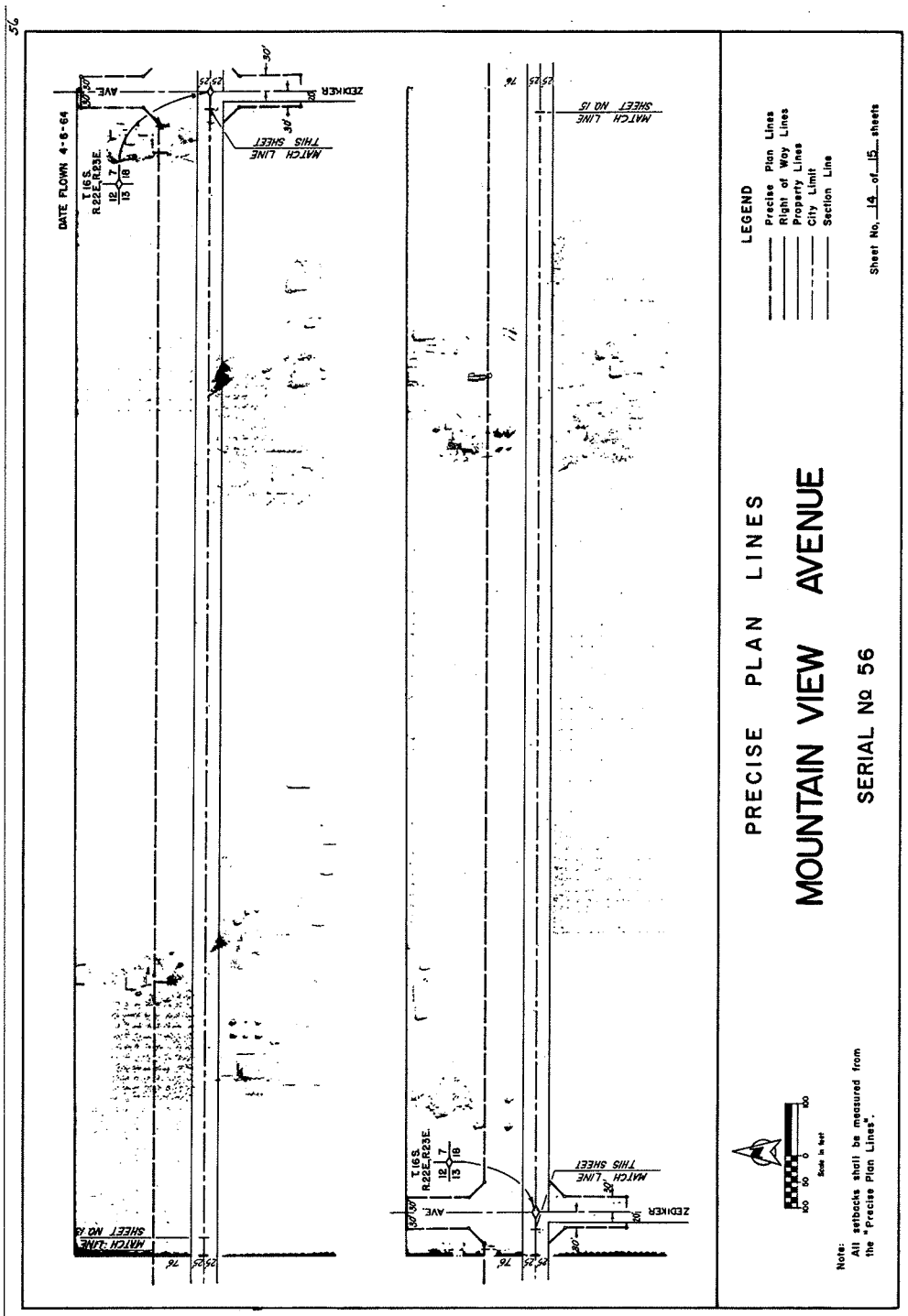
8
CONT


PRECISE PLAN LINES
MOUNTAIN VIEW AVENUE
SERIAL No 56
LEGEND
Precise Plan Lines
Right of Way Lines
Property Lines
City Limit
Section Line or Center Line
Sheet No. 12 of 15 sheets
DATE FLOWN 4-6-64
MATCH LINE THIS SHEET
MATCH LINE SHEET NO.11
MATCH LINE SHEET NO.13
ACADEMY AVE.
MENDOCINO AVE.
T16S., R22E.
Note: All setbacks shall be measured from the "Precise Plan Lines".

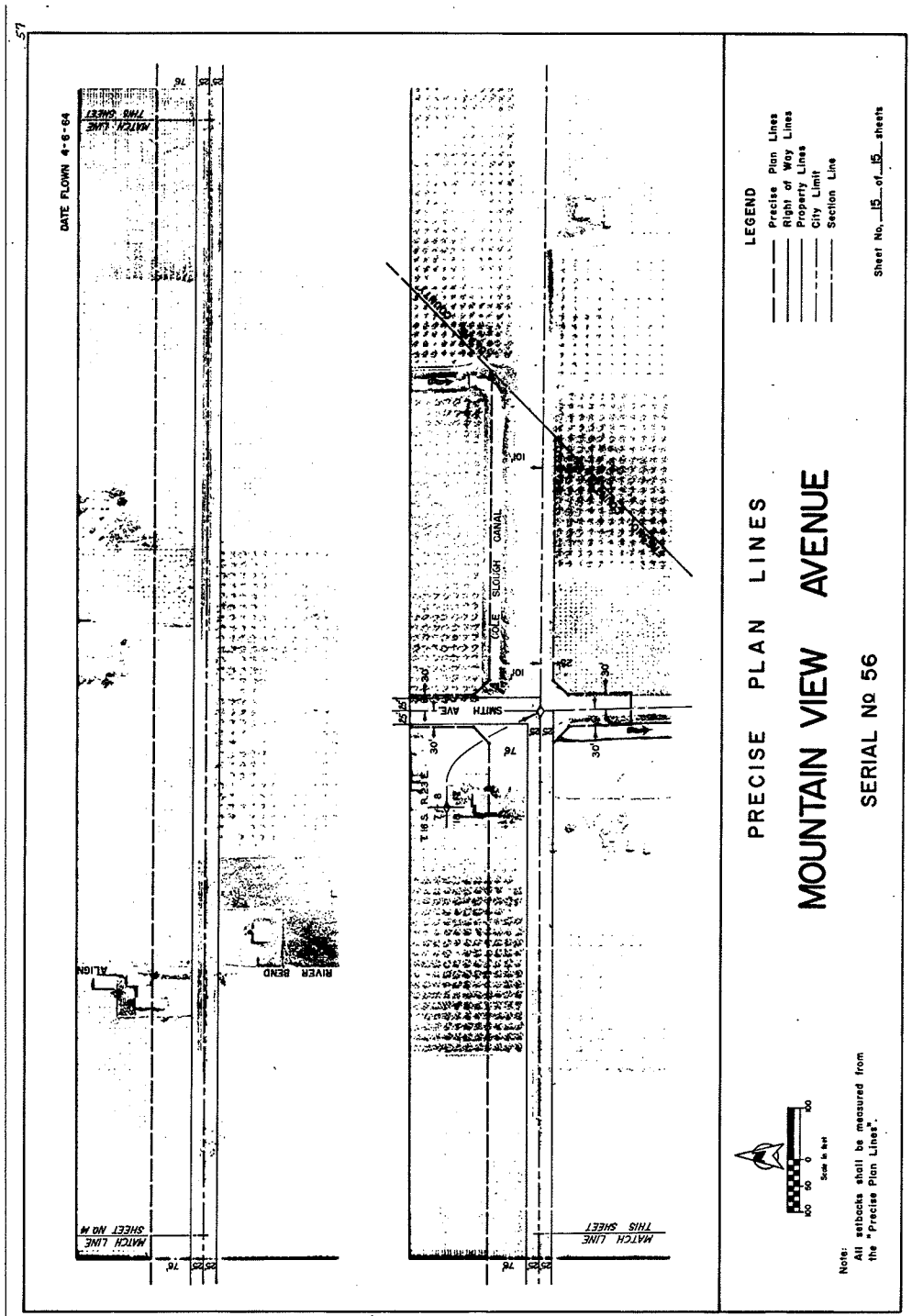
8
CONT


DATE FLOWN 4-6-64
MATCH LINE
THIS SHEET
MATCH LINE
SHEET NO 12
MATCH LINE
SHEET NO 14
MATCH LINE
THIS SHEET
T.16S.,R.22 E
MADSEN AVE
NEWMARK
ALIGN.
SANTA FE CANAL
LEGEND
Precise Plan Lines
Right of Way Lines
Property Lines
City Limit
Section Line
PRECISE PLAN LINES
MOUNTAIN VIEW AVENUE
SERIAL № 56
Sheet No. 13 of 15 sheets
Note: All setbacks shall be measured from the "Precise Plan Lines".

8
CONT


56
PRECISE PLAN LINES
MOUNTAIN VIEW AVENUE
SERIAL Nº 56
LEGEND
Precise Plan Lines
Right of Way Lines
Property Lines
City Limit
Section Line
Sheet No. 14 of 15 sheets
DATE FLOWN 4-6-64
T.16S. R.22E.-R.23E.
MATCH LINE THIS SHEET
MATCH LINE SHEET NO. 15
ZEDIKER
AVE.
Note:
All setbacks shall be measured from the "Precise Plan Lines".

8
CONT


PRECISE PLAN LINES
MOUNTAIN VIEW AVENUE
SERIAL No 56
LEGEND
Precise Plan Lines
Right of Way Lines
Property Lines
City Limit
Section Line
Sheet No. 15 of 15 sheets
DATE FLOWN 4-6-64
SLOUGH
CANAL
SMITH AVE.
RIVER BEND
MATCH LINE THIS SHEET
MATCH LINE SHEET NO 14
Note:
All setbacks shall be measured from the "Precise Plan Lines".

8
CONT

COM/MF1/acr

Date of Issuance 6/27/2012

Decision 12-06-021 June 21, 2012

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation for the purpose of establishing a list for the fiscal years 2012-2013 and 2013-2014 of existing crossings at grade of city streets, county roads or state highways in need of separation, or existing separations in need of alterations or reconstruction in accordance with Section 2452 of the Streets and Highways Code.	Investigation 11-07-022 (Filed July 28, 2011)

8
CONT

INTERIM DECISION ESTABLISHING THE CALIFORNIA GRADE SEPARATION FUND PRIORITY LIST FOR FISCAL YEAR 2012 – 2013

1. Summary

This interim decision establishes the California Grade Separation Fund Priority List for Fiscal Year 2012-2013, as required by Streets and Highways Code Section 2452. In accordance with our adopted procedure, we order Investigation 11-07-022 to remain open until we issue our final decision establishing the California Grade Separation Priority List for Fiscal Year 2013-2014.

2. Background and Introduction

We initiated this proceeding by issuing Order Instituting Investigation (I.) 11-07-022 on July 28, 2011, to create the California Grade Separation Program

Priority Lists (Priority List) for Fiscal Years 2012-2013 and 2013-2014. The Priority List establishes the relative priorities for allocation of funds to qualified projects for eliminating or altering hazardous railroad crossings under Streets and Highways (S&H) Code § 2450 *et seq.* These projects include construction of new grade separations to replace existing at-grade crossings, or alteration or reconstruction of existing grade separations. Section 190 of the S&H Code requires the State's annual budget to include $15 million for funding these projects.

S&H Code § 2452 requires the California Public Utilities Commission (Commission) to establish the Priority List for projects and furnish it to the California Transportation Commission (CTC) by July 1st of each year for use in the fiscal year beginning on that date. The CTC is responsible for allocating (distributing) the funds to qualified projects, a responsibility it has delegated to the California Department of Transportation (Caltrans).[1] 8 CONT

Every two years, the Commission issues a new Order Instituting Investigation (OII), in which it determines the Priority List for the next two Fiscal Years (FY). The Commission adopts the Priority List for the first FY by interim decision issued before that FY begins. The Commission then revises the Priority List for the second FY by deleting projects for which funds were actually allocated in the first, adopting a revised Priority List by final decision before the second FY begins. The two-year funding cycle begins again with the issuance of a new OII for the creation of a new Priority List for the following two FYs.

[1] S&H Code § 2453.

Our procedure also requires local agencies to furnish planned grade separation project nominations to this Commission in response to an announcement made a year prior to the cycle. The Commission reviews each nominated project to ensure that it is eligible for the California Grade Separation Program and holds a series of hearings so that nominating agencies may present each proposal, answer questions about its content, and confirm its accuracy. Attendance and participation in these hearings is mandatory for any project proponent. The Commission's Consumer Protection and Safety Division (CPSD) staff (Staff) adjusts the draft priority list in accordance with evidence received at the hearings, and the list is presented to the Commission for adoption by interim decision.

8 CONT

The Priority List is a comparative evaluation of all qualified projects nominated and accepted for inclusion in this investigation, with the priority index value based on one of the two formulas that staff uses to rank projects, as published in Appendix 2 of I.11-07-022: one formula for crossings nominated for separation or elimination, and the other for existing grade separations in need of alteration or renovation. The formulas incorporate crossing inventory and accident data submitted in the nomination forms and verified by staff. Staff reviews each application for qualification and creates the prioritized list from the nomination data entered into a Microsoft Excel spreadsheet that calculates the priority index value for each project. Appendix A of this decision shows the 2012–2013 Priority List, by project, in ranking order. The Service List for this proceeding is shown in Appendix B of this decision.

3. Establishment of the Fiscal Year 2012-2013 Priority List

After I.11-07-022 was issued, CPSD notified railroads, light rail transit agencies, cities, counties, and other interested parties that nominations were due by October 21, 2011, for grade separation projects proposed to be included in the current priority list. CPSD received a total of 78 timely submitted nominations for projects to be included in the current list.[2] By ruling issued via electronic mail on January 12, 2012 (and confirmed in a formal ruling on April 5, 2012), the assigned Administrative Law Judge (ALJ) established a procedural schedule for the FY 2012-2013 part of the proceeding. After evaluating each nominated project, Staff produced a preliminary Priority List on February 10, 2012, from the data furnished in the written nominations. The ALJ held hearings in San Francisco and Los Angeles between April 30 and May 3, 2012. At the conclusion of the hearings, the 2012-2013 Priority List was finalized by CPSD to include 75 nominations - one project did not qualify so is rejected, one nomination was withdrawn, and two other projects were consolidated as one project nomination consisting of multiple crossings projects. As discussed above, the statutory procedure for creating the fiscal year 2012-2013 Priority List was properly followed, and all corrections to the draft were properly made. We will therefore adopt the final Priority List developed by CPSD without change for purposes of allocating funds in the California Grade Separation Fund (see Appendix A to this decision).

8 CONT

[2] One additional nomination was accepted from the City of Coachella.

4. Categorization and Need for Hearing

This proceeding has been categorized as quasi-legislative. Hearings were held in accordance with our adopted procedure for establishing the biennial Priority List.

5. Comments on Proposed Decision

The proposed decision of Commissioner Florio in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. No comments were received.

6. Assignment of Proceeding

Michel Peter Florio is the assigned Commissioner and Seaneen M. Wilson is the assigned ALJ in this proceeding.

8
CONT

Findings of Fact

1. Written notification of the opportunity to submit nominations for separation of existing railroad grade crossings, or alteration or reconstruction of existing separations, pursuant to S&H Code § 2451, was given to railroads, light rail transit agencies, cities, counties, and others on the service list compiled at the conclusion of the previous Priority List proceeding, and the notice advised them of the deadline to file a nomination for each grade separation project they sought to include in the FY 2012-2013 Priority List.

2. CPSD received a total of 78 timely-submitted nominations for projects to be included in the current list.

3. Staff ranked all nominations accepted in this proceeding in priority, and the methodology utilized by CPSD to rank the nominations in priority order is that which we have adopted in I.11-07-022.

4. The 2012-2013 Priority List was finalized by CPSD to include 75 nominations—one project did not qualify so is rejected, one nomination was withdrawn, and two other projects were consolidated as one project nomination consisting of multiple crossings projects.

5. The Priority List attached as Appendix A consists of projects that were received for the record, properly supported, and put in priority order by Staff in accordance with our adopted methodology in this proceeding.

6. The Service List is attached as Appendix B.

Conclusions of Law

1. Appendix A should be adopted as the FY 2012-2013 Priority List in this proceeding.

2. The effective date of the Interim Order must be no later than June 30, 2012, in order to comply with S&H Code § 2452.

8 CONT

3. This proceeding should remain open for the purpose of creating the Fiscal Year 2013-2014 Priority List.

INTERIM ORDER

IT IS ORDERED that:

1. Pursuant to California Streets and Highways Code Section 2452, the California Grade Separation Priority List attached as Appendix A is established for Fiscal Year 2012-2013 as the list, in order of priority, of projects which the Commission determines to be most urgently in need of separation, alteration, or reconstruction.

2. The Executive Director shall furnish certified copies of this decision to the California Department of Transportation and the California Transportation Commission by not later than July 1, 2012.

3. Investigation 11-07-022 must remain open until we issue our final decision.

4. Staff must take all necessary actions to establish the California Grade Separation Priority List for Fiscal Year 2013-2014 in a timely manner, as required by law. 8 CONT

This order is effective today.

Dated June 21, 2012, at San Francisco, California.

MICHAEL R. PEEVEY
President
TIMOTHY ALAN SIMON
MICHEL PETER FLORIO
CATHERINE J.K. SANDOVAL
MARK J. FERRON
Commissioners

Appendix A

California Grade Separation Program Priority List for Fiscal Year 2012 - 2013

California Grade Separation Program Priority List for Fiscal Year 2012-2013 - By Rank

Rank	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TRN	LTRN	Cost Share (M)	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/ POF	PT/ AP	OF/ DE	SCF/ SF	Priority Index
1	City of Santa Fe Springs	Norwalk Blvd/Los Nietos Rd	BBJ-497.28 & 002-153.10	027649P& 027650J	BNSF	32624	133	0	5000	18	6	5	8	24	20	14.5	77.3	16565.5
2	City of Santa Fe Springs	Rosecrans Ave/Marquardt Ave	002-157.80	027656A	BNSF	31086	133	0	5000	8	5	3	4	11	10	11.0	43.8	7485.8
3	County of Riverside	Magnolia Avenue (2B-20.2D, 2B-20.30, 2B-20.35 & 2B-20.4D)	002B-20.20D, 002B-20.30, 002B-20.35 & 002B-20.40D	027472A, 026517B, 026518H & 027471T	BNSF	17085	82	0	5000	20	4	3	3	30	4	12.0	55.6	5939.7
4	Alameda Corridor-East Construction Authority	Nogales Street	003-22.40	811479J	UPRR	42680	41	0	5000	11	1	2	5	10	5	13.5	36.8	4236.5
5	Orange County Transportation Authority (Santa Ana)	17th Street	101OR-174.70	026699P	SCRRA	32412	66	0	5000	5	2	2	6	9.2	9	13.5	41.7	2608.7
6	City of Corona	McKinley Street	002B-21.20	026519P	BNSF	22603	82	0	5000	5	5	2	4	11	5	11.0	38.2	2262.3
7	City of Riverside	3rd Street	002B-9.50/003-57.90 & 001BJ-545.80	026480N & 747081T	BNSF/UPRR	22120	77	0	5000	5	8	4	8	18	4	11.5	53.8	2097.7
8	City of Ontario	San Antonio Avenue	003-37.10 & 001B-519.60	810893U & 746939G	UPPR	9391	80	0	5000	12	3	1	4	14.0	5	10.5	37.5	1990.8
9	Orange County Transportation Authority (Santa Ana)	Grand Avenue	101OR-176.20	026741L	SCRRA	30430	67	0	5000	3	1	3	7	4.0	9	12.5	36.5	1667.5
10	City of Lodi	Harney Lane	001BEL-73.84	752902F	UPRR	15,69	39	0	2000	4	3	3	3	7.2	4	10.5	30.7	1561.0

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California Grade Separation Program Priority List for Fiscal Year 2012–2013 – By Rank

Rank	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TRN	LTRN	Cost Share (M)	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/ POF	PT/ AP	OF/ DE	SCF/ SF	Priority Index
						5												
11	City of Burlingame	Broadway Avenue	105E-15.20	754879V	PCJPB	30658	86	0	10000	4	2	0	6	9	10	12	39	1357.3
12	City of Riverside	Riverside Avenue	003-55.60	811012J	UPRR	16426	33	0	5000	9	2	1	4	11	4	12.0	34.1	1118.2
13	Greater Bakersfield Separation of Grade District	Morning Drive (SR 184)	001B-317.50	757413M	UPRR	16400	54	0	5000	5	3	3	5	12	0	12.0	34.7	1097.4
14	Orange County Transportation Authority (Anaheim)	Orangethorpe Avenue	101OR-166.20	026640A	SCRRA	25466	52	0	5000	3	2	2	6	6.0	7	9.0	32.0	1091.4
15	Los Angeles County DPW	Fullerton Road	003-21.40	810880T	UPRR	20758	41	0	5000	5	2	1	5	10	5	8.5	31.8	1053.1
16	City of Montclair	Monte Vista Avenue	001B-517.40 & 003-35.00	746936L & 810896P	UPRR	11948	80	0	5000	4	5	2	5	19	5	10.5	46.5	1002.3
17	County of Riverside	Clay Street	003-50.90	906015V	UPRR	15782	34	0	5000	7	1	1	5	10	4	10.0	30.5	889.1
18	City of Riverside	Mary Street	002B-13.00	026499F	BNSF	11700	85	0	5000	3	4	2	4	10	5	12.0	37.3	832.9
19	City of Fullerton	Raymond Avenue	002B-45.00	026581A	BNSF	16200	82	0	5000	2	4	1	4	9	4	9.0	31.0	828.0
20	City of Fullerton	State College Boulevard (2B-44.04)	002B-44.04	026579Y	BNSF	24100	82	0	5000	1	4	2	4	10	4	9.0	33.0	823.5
21	Port of Los Angeles	Fries Avenue	121SB-1.80C & 121SA-1.70-C	747735Y & 747734S	PHL	12088	64	0	5000	4	10	2	0	19	0	9.5	40.4	814.0
22	Alameda Corridor-East	Ramona Street Mission Drive Del Mar Avenue	001B-490.20 001B-490.30 001B-490.70	746879A 746880U 746882H	UPRR	89740	15	0	20000	10	2	1	5	36	1	18.5	63.7	804.0

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California Grade Separation Program Priority List for Fiscal Year 2012–2013 – By Rank

Rank	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TRN	LTRN	Cost Share (M)	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/ POF	PT/ AP	OF/ DE	SCF/ SF	Priority Index
	Construction Authority	San Gabriel Blvd	001B-491.20	746883P														
23	Orange County Transportation Authority (Anaheim)	Ball Road	101OR-169.20	026649L	SCRRA	34867	52	0	5000	1	2	2	6	9.6	7	13.5	40.1	765.3
24	Madera County Road Department	Avenue 12	002-1015.10	028601R	BNSF	11650	42	0	6012	7	2	5	6	4	4	10.5	31.7	682.8
25	City of Stockton	West Lane	001BEL-82.14	752897L	UPRR	29429	24	0	4000	2	2	1	3	7	2	13.0	27.8	557.5
26	City of Los Angeles	North Spring Street*	101RI-1.36A & 101RI-481.48A	027606W & 811042B	SCRRA	18808	132	0	5000	10	0	5	2.7	4	5	7.0	33.7	530.2
27	Los Angeles County DPW	Turnbull Canyon Road	003-17.20	810867E	UPRR	12068	41	0	5000	4	1	1	5	11	5	7.5	30.1	524.8
28	City of Riverside	Madison Street	002B-13.70	026501E	BNSF	13367	85	0	5000	1	3	2	4	8	5	11.0	33.3	487.8
29	San Bernardino Associated Governments (SANBAG)	Palm Avenue	002-74.00	026105N	BNSF	5037	84	0	5000	4	5	1	6	5.4	1	8.5	26.9	450.0
30	City of San Mateo	Poplar Avenue* Santa Inez Avenue* Monte Diablo Avenue* Tilton Avenue*	105E-17.20B 105E-17.30B 105E-17.40B 105E-17.50B	754896L 754897T 754898A 754899G	PCJPB	17113	88	0	5000	0	38	8	1.8	30	29	32.0	138.8	440.0
31	City of Tulare	Cartmill Avenue	001B-247.90	756975E	UPRR	3505	20	0	350	1	1	5	5	7	0	11.5	29.9	430.5

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California Grade Separation Program Priority List for Fiscal Year 2012-2013 - By Rank

Rank	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TRN	LTRN	Cost Share (M)	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/ POF	PT/ AP	OF/ DE	SCF/ SF	Priority Index
32	City of Coachella	Avenue 52	001B-615.50	760723K	UPRR	12387	40	0	5000	3	2	4	6	9.4	2	11.5	33.9	430.2
33	Los Angeles County DPW	Fairway Drive	003-23.40	810883N	UPRR	22551	41	0	5000	1	1	2	4	9	5	8.5	30.0	399.8
34	City of Los Angeles	North Main Street	101RI-1.17 & 101RI-481.70	027607D & 811040M	SCRRA	5442	132	0	5000	1	10	2	1	22	10	14.5	59.0	346.4
35	City of Elk Grove	Grant Line Road	001BEL-53.94	752746W	UPRR	16081	24	0	5000	3	2	5	2	6.0	2	9	26.0	334.7
36	City of Bakersfield	Kratzmeyer Road	002-897.33	028380R	BNSF	3865	37	0	5000	9.2	2	5	4	8	4	10.0	32.8	324.5
37	City of Redding	South Street	001C-258.00	750509D	UPPR	7523	49	0	5000	3	1	0	2	10	1	11.0	25.4	320.3
38	City of Ontario	Campus Avenue	003-38.30 & 001B-520.70	810907A & 746944D	UPRR	5737	80	0	5000	2	3	1	4	17.2	5	10.0	40.2	315.6
39	County of Fresno	Mountain View Avenue	001B-222.50	750625S	UPRR	11495	17	0	5000	6	1	3	5	7.7	0	11.5	28.2	301.8
40	Kern County	Hageman Road	002-895.20	028376B	BNSF	12000	37	0	5000	2	2	5	4	7	4	10.0	31.7	298.1
41	City of Hayward	Tennyson Road	001D-23.00	749774W	UPRR	26415	28	0	11256	3	1	1	3	6	4	15	30	292.8
42	San Bernardino County	Vista Road	002-22.00	026068N	BNSF & UPRR	6470	103	0	5000	1	1	5	2	8	1	9.0	26.0	292.6
43	City of Fremont	Warren Avenue	001DA-36.20 & 004G-6.70	750073E & 833885S	UPRR/VTA	15713	28	0	5000	2	2	1	0	13	0	10.5	26.5	290.5
44	City of Ontario	Milliken Avenue (3-43.4)	003-43.40	810913D	UPRR	20217	21	0	5000	2	2	4	5	11	4	9.5	35.3	290.1
45	Los Angeles County DPW	Avenue S	101VY-66.92	750601D	SCRRA	21240	30	0	5000	1	1	5	3	9	5	10.5	33.5	288.4
46	City of Shafter	Lerdo Highway	002-905.13	028390W	BNSF	9141	35	0	5000	3	2	1	4	9	4	9.5	29.3	285.2
47	Los Angeles County DPW	El Segundo Boulevard	001BBH-492.60 & 084L-10.40	747868R	UPRR/LACMTA	8352	4	247	5000	4	3	1	2	12	10	12.5	40.5	280.2

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California Grade Separation Program Priority List for Fiscal Year 2012–2013 – By Rank

Rank	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TRN	LTRN	Cost Share (M)	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/ POF	PT/ AP	OF/ DE	SCF/ SF	Priority Index
48	San Bernardino Associated Governments (SANBAG)	Laurel Street	002B-02.10	026449C	BNSF	3231	92	0	5000	3	5	1	1	9.2	3	9.0	28.2	266.0
49	City of Tulare	Bardsley Avenue	001B-250.70	756982P	UPRR	10789	21	0	3000	2	1	2	5	7	0	13.0	28.4	255.0
50	City of Ontario	Archibald Avenue	003-41.20	810911P	UPRR	9513	21	0	5000	4	1	2	5	14	4	9.5	35.3	235.1
51	Kern County	Olive Drive	001B-308.9	756945M	UPRR	20000	17	0	5000	2	1	3	5	9	0	11.0	28.8	232.8
52	City of Madera	Cleveland Avenue	001B-182.60	760982W	UPRR	25752	19	0	14984	5	1	2	2	8.6	0	11.5	25.1	221.0
53	City of Ontario	Grove Avenue*	001B-521.40-B	746956X	UPRR	27351	34	0	5000	6	0	2	2	3	2	2.0	17.0	203.0
54	Alameda Corridor-East Construction Authority	Baldwin Avenue	001B-493.60	746890A	UPRR	28000	15	0	5000	1	1	2	4	10.5	1	9.5	27.98	196.0
55	City of Bakersfield	Baker St-E.Truxtun Ave.	Consolidation 002-885.77 002-885.95 002-886.20 002-886.40	028284N 028285V 028288R 028289X	BNSF	15885	35	0	20000	3	17	6	0	35	0	11.5	69.4	180.6
56	Orange County Transportation Authority (Orange)	Main Street	101OR-171.50	026655P	SCRRA	13601	52	0	5000	0	1	2	6	7.8	7	12.0	35.8	177.3
57	San Bernardino County	Cherry Avenue*	001B-529.40-A	746973N	UPRR	18649	42	0	5000	0	0	0	0	2	1	1.0	4.0	160.7
58	San Bernardino County	National Trails Hwy @Oro Grande*	002-30.60-B	026075Y	BNSF	5956	85	0	5000	6	8	5	1.7	7	10	8.0	45.7	147.0

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California Grade Separation Program Priority List for Fiscal Year 2012-2013 - By Rank

Rank	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TRN	LTRN	Cost Share (M)	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/ POF	PT/ AP	OF/ DE	SCF/ SF	Priority Index
59	San Bernardino County	Glen Helen Parkway	001BB-480.10 & 002-71.00	747017U & 026103A	UPRR & BNSF	1173	108	0	5000	3	1	5	2	18	1	9.0	36.1	137.4
60	San Bernardino Associated Governments (SANBAG)	Lenwood Road	002-5.70	026062X	BNSF & UPRR	4684	84	0	5000	0	5	5	6	9	1	9.5	35.7	114.4
61	City of Stockton	Alpine Avenue	001BEL-81.94	752898T	UPRR	17243	24	0	5000	0	3	2	0	12.0	2	11.0	30.0	112.7
62	City of Lathrop	Lathrop Road	001BEL-92.84	752781K	UPRR	12975	22	0	4000	0	2	3	4	8	3	10.5	30.5	101.9
63	City of Newark	Central Avenue	001L-31.10	749943G	UPRR	11291	31	0	5000	0	2	2	4	9	4	9.5	30.6	100.6
64	City of Ontario	Vineyard Avenue	001B-522.40	746960M	UPRR	9939	33	0	5000	0	2	3	4	6	1	13.0	29.0	94.6
65	Los Angeles County DPW	Sierra Highway at Barrel Springs Road	101VY-65.58 101VY-65.77	750600W & 750644W	SCRRA	2894	30	0	5000	2	2	2	8	11	10	7.5	40.9	93.0
66	City of Rocklin	Midas Avenue	001AI-110.90 & 001A-110.90	750568F & 750569M	UPRR	7845	27	0	3975	0	4	0	0	18	4	11.0	36.8	90.1
67	Kern County	Rosedale Highway (SR 58)	103Q-113.20	029473N	SJVR	49500	7	0	5000	0	1	3	0	3	0	11.0	18.0	87.3
68	Port of Stockton	Navy Drive*	002-1123.60-B	029634G	BNSF	17500	19	0	5000	6	4	2	0	2.0	2	4.0	20.0	86.5
69	Kern County	Reina Road Renfro Road Jenkins Road	002-896.62	028379W	BNSF	1150	37	0	5000	5	1	5	4	4	4	11.0	28.8	79.9
70	Madera County Road Department	Avenue 9	002-1011.50	028595P	BNSF	5985	42	0	6302	0	2	5	6	8	4	9.0	34.2	74.0

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California Grade Separation Program Priority List for Fiscal Year 2012–2013 – By Rank

Rank	Agency	Crossing Location	PUC ID	DOT ID	Railroad	VEH	TRN	LTRN	Cost Share (M)	AH/ WC	BD/ HC	VS/ SR	RS/ AS	CG/ POF	PT/ AP	OF/ DE	SCF/ SF	Priority Index
71	San Joaquin County	Lower Sacramento Road*	001BEL-65.94-B	752925M	UPRR	4860	28	0	5000	10	4	5	1.3	6	5	8.0	39.3	66.5
72	Kern County	Snow Road	001B-307.40	756948H	UPRR	16000	13	0	5000	0	1	3	4	6	0	10.0	24.0	65.6
73	Kern County	Airport Drive*	001B-309.60-B	756943Y	UPRR	24583	12	0	5000	0	0	0	0.4	2.0	2	2.0	6.4	65.4
74	San Bernardino County	Newberry Road	002-724.80	026044A	BNSF	196	85	0	5000	0	1	5	7	7.2	1	7.0	28.2	31.5
75	City of Brentwood	Lone Tree Way	001B-59.10	751831H	UPRR	19020	1	0	5000	0	1	3	2	5.2	0	7	18.2	22.0

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California Grade Separation Program Priority List for Fiscal Year 2012–2013 – By Rank

Key to Table Header & Railroads

Note: VEH- Vehicle, TRN – Train, LTRN – Light Rail Trains, COST Share – Project Cost Share (a cost of more than $5 million is permitted for qualified projects per S&H Code Section 2454 (h) for multi-year funding)

Formula For Crossing Nominated For Separation Or Elimination:

***AH** – Accident History*	***BD** – Crossing Blocking Delay*
***VS** –Vehicular Speed Limit*	***RS** – Rail Speed Limit*
***CG** – Crossing Geometrics*	***PT** – Passenger trains*
***SCF**- Special Conditions Factor*	***OF**-Other Factors (Passenger Buses, School Buses, Hazmat Trucks, Community Impact)*

*Formula For Existing Separations Nominated For Alteration or Reconstruction:

WC – Width Clearance	*HC– Height Clearance*
SR – Speed Reduction	*AS – Accidents Near Structure*
POF – Probability of Failure	*AP – Accident Potential*
DE – Delay Effects	*SF - Separation Factor*

Railroad Abbreviations:

BNSF: BNSF Railway Company
LACMTA: Los Angeles County Metropolitan Transportation Authority
PCJPB: Peninsula Corridor Joint Powers Board (Caltrain)
PHL: Pacific Harbor Line
SCRRA: Southern California Regional Rail Authority (Metrolink)
SJVR: San Joaquin Valley Railroad
UPRR: Union Pacific Railroad Company
VTA: Santa Clara Valley Transportation Authority

(End of Appendix A)

8 CONT

Appendix B
Service List

Parties

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(End of Appendix B)

County of Fresno Department of Public Works and Planning (DPWP)

Response to DPWP-1

The agency provided introductory remarks to preface the letter. No response is necessary.

Response to DPWP-2

The agency stated that the Traffic Impact Study and site plan need to clearly indicate how it will accommodate the official Mountain View Avenue plan line and connection to the ultimate solution to the Golden State Boulevard/Mountain View Avenue intersection (including grade separation).

Both the Draft EIR and Traffic Impact Study acknowledge that the Golden State Boulevard/Mountain View Avenue intersection will need to be improved in the future. The relevant paragraph from page 4.12-121 of the Draft EIR is reproduced below:

> To alleviate the severe congestion and long queues associated with the mitigation described above at the intersection of Mountain View Avenue and Golden State Boulevard, especially when trains pass by, an ultimate solution involving a grade separation should be considered. Such a project would require a substantial amount of engineering study to investigate feasible alternatives. A similar process is underway in Fresno, California for the proposed SR-99 interchange at Veterans Boulevard, which is also adjacent to Golden State Boulevard and the UPRR railroad. Potential alternatives for the Veterans Boulevard interchange project are similar to those that may be considered at the Mountain View Avenue/Golden State Boulevard intersection.

At the time of this writing, no feasibility studies have been completed. Thus, neither the Draft EIR (including plans) nor the Traffic Impact Study depicted the intersection improvement plans, as they are not available.

Nonetheless, the Northeast Area portion of the project was designed in anticipation that the segment of Mountain View Avenue between SR-99 and Golden State Boulevard would likely be improved in a manner that would preclude ingress or egress to the project site. As such, all vehicular access points to the Northeast Area are located on Golden State Avenue in order to prevent potential conflicts in this regard.

Response to DPWP-3

The agency noted that the Traffic Impact Study mentions the ultimate configuration of Golden State Boulevard/Mountain View Avenue intersection as a grade separation, but does not clearly indicate that the project should contribute to this project.

Mitigation Measure TRANS-1h requires the project applicant to install a pre-signal and pedestrian safety measures at the Mountain View Avenue grade crossing. (The County of Fresno has initiated design of this improvement and will install it). With the implementation of these improvements, the

predicted accident frequency would be reduce to below pre-project conditions, thereby by fully mitigating the project's impact at this location. Therefore, no additional mitigation is necessary.

As indicated in Response to DPWD-2, the ultimate configuration for the Golden State Boulevard/ Mountain View Avenue intersection (including grade separation) was discussed to identify conceptual improvements plans for this facility. However, the grade separation is not necessary to mitigate the project's impacts at the Mountain View Avenue grade crossing and, therefore, the project is not required to contribute fees to fund this improvement.

Response to DPWP-4

The agency stated that the Measure C Mountain View Avenue widening project from Bethel Avenue to the Tulare County line begins east of Bethel Avenue and will not improve the intersection of Mountain View Avenue/Bethel Avenue. The agency stated that the Traffic Impact Study should be revised to state that the proposed project should be required to contribute to this improvement if the Measure C project does not move forward.

The City of Selma participates in the Fresno Regional Transportation Impact Fee Program. New development that occurs within the city limits is obligated to contribute impact fees to this program in accordance with the adopted fee schedule. Fees collected are applied to projects identified in the Regional Transportation Program. (Measure C—a half-cent sales tax—also funds projects identified in the Regional Transportation Program).

Because the Mountain View Avenue widening project is identified in the Regional Transportation Program, the proposed project would contribute to it through payment of the Regional Transportation Impact Fee. It would also indirectly fund the widening project to it by generating new taxable sales. As such, the proposed project would contribute monies to fund this improvement.

Regarding the agency's request that the project should be contribute to this improvement if the Measure C project does not move forward, as previously noted, it would contribute impact fees that could be used in lieu of sales tax monies. In any event, this segment of Mountain View Avenue is outside of the jurisdiction of the City of Selma and, therefore, the city has no legal means to implement improvements to this facility. As such, payment of regional impact fees is the only method for the proposed project to directly contribute to this improvement.

Response to DPWP-5

The agency stated that the Traffic Impact Study does not account for the Section 130 project currently under design at the Mountain View Avenue grade crossing. The agency stated that it should be contacted to get specifics about this project.

The Section 130 project currently under design at the Mountain View Avenue grade crossing consists of the pre-signal contemplated by Mitigation Measure TRANS-1h. As such, the EIR and Traffic Impact Study accounted for this improvement.

Response to DPWP-6

The agency inquired if the study or site plan account for a Class I bike path on Golden State Boulevard.

The City of Selma 2035 General Plan contemplates Class II bicycle facilities along the segment of Golden State Boulevard adjacent to the project site. As part of it required frontage improvements, the project applicant will be required to construct this facility along the frontage of the Northeast Area.

Note that the City of Selma 2035 General Plan does not contemplate a Class I bicycle facility along Golden State Boulevard and, therefore, the project site plan does not show such a facility.

Response to DPWP-7

The agency provided closing remarks to conclude the letter. No response is necessary.

Response to DPWP-8

This comment consists of 39 pages of attached materials including plan line drawings of Mountain View Avenue and the California Public Utilities Commission Grade Crossing Priority Index 2011-2012. No response is necessary.

DIRK POESCHEL
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July 16, 2012
Via E-mail: selmacrossings@cityofselma.com

Mr. Bryant Hemby, Assistant Planner
City of Selma Community Development Department
1710 Tucker Street
Selma, CA 93662

SUBJECT: Draft EIR – Selma Crossings Project dated May 31, 2012

Dear Mr. Hemby:

As you may know, my firm represents Selma Flea Market and its owners regarding their property located adjacent to the Selma Crossings project. I have reviewed the Selma Crossings Project Draft Environmental Impact Report dated May 31, 2012 on behalf of my client. They support the project. 1

If you have any questions, please feel free to call me.

Sincerely,

Dirk Poeschel

Dirk Poeschel, AICP

c: Mr. Michael Mikaelian

G:\WPDOCS\Selma Flea Market 04-36\Correspondence\07-16-12 B. Hemby Selma Crossings EIR comment.doc

Private Businesses, Organizations, and Individuals

Dirk Poeschel (on behalf of Selma Flea Market) (POESCHEL)

Response to POESCHEL-1

The author indicated that he represents Selma Flea Market and its owners. The author stated that he reviewed the Draft EIR on behalf of the Selma Flea Market and that the owners support the project. No response is necessary.

DEIR 13

CALIFORNIA WATER SERVICE COMPANY
2042 2ND STREET • SELMA, CA 93662-3741
(559) 896-4546 • FAX (559) 896-5706

SELMA DISTRICT

July 18, 2012

JUL 19 2012

Bryant Hemby
Community Development Department
City of Selma
1710 Tucker Street
Selma, CA 93662

CAL WATER
Page 1 of 2

RE: EIR for Selma Crossing Commercial Project

Dear Bryant:

California Water Service Company (Cal Water) has reviewed your request to provide water service to the Selma Crossing. The ability to serve this area is outlined in our Urban Water Management Plan completed in 2010.

Cal Water will provide developers with a letter indicating its intention to provide water service to these developments within the area. The infrastructure required for a complete water system includes transmission lines, distribution system, meters and meter reading system. Cal Water will insure that the required water facilities are designed consistent with the development plan and will coordinate with the developer, its engineer, the City of Selma, and the California Dept of Health Services in the design, construction and operation of the proposed water delivery system. Cal Water will insure compliance with state and city standards with respect to pipe sizes, fire flows, equipment, materials, valves, appurtenances and interties with Cal Water's Selma system

1

In order for us to provide adequate water for domestic use and fire service protection it may be necessary for the applicant to advance the cost of Special Facilities, such as booster pumps or a storage tank, in addition to the cost of a water main extension.

The developer would need to submit improvement plans to Cal Water stamped with the appropriate fire flow requirements from the regulating Fire Department agency. Once the improvement plans are received Cal Water will design the water system to meet the required fire flows and domestic water needs.

Cal Water's Selma District will be responsible for providing ongoing operations and maintenance services for the constructed water facilities and is supported by its engineering, water quality and customers service staff in San Jose,

Water facilities needed to serve the proposed development would be installed in accordance with the main extension rules of the California Public Utilities Commission and in accordance with applicable city or county ordinances.

CALIFORNIA WATER SERVICE COMPANY

No connections to California Water Service Company's system will be made until the proposed project is within the City of Selma's boundaries.

We meet all State and Public Utilities Commission regulations pertaining to water quality and quantity. There is no expiration on our willingness to serve.

1
CONT

We will supply only such water pressure as may be available as a result of our operation of the system.

Should you have any questions or need additional information, please don't hesitate to call me at 559-896-4546.

Sincerely,

Tamara Johnson

Tamara Johnson
Local Manager

California Water Service Company (CAL WATER)

Response to CAL WATER-1

The water purveyor provided standard language regarding its ability to serve the proposed project with water, required infrastructure, and service application requirements. No project specific comments were provided. No response is necessary.

SECTION 4: ERRATA

The following are revisions to the Draft EIR. These revisions are minor modifications and clarifications to this document and do not change the significance of any of the environmental issue conclusions within the Draft EIR. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

Section 3, Project Description

Page 3-32, Second to Last Bullet

The "Williamson Act Contract Cancellation" bullet has been stricken, as the contract will be automatically terminated after annexation into the City of Selma. Thus, it is not a discretionary action that must be undertaken by the City of Selma.

- Certification of the Environmental Impact Report
- General Plan Amendment (if the proposed project is approved prior to the legal challenge to the City of Selma General Plan Update 2035 being resolved)
- Prezone all parcels (Selma Crossings and non-Selma Crossings) to C-R Regional Commercial
- Tentative Parcel Map
- Conditional Use Permit
- Site Plan Review
- Development Agreement
- ~~Williamson Act Contract Cancellation (APN 393-180-44)~~
- City Storm Drainage Master Plan Amendment to incorporate relevant provisions of project-specific Storm Drainage Master Plan
- Annexation of the Selma Crossings and non-Selma Crossings parcels into Selma city limits and concurrent adjustment of Sphere of Influence to be coterminous with expanded city limits (Fresno County Local Agency Formation Commission)
- Annexation of Selma Crossings and Non-Selma Crossings parcels into Selma-Kingsburg-Fowler County Sanitation District and concurrent expansion of Sphere of Influence to be coterminous with expanded service area.

Page 3-33, Last Four Bullets

The list of discretionary actions that must be undertaken by other agencies has been amended to list detachment from the Fresno County Fire Protection District, the Kings River Conservation District, and the Consolidated Irrigation District.

Actions that are necessary to implement the project that must be taken by other agencies include:

- Approval of Annexation and Sphere of Influence Expansion – Fresno Local Agency Formation Commission (Selma city boundaries and Selma-Kingsburg-Fowler County Sanitation District service area)
- Approval of Detachment – Fresno Local Agency Formation Commission (Fresno County Fire Protection District, Kings River Conservation District, and Consolidated Irrigation District)
- Obtain coverage under General Stormwater Permit – State Water Resources Control Board Central Valley RWQCB. A Storm Water Pollution Prevent Plan must be submitted in order to obtain such coverage.
- Issuance of encroachment permits for proposed work along roadways under the jurisdiction of Caltrans or the County of Fresno
- Compliance with Air District Rule 9510 – San Joaquin Valley Air Pollution Control District

Section 4.7, Hazards and Hazardous Materials

Page 4.7-18, Mitigation Measure HAZ-2a

The text of Mitigation Measure HAZ-2a has been revised to reflect wording proposed by the Department of Toxic Substances Control.

MM HAZ-2a Prior to recordation of the final map for the Northwest Area ~~issuance of grading permits within the Northwest Area~~, the project applicant shall consult with the United States Environmental Protection Agency and the California Department of Toxic Substances Control regarding the hexavalent chromium plume associated with the Selma Pressure Treatment Site. Following this consultation, the project applicant shall provide a copy of agreements that demonstrate that ongoing access for monitoring and remediation is provided to both agencies and that adequate controls are in place to protect the system (or a replacement system). Access shall be provided for the life of the project or until the regulatory agency(ies) with jurisdiction over the plume determine that it is no longer necessary. Access agreements and associated documentation shall be provided to the City of Selma and recorded in the final map. ~~The consultation shall address (1)~~

~~appropriate liability indemnification and (2) access agreements to the extraction system wells. Documentation shall be provided to the City of Selma reflecting the outcome of the consultation and recorded in the final map.~~

Section 4.12, Transportation

Page 4.12-94, Mitigation Measures TRANS-1b and TRANS-1c

Mitigation Measures TRANS-1b and TRANS-1c have been revised to (1) clarify the roundabout lane configuration; (2) provide alternative improvements consisting of ramp alignment, signals, and turn lanes; and (3) require that the chosen improvements be installed prior to issuance of the first certificate of occupancy of Phase 1.

MM TRANS-1b Prior to issuance of the first certificate of occupancy for Phase 1, the project applicant shall install one of the following improvements at the Mountain View Avenue/SR-99 Southbound Ramps intersection:

(A) A roundabout with two lanes, except along the north side and east side where only one circulating lane would be required; or

(B) Improvements consisting of alignment of the on- and off-ramps, installation of traffic signals with protected left-turn phasing, and the elimination of the Van Horn Avenue approach. The following lane configurations shall be provided: (1) Eastbound—One through lane and one right-turn lane; (2) Westbound—One left-turn lane (minimum 160 feet) and one through lane; and (3) Southbound—One left-turn lane and one right-turn lane.

~~building permits, the project applicant shall provide fair-share payments for interim improvements to the Mountain View Avenue/SR-99 Southbound Ramps intersection. The improvements shall consist of the installation of a "teardrop" roundabout with two lanes on the eastbound approach and one lane on the westbound approach. Caltrans shall review and approve the proposed configuration. These improvements shall be programmed into the community facilities financing district or other financing mechanism contemplated by Mitigation Measure TRANS-1a.~~

MM TRANS-1c Prior to issuance of the first certificate of occupancy for Phase 1, the project applicant shall install one of the following improvements at the Mountain View Avenue/SR-99 Northbound Ramps intersection:

(A) A roundabout with two lanes, except along the east side and west side where only one circulating lane would be required; or

(B) Improvements consisting of alignment of the on- and off-ramps and the installation of traffic signals with protected left-turn phasing. The following

lane configurations shall be provided: (1) Eastbound—One left-turn lane (minimum 50 feet) and one through lane; (2) Westbound—One through lane and one right-turn lane; and (3) Northbound—One left-turn lane and one right-turn lane.

~~building permits, the project applicant shall provide fair-share payments for interim improvements to the Mountain View Avenue/SR-99 northbound ramps intersection. The improvements shall consist of the installation of a "teardrop" roundabout with two lanes on the eastbound approach and one lane on the westbound approach. Caltrans shall review and approve the proposed configuration. These improvements shall be programmed into the community facilities financing district or other financing mechanism contemplated by Mitigation Measure TRANS-1a.~~

Page 4.12-171 and Page 4.12-172, Table 4.12-34

Table 4.12-34 has been revised to correct various inconsistencies in the "Control" column with Table 11.4 of the Traffic Impact Study.

Table 4.12-34: Year 2035 Plus Project Intersection Operations - Mitigated

Intersection	Control	AM Peak Hour		PM Peak Hour		Weekend	
		Delay (sec)	LOS	Delay (sec)	LOS	Delay (sec)	LOS
Floral/SR-99 SB offramp	*Signal*	*14.1*	*B*	*31.5*	*C*	*32.3*	*C*
Floral/Highland	*Signal*	*24.3*	*C*	*48.2*	*D*	*56.4*	*E*
Floral/SR-99 NB offramp	*Signal*	*9.6*	*A*	*15.0*	*B*	*19.6*	*B*
Highland/SR-99 SB onramp	*Signal*	*14.6*	*B*	*19.7*	*B*	*18.3*	*B*
Highland/Rose	*Signal* ~~*TWS*~~	*17.0*	*B*	*28.8*	*C*	*26.1*	*C*
Highland/Nebraska	*Signal*	*14.1*	*B*	*23.4*	*C*	*17.9*	*B*
Nebraska/Thompson	*Signal* ~~*AWS*~~	*22.3*	*C*	*32.9*	*C*	*27.4*	*C*
Second/SR-99 SB	*Signal* ~~*OWS*~~	*21.2*	*C*	*26.1*	*C*	*29.0*	*C*
Second/SR-99 NB	*Signal* ~~*OWS*~~	*18.8*	*B*	*21.0*	*C*	*18.3*	*B*
Second/Whitson	*Signal*	*22.7*	*C*	*38.1*	*D*	*38.9*	*D*
Mountain View/Highland	*Signal*	*21.3*	*C*	*31.2*	*C*	*29.9*	*C*
Mountain View/Thompson	*Signal* ~~*TWS*~~	*18.5*	*B*	*24.3*	*C*	*26.6*	*C*

Table 4.12-34 (cont.): Year 2035 Plus Project Intersection Operations - Mitigated

Intersection	Control	AM Peak Hour		PM Peak Hour		Weekend	
		Delay (sec)	LOS	Delay (sec)	LOS	Delay (sec)	LOS
Mountain View/McCall	*Signal ~~AWS~~*	*23.9*	*C*	*33.8*	*C*	*25.9*	*C*
Mountain View/Dockery	*Signal ~~TWS~~*	*30.3*	*C*	*67.2*	*E*	*81.1*	*F*
Mountain View/SR-99 SB offramp	*Signal ~~Round.~~*	11.6	B	34.6	C	41.7	D
Mountain View/SR-99 SB onramp							
Mountain View/SR-99 NB onramp	*Signal ~~Round.~~*	7.9	A	8.0	A	9.0	A
Mountain View/SR-99 NB offramp							
Mountain View/Golden State	*Signal*	25.3	C	77.6	E	164.8	F
Mountain View/Bethel	*Signal*	17.5	B	29.4	C	29.7	C
Mountain View/Academy	*Signal*	20.1	C	34.9	C	27.9	C
Mountain View/Mendocino	*Signal*	23.3	C	31.3	C	30.3	C
Caruthers/Dockery	OWS	8.7	A	8.7	A	8.9	A
Golden State/Amber	*OWS*	*10.0*	*B*	*23.9*	*C*	*52.6*	*F*
Kamm/Thompson	OWS	9.1	A	9.4	A	9.3	A
Kamm/McCall	TWS	11.3	B	12.7	B	11.2	B
Kamm/Dockery	TWS	9.0	A	9.1	A	9.1	A
Kamm/Van Horn	TWS	10.0	B	12.5	B	13.1	B
Kamm/SR-99 SB offramp	TWS	8.5	A	13.7	B	10.7	B
Bethel/SR-99 NB onramp	OWS	17.6	C	33.4	D*	22.3	C
Bethel/Golden State	*Signal ~~AWS~~*	*25.9*	*C*	*36.3*	*D*	*33.5*	*D*
Bethel/Kamm	*Signal ~~AWS~~*	*22.6*	*C*	*35.7*	*D*	*28.0*	*C*
Kamm/Academy	*Signal ~~AWS~~*	*19.3*	*B*	*27.2*	*C*	*24.3*	*C*
Bethel/SR-99 NB offramp	*Signal ~~OWS~~*	*6.8*	*A*	*14.6*	*B*	*8.0*	*A*
Bethel/Parkway-SR-99 SB onramp	*Signal ~~OWS~~*	*11.5*	*B*	*17.5*	*B*	*14.9*	*B*
Golden State/Phase 1 Access	*Signal*	*11.1*	*B*	*38.0*	*D*	*70.8*	*E*
Dockery/Phase 2 Access	*Signal*	*12.4*	*B*	*13.1*	*B*	*17.8*	*B*

Table 4.12-34 (cont.): Year 2035 Plus Project Intersection Operations - Mitigated

Intersection	Control	AM Peak Hour		PM Peak Hour		Weekend	
		Delay (sec)	LOS	Delay (sec)	LOS	Delay (sec)	LOS
Mountain View/Phase 3 Access	*Signal*	*9.8*	*A*	*18.4*	*B*	*24.3*	*C*

Note:
* No feasible mitigation.
Italics denote mitigated operation
Source: Peters Engineering Group, 2012.

Page 4.12-173 and Page 4.12-174, Table 4.12-35

Table 4.12-34 has been revised to correct various inconsistencies in the "Lanes and Median" column with Table 11.5 of the Traffic Impact Study.

Table 4.12-35: Year 2035 Plus Project Roadway Segment Operations – Mitigated

Road Segment		Lanes and Median	AM Peak Hour		PM Peak Hour		Weekend	
			Volume	LOS	Volume	LOS	Volume	LOS
Mountain View Avenue	*Highland to Thompson*	*4D-LT (>2) ~~2U (<2)~~*	*967*	*C*	*1,526*	*C*	*1,608*	*C*
	Thompson to McCall	*4D-LT (>2) ~~2U (<2)~~*	*1,105*	*C*	*1,853*	*C*	*1,635*	*C*
	McCall to Dockery	*6D-LT (>2) ~~2U (<2)~~*	*1,445*	*C*	*2,446*	*C*	*2,338*	*C*
	Dockery to SR-99	*6D-LT (>2) ~~2U (<2)~~*	*2,619*	*C*	*4,572*	*E*	*4,627*	*E*
	SR-99 to Golden State	*6D-LT (>2) ~~2U (<2)~~*	*3,129*	*C*	*5,729*	*F*	*6,059*	*F*
	Golden State to Bethel	*6D-LT (>2) ~~4D-LT (<2)~~*	*2,345*	*B*	*3,908*	*B*	*4,727*	*D*
	Bethel to Academy	*6D-LT (>2) ~~2U (<2)~~*	*1,913*	*B*	*3,080*	*B*	*3,178*	*B*
	Academy to Mendocino	*4D-LT (>2) ~~2U (<2)~~*	*1,800*	*B*	*2,817*	*C*	*2,717*	*C*
	Mendocino to Madsen	*4D-LT (>2) ~~2U (<2)~~*	*1,337*	*B*	*1,840*	*B*	*1,684*	*B*
	Madsen to Zediker	*4D-LT (>2) ~~2U (<2)~~*	*1,266*	*B*	*1,724*	*B*	*1,593*	*B*
	Zediker to Fresno County Line	*4D-LT (>2) ~~2U (<2)~~*	*1,259*	*B*	*1,621*	*B*	*1,472*	*B*

Table 4.12-35 (cont.): Year 2035 Plus Project Roadway Segment Operations – Mitigated

Road Segment		Lanes and Median	AM Peak Hour		PM Peak Hour		Weekend	
			Volume	LOS	Volume	LOS	Volume	LOS
Kamm Avenue	Highland to Thompson	2U (<2)	33	B	57	B	33	B
	Thompson to McCall	2U (<2)	27	B	49	B	37	B
	McCall to Dockery	2U (<2)	43	B	56	B	56	B
	Dockery to Van Horn	2U (<2)	43	B	57	B	56	B
	Van Horn to SR-99	2U (<2)	251	B	443	B	520	B
	SR-99 to Academy	*4 (<2)* ~~*2U (<2)*~~	*848*	*B*	*1,411*	*B*	*1,235*	*B*
McCall Avenue	*Valley View to Mountain View*	*4 (<2)* ~~*2U (<2)*~~	*969*	*B*	*1,685*	*B*	*1,171*	*B*
	Mountain View to Caruthers	*4 (<2)* ~~*2U (<2)*~~	*757*	*B*	*1,315*	*B*	*746*	*B*
Dockery Avenue	*Mountain View to Caruthers*	*4 (<2)* ~~*2U (<2)*~~	*794*	*B*	*1,385*	*B*	*1,363*	*B*
Golden State Boulevard	Nebraska to Saginaw	4D-LT (<2)	1,487	B	2,806	C	2,882	C
	Saginaw to Phase 1 main site access	*6D-LT (>2)* ~~*4D-LT (<2)*~~	*1,413*	*B*	*2,866*	*B*	*3,444*	*B*
	Phase 1 main site access to Mountain View	*6D-LT (>2)* ~~*4D-LT (<2)*~~	*1,859*	*C*	*4,538*	*E*	*5,634*	*F*
	Mountain View to Amber	4D-LT (<2)	1,041	B	2,299	B	3,068	C
	Amber to Bethel	4D-LT (<2)	1,026	B	2,169	B	2,365	B

Notes:
2U: 2-lane undivided 4D-LT: 4-lane divided with left-turn lanes
Values in parentheses indicate number of signalized intersections per mile
Italics denote mitigated operation.
Source: Peters Engineering Group, 2012.

Page 4.12-186, Mitigation Measure TRANS-6a

Mitigation Measure TRANS-6a has been amended to include language noting that transit facilities shall adhere to the applicable policies contained in the City of Selma 2035 General Plan and the applicable requirements of Selma Transit and Southeast Transit.

MM TRANS-6a Prior to approval of the final improvement plans for each phase, the project applicant shall prepare and submit plans to the City of Selma depicting appropriate public transit facilities for review and approval. Such facilities shall adhere to the applicable policies contained in the City of Selma 2035 General Plan and the requirements of Selma Transit and Southeast Transit,

and may consist of a centralized transit facility or enhanced stops that feature turnouts, shelters, seating, lighting, and other amenities, as appropriate. The approved public transit facilities shall be incorporated into the final improvement plans for each phase.

Section 6, Other CEQA Considerations

Page 6-9, Land Use

The discussion of cumulative land use impacts has been revised to correct an erroneous reference to Manteca.

Land Use

The geographic scope of the cumulative land use analysis is the Selma area. Land use decisions are made at the city level; therefore, the Selma ~~Manteca~~ area is an appropriate geographic scope.

The proposed project and its contemplated end uses were found to be consistent with the City of Selma 2035 General Plan, City of Selma 1997 General Plan, and the Selma Municipal Code. Other projects would be required to demonstrate consistency with applicable land use plans and mitigate where necessary. Because the residual significance of the proposed project's land use impacts would be less than significant, it would not have a related cumulative considerable impact.

Page 6-10, Transportation

The discussion of cumulative transportation impacts has been revised to reflect the conclusions of Section 4.12, Transportation.

Transportation

The geographic scope of the cumulative transportation analysis is the Selma area. Note that Section 4.12, Transportation provides a detailed evaluation of project-related transportation impacts.

All the new development projects listed in Table 6-1 would generate new vehicle trips that may trigger or contribute to unacceptable intersection operations, roadway operations, and freeway operations. All projects would be required to mitigate for their fair share of impacts. At buildout, the proposed project would result add new daily and peak-hour trips to roadways in the project vicinity. The proposed project would contribute trips to intersection, roadway segments, at-grade railroad grade crossings that would operate at unacceptable levels under Existing Plus Phase I Conditions, Year 2020 Conditions, and Year 2035 Conditions. Even with the implementation of all feasible mitigation measures, unacceptable operations would still occur at certain facilities; therefore, the residual significance is significant and

unavoidable. ~~All feasible mitigation measures are proposed that would improve operations to acceptable levels. However, there is uncertainty whether all necessary improvements would be fully funded and implemented as contemplated; therefore, the residual significance is significant and unavoidable.~~ The proposed project, in conjunction with other projects, would have a cumulatively considerable contribution to unacceptable traffic operations.

For other transportation-related areas, the proposed project would have significant impacts on public transit, bicycle, and pedestrian modes of transportation. All other project-related transportation impacts were found to be less than significant and did not require mitigation. Other projects that result in similar impacts would be required to mitigate for their impacts. Because the proposed project can mitigate all of its impacts to a level of less than significant, it would not have a related cumulative considerable impact.