

Exhibit N-4

# CHAPTER TWO – Comments and Responses

## Introduction

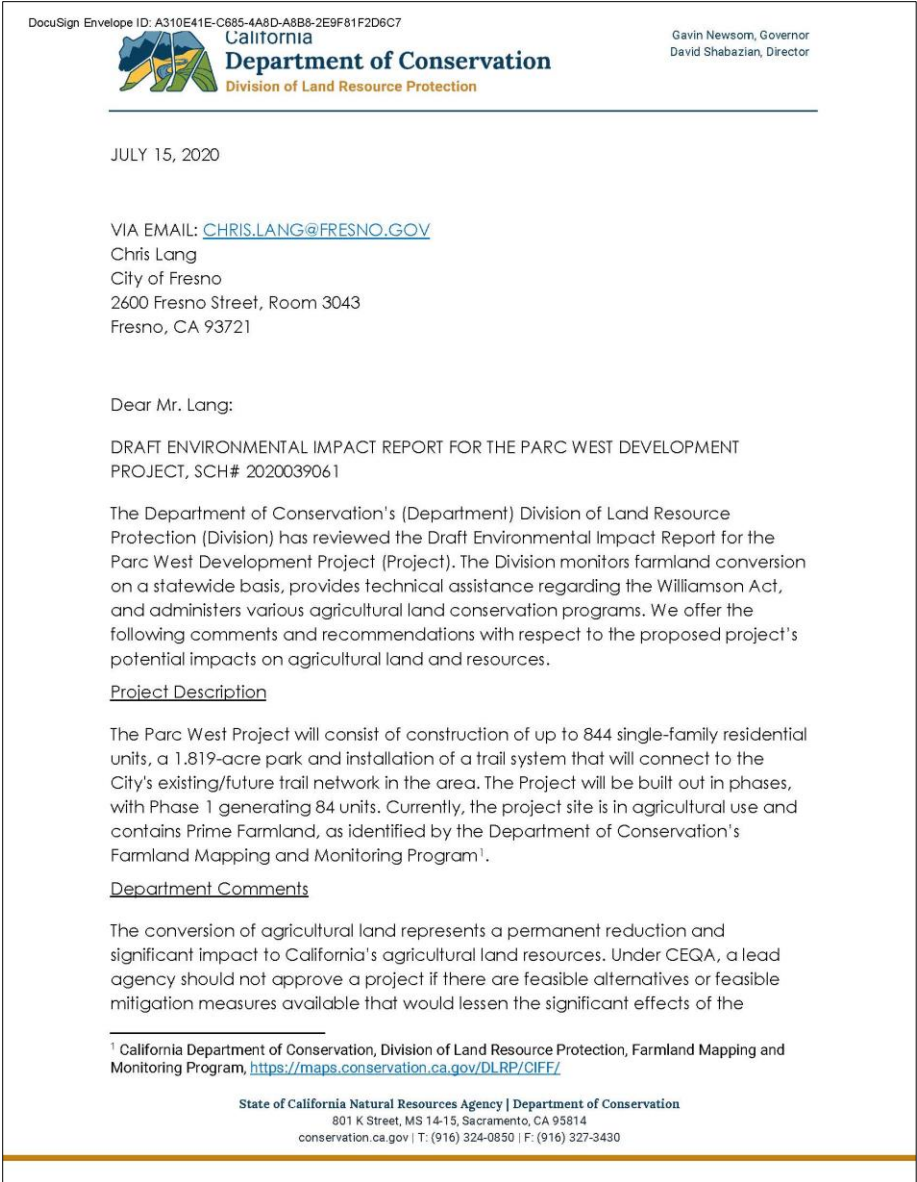
This chapter of the Final EIR contains a copy of each of the written comments received from the public and other agencies with jurisdiction over the proposed Project, followed by responses to each comment. A total of four comment letters were received from the following agencies:

<p><u>Comment Letter 1</u>                  Department of Conservation                  Division of Land Resource Protection                  801 K Street, MS 14-15                  Sacramento, CA 95814                  July 15, 2020</p>	<p><u>Comment Letter 4</u>                  Dept. of Toxic Substances Control                  8800 Cal Center Drive                  Sacramento, CA 95826                  August 12, 2020</p>
<p><u>Comment Letter 2</u>                  Department of Transportation                  District 6                  1352 W. Olive Avenue                  Fresno, CA 93778-2616                  July 20, 2020</p>	
<p><u>Comment Letter 3</u>                  Department of Conservation                  Geologic Energy Management Division                  801 K Street, MS 18-05                  Sacramento, CA 95814                  August 3, 2020</p>	

# Comment Letters

## Comment Letter 1

Department of Conservation  
Division of Land Resource Protection  
801 K Street, MS 14-15  
Sacramento, CA 95814  
July 15, 2020



Letter 1, page 1

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project.<sup>2</sup> All mitigation measures that are potentially feasible should be included in the project's environmental review. A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.

As the courts have shown<sup>3</sup>, agricultural conservation easements on land of at least equal quality and size can mitigate project impacts in accordance with CEQA Guideline § 15370. The Department highlights agricultural conservation easements because of their acceptance and use by lead agencies as an appropriate mitigation measure under CEQA. Agricultural conservation easements are an available mitigation tool and should always be considered; however, any other feasible mitigation measures should also be considered.

A source that has proven helpful for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

<http://www.calandtrusts.org/resources/conserving-californias-harvest/>

### Conclusion

The Department recommends further discussion of the following issues:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Proposed mitigation measures for all impacted agricultural lands within the proposed project area.

Thank you for giving us the opportunity to comment on the Draft Environmental Impact Report for the Parc West Development Project. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments,

<sup>2</sup> Public Resources Code section 21002.

<sup>3</sup> *Masonite Corp. v. County of Mendocino* (2013) 218 Cal.App.4th 230, 238.

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please contact Farl Grundy, Associate Environmental Planner at (916) 324-7347 or via email at [Farl.Grundy@conservation.ca.gov](mailto:Farl.Grundy@conservation.ca.gov).

Sincerely,

*Monique Wilber*

Monique Wilber  
Conservation Program Support Supervisor

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Page 3 of 3

Letter 1, page 3

**Summary of Comment Letter 1:** The comment letter states that conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural land resources. The letter indicates that a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project. The Department suggests an agricultural easement as a potential mitigation measure for the project and recommends discussion of impacts resulting from the project-related conversion of farmland.

**Response to Comment Letter 1:** Agriculture and Forest Resource impacts resulting from the Project were evaluated in the Project's Initial Study / Notice of Preparation, and thus was not included in the Project EIR. Specifically, Section 3.2 of the Project Initial Study provided information on the potential impacts associated with loss of agricultural lands that could result from the Project.

As discussed in the Project's Initial Study, the Project will result in the loss of approximately 160 acres of farmland that will be converted to residential housing. However, the site has been zoned for residential use by the City of Fresno and the City's General Plan has designated the site for urban development. There are no Williamson Act parcels on the site. According to the California Department of Conservation, Division of Land Resource Protection's Farmland Mapping and Monitoring Program, Farmland of Statewide Importance and Unique Farmland occupy the proposed Project site.

The EIR for the City of Fresno General Plan found the conversion of applicable agricultural land, including the Project site, to urban uses to be a significant and unavoidable impact. As part of adopting the City General Plan, the Fresno City Council adopted findings of fact and a statement of overriding considerations that indicated urban development was of greater benefit to the community than preserving agricultural land within city limits. Although conversion of the Project area to urban uses would reflect the land use assumptions contained in the City of Fresno General Plan, farmland is an important resource to the region. As such, Mitigation Measure AG – 1 is included to reduce potential conflicts between urban and agricultural uses (See Project Specific Mitigation Measure Monitoring Checklist). This measure includes a Right-to-Farm Covenant and will help ensure that agricultural operations in the area can be maintained.

In addition, the Project site was evaluated for loss of agricultural lands under the Westlake Development Project EIR. That EIR also found the conversion of the applicable agricultural land to be significant and unavoidable and a Statement of Overriding Considerations was adopted. Since the proposed Project-related lands have previously been evaluated for loss of agricultural lands, and because the Project site has been annexed into the City (and the land use designations support residential and commercial uses), the proposed Project does not result in any impacts

beyond what has already been analyzed in previous documents pertaining to loss of agricultural lands associated with the proposed Project. Therefore, the Project has no additional impact on agricultural resources. However, Mitigation measure AG-1 is required to reduce conflicts between urban and agricultural uses.

**Mitigation Measures:** AG – 1 (reduce conflicts between urban and agricultural uses). See attached Project Specific Mitigation Measure Monitoring Checklist.

**Comment Letter 2**

Department of Transportation

District 6

1352 W. Olive Avenue

Fresno, CA 93778-2616

July 20, 2020

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, Governor

**DEPARTMENT OF TRANSPORTATION**

**DISTRICT 6 OFFICE**

1352 WEST OLIVE AVENUE

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Making Conservation  
a California Way of Life

July 20, 2020

06-FRE-99-29.29

Draft EIR/TIS

Park West Development Project

Chris Lang  
Development and Resource Management Dept.  
2600 Fresno Street  
Fresno, CA 93721

Dear Mr. Lang:

Thank you for the opportunity to review the Parc West Development. The application proposes to construct 844 single-family residential units including a park and trail system on approximately 160 acres. The project is located approximately 2.7 miles west of State Route (SR) 99, north of West Ashlan and west of North Grantland Avenue, in the City of Fresno.

The site was part of the previously approved Westlake Development Project. A Westlake EIR was certified by the city in 2012. The Westlake Project analyzed approximately 2,600 residential units, 295,000 sq. ft. of commercial space, and a 55-acre man-made lake on 430 acres. Following certification of the Westlake EIR, the project applicant (Granville Homes) put the project on hold. Since that time, the applicant has scaled down the project (Parc West) to include only 844 units on 160 acres. The project is proposed to be built out in phases, with Phase 1 generating 84 units. The project developer intends to begin construction activities in late 2020.

Caltrans provides the *following comments* consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. This office concurs with the selected AM peak hour trip rate of 0.74 and PM peak hour trip rate of 0.99 for Single-Family Detached Housing. According to the TIS, at buildout (844 units), the proposed project is estimated to generate a maximum of 7,968 daily trips, 625 AM peak hour trips (156-In and 469-Out) and 836 PM peak hour trips (527-In and 309-Out). Under Phase 1, the

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Letter 2, page 1



Chris Lang  
July 20, 2020  
Page 2

development is estimated to generate a maximum of 793 daily trips, 62 AM peak hour trips and 83 PM peak hour trips. Phase 2 will construct 381 single-family residential units is estimated to generate a maximum of 3,597 daily trips, 282 AM peak hour trips and 377 PM peak hour trips. The critical peak period for the study facilities was determined to be during the PM peak, therefore the PM peak volumes were utilized to determine the project's pro-rata fair share.

2. It appears that no peak hour (AM or PM) project-only trips were assigned to various ramps. In particular, the Shaw Avenue South Bound (SB) Off-Ramp, Shaw Avenue North Bound (NB) On-Ramp, Ashlan Avenue SB Off-Ramp, Ashlan Avenue SB On-Ramp, Ashlan NB Off-Ramp and Ashlan NB Loop On-Ramp were not assigned peak hour trips. It is anticipated the trips generated from the development would have an impact on the Shaw Avenue and Ashlan Avenue Interchange ramps.

Therefore, it is recommended the study verify that project-only trips are assigned to the ramps in order to obtain an accurate fair-share contribution for the future improvements necessary to maintain the safety and operations of SR 99.

3. Caltrans supports the application of Safe Routes to School for this Project, which was included in the Traffic Impact Analysis. Caltrans further encourages the Project to support Fresno General Plan's public facilities policy goal (E-13-a) to, "Provide bikeways in proximity to major traffic generators such as commercial centers, schools, recreational areas, and major public facilities."

If you have any further questions, contact Nicholas Isla at (559) 444-2583 or [Nicholas.isla@dot.ca.gov](mailto:Nicholas.isla@dot.ca.gov).

Sincerely,



JAMAICA GENTRY, (A)Chief  
Transportation Planning - North

*"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"*

Letter 2, page 2

**Comment 1:** This office concurs with the selected AM peak hour trip rate of 0.74 and PM peak hour trip rate of 0.99 for Single-Family Detached Housing.

**Response 1:** Comment noted, no response necessary.

**Comment 2:** It appears that no peak hour (AM or PM) project-only trips were assigned to various ramps. In particular, the Shaw Avenue South Bound (SB) Off-Ramp, Shaw Avenue North Bound (NB) On-Ramp, Ashlan Avenue SB Off-Ramp, Ashlan Avenue SB On-Ramp, Ashlan NB Off-Ramp and Ashlan NB Loop On-Ramp were not assigned peak hour trips. It is anticipated the trips generated from the development would have an impact on the Shaw Avenue and Ashlan Avenue Interchange ramps.

Therefore, it is recommended the study verify that project-only trips are assigned to the ramps in order to obtain an accurate fair-share contribution for the future improvements necessary to maintain the safety and operations of SR 99.

**Response 2:** In summary, the Project trip distribution patterns were developed by JLB Traffic Engineering, Inc. (JLB) based on considerations of the existing and near term/future roadway network, existing travel patterns, existing and future residential and commercial densities, the Fresno COG Project Select Zone, data provided by the developer, engineering judgement, knowledge of the study area, and the City of Fresno 2035 General Plan. Utilizing this information, JLB determined the Project's anticipated trip distribution patterns.

When considering the existing interchange of SR 99/Herndon and the near term interchange of SR 99/Veterans, traffic from Herndon or SR 99 SB will not use SR 99 SB Off-Ramp at Shaw to arrive at the Project site as doing so would significantly increase their travel distance, travel time, and require them to go through areas of more congestion. Similarly, traffic to Herndon or NB SR 99 will not use SR 99 NB On-Ramp at Shaw as doing so would significantly increase their travel distance, travel time, and require them to go through areas of more congestion. For this reason, traffic to and from SR 99/Herndon is assumed to utilize Grantland Avenue and Golden State Boulevard (north of Herndon Avenue) to arrive at Herndon and SR 99, respectively. It is anticipated that Project traffic will shift from SR 99/Herndon to the near term (2022) interchange of SR 99/Veterans.

When considering the existing interchange of SR 99/Herndon and the near term interchange of SR 99/Veterans, traffic from Herndon or SB SR 99 would not use SR 99 SB Off-Ramp at Ashlan as

doing so would significantly increase their travel distance, travel time, and require them to go through areas of more congestion. In this case, traveling SB on SR 99 to Ashlan would increase travel distance by 3 to 4 miles. Similarly, traffic to Herndon or NB SR 99 will not use SR 99 NB On-Ramp at Ashlan as doing so would significantly increase their travel distance, travel time, and require them to go through areas of more congestion. For this reason, traffic to and from SR 99/Herndon is assumed to utilize Grantland Avenue and then Golden State Boulevard (north of Herndon Avenue) to arrive at Herndon and NB SR 99. It is anticipated that Project trips will shift from SR 99/Herndon to the near term (2022) interchange of SR 99/Veterans.

The Traffic Impact Analysis (TIA) acknowledges that Project trips to and from SB SR 99 will use SR 99/Ashlan to and from the Project site. The Project Select Zone modeled by Fresno COG utilized the equilibrium assignment method to assign vehicle trips to the roadway network. In this method, trips are initially assumed to use the fastest path without considering congestion caused by other vehicles. Travel times are recalculated based on the estimated level of congestion, trips are reassigned to paths based on congested speeds, and the process is repeated until no driver can shift to an alternative path with a faster travel time.

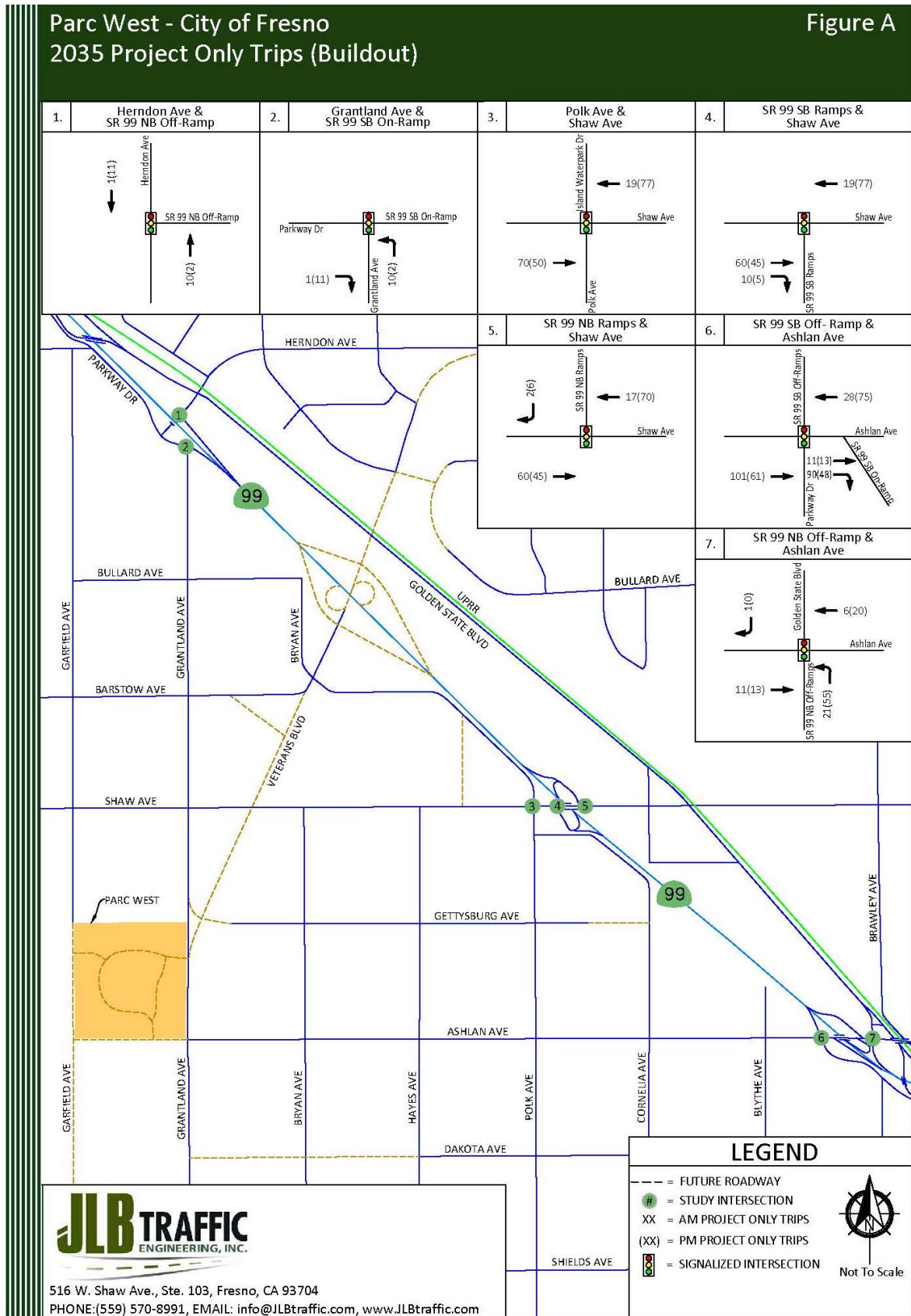
Assuming that 90 percent of SR 99 traffic SB on and NB off at Shaw is shifted to SR 99 at Ashlan, the intersection of Ashlan/Hayes is projected to exceed its LOS threshold during the AM peak period (LOS E, 45.5 sec/veh) under the Cumulative Year 2035 plus Project (Buildout) scenario. It is worth noting that its lane geometrics and traffic controls include a single lane in each direction and all-way stop control. Since the preparation of the Project's Traffic Impact Assessment, Ashlan/Hayes was conditioned for signalization by TT 6258 and is estimated to be constructed and operational by spring 2021. Assuming improvements are in place at the time of construction of the Project, the intersection of Ashlan/Hayes is projected to operate at an acceptable LOS during both peak periods under the Cumulative Year 2035 plus Project (Buildout) scenario.

After further review, JLB considers the proposed Project trip distribution patterns as presented in the TIA Report to be reasonable given current and near term roadway network. JLB acknowledges that trip distribution patterns and assignments could be slightly different due to human behavior and changes in roadway infrastructure in the vicinity of the Project. For instance, if traffic to and from the Project to and from SR 99 changes, the increase at one interchange such as at the Ashlan Avenue interchange will result in decreases at another interchange such as that at the Shaw Avenue interchange. Figure A provides a slightly modified trip assignment to the interchanges of SR 99/Shaw and SR 99/Ashlan.

**Comment 3:** Caltrans supports the application of Safe Routes to School for this Project, which was included in the Traffic Impact Analysis. Caltrans further encourages the Project to support Fresno General Plan’s public facilities policy goal (E-13-a) to, “Provide bikeways in proximity to major traffic generators such as commercial centers, schools, recreational areas, and major public facilities.”

**Response 3:** Comment noted, no response necessary. As indicated in the Project Initial Study and Draft EIR, the Project will provide lands for connection to the City’s trail system in the area.

Figure A – 2035 Project Only Trips (Buildout)



**Comment Letter 3**

Department of Conservation  
Geologic Energy Management Division  
801 K Street, MS 18-05  
Sacramento, CA 95814  
August 3, 2020



California  
**Department of Conservation**  
Geologic Energy Management Division

Gavin Newsom, Governor  
David Shabazian, Director  
801 K Street, MS 18-05  
Sacramento, CA 95814  
T: (916) 445-9686

08/03/2020

Chris Lang  
2600 Fresno Street, Room 3043, Fresno, CA 93721, USA  
Chris.Lang@fresno.gov

Construction Site Well Review (CSWR) ID: 1012009

Assessor Parcel Number(s): 51202126, 51202150S

Property Owner(s): Assemi Group

Project Location Address: 4445 N Grantland Avenue, Fresno, California, 93723

Project Title: Parc West Development Project - SCH #2020039061

Public Resources Code (PRC) § 3208.1 establishes well reabandonment responsibility when a previously plugged and abandoned well will be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developers should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil, gas, and geothermal wells.

The Division of Oil, Gas, and Geothermal Resources (Division) has received and reviewed the above referenced project dated 7/31/2020. To assist local permitting agencies, property owners, and developers in making wise land use decisions regarding potential development near oil, gas, or geothermal wells, the Division provides the following well evaluation.

The project is located in Fresno County, within the boundaries of the following fields:

Our records indicate there are 0 known oil or gas wells located within the project boundary as identified in the application.

- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: 0

As indicated in PRC § 3106, the Division has statutory authority over the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources; damage to underground oil,



**California**  
**Department of Conservation**  
Geologic Energy Management Division

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gas, and geothermal deposits; and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to the Division's authority to order work on wells pursuant to PRC §§ 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC §§ 3236, 3236.5, and 3359 for violations within the Division's jurisdictional authority. The Division does not regulate grading, excavations, or other land use issues.

If during development activities, any wells are encountered that were not part of this review, the property owner is expected to immediately notify the Division's construction site well review engineer in the Inland district office, and file for Division review an amended site plan with well casing diagrams. The District office will send a follow-up well evaluation letter to the property owner and local permitting agency.

Should you have any questions, please contact me at (661) 326-6016 or via email at [Victor.Medrano@conservation.ca.gov](mailto:Victor.Medrano@conservation.ca.gov)

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Jones".

Chris Jones  
Acting District Deputy


**Summary of Comment Letter 3:** The comment letter concurs that there are zero (0) known oil or gas wells located within the project boundary. However, if during development activities, any oil or gas wells are encountered, the property owner will be required to notify the Department of Conservation – Geologic Energy Management Division to determine proper abandonment and/or removal as directed by the Division.

**Response to Comment Letter 3:** Comment noted. The Project Applicant will be notified that if during development activities, any oil or gas wells are encountered, the property owner will be required to notify the Department of Conservation – Geologic Energy Management Division to determine proper abandonment and/or removal as directed by the Division.




**Comment Letter 4**

Dept. of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, CA 95826  
August 12, 2020




**Department of Toxic Substances Control**

Meredith Williams, Ph.D.  
Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



**Jared Blumenfeld**  
Secretary for  
Environmental Protection



**Gavin Newsom**  
Governor

August 12, 2020

Mr. Chris Lang  
City of Fresno  
2600 Fresno Street, Room 3043  
Fresno, California 93721  
[Chris.Lang@fresno.gov](mailto:Chris.Lang@fresno.gov)

8/14/2020  
Governor's Office of Planning & Research  
**Aug 13 2020**  
**STATE CLEARINGHOUSE**

**DRAFT ENVIRONMENTAL IMPACT REPORT FOR PARC WEST DEVELOPMENT PROJECT – DATED JUNE 2020 (STATE CLEARINGHOUSE NUMBER: 2020039061)**

Mr. Lang:

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (EIR) for Parc West Development Project. The proposed project will consist of construction of up to 844 single-family residential units, a 1.819-acre park and installation of a trail system that will connect to the City's existing/future trail network in the area. The Project will be built out in phases, with Phase 1 generating 84 units. Most of the Project site is designated by the City of Fresno General Plan as Medium Density Residential (5.0- 12 D.U./acre). There is a 10-acre portion of the site at the southeast corner of the lot that is zoned and designated Community Commercial, however, the Applicant is proposing to change this land use from commercial to residential (RS-5) to match the land use designation of the remainder of the 160 acres.

DTSC recommends that the following issues be evaluated in the EIR Hazards and Hazardous Materials section:

1. The EIR should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive

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Letter 4, page 1

Mr. Lang  
 August 12, 2020  
 Page 2

in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil, DTSC recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the EIR.

3. If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the EIR. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook ([https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/11/aml\\_handbook.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/11/aml_handbook.pdf)).
4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* ([https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance\\_Lead Contamination\\_050118.pdf](https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead Contamination_050118.pdf)).
5. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to *DTSC's 2001 Information Advisory Clean Imported Fill Material* ([https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP\\_FS\\_Cleanfill-Schools.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf)).
6. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>).

DTSC appreciates the opportunity to comment on the EIR. Should you need any assistance with an environmental investigation, please submit a request for Lead

Letter 4, page 2

Mr. Lang  
August 12, 2020  
Page 3

Agency Oversight Application, which can be found at: [https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/VCP\\_App-1460.doc](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/VCP_App-1460.doc). Additional information regarding voluntary agreements with DTSC can be found at: <https://dtsc.ca.gov/brownfields/>.

If you have any questions, please contact me at (916) 255-3710 or via email at [Gavin.McCreary@dtsc.ca.gov](mailto:Gavin.McCreary@dtsc.ca.gov).

Sincerely,



Gavin McCreary  
Project Manager  
Site Evaluation and Remediation Unit  
Site Mitigation and Restoration Program  
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research  
State Clearinghouse  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Ms. Lora Jameson, Chief  
Site Evaluation and Remediation Unit  
Department of Toxic Substances Control  
[Lora.Jameson@dtsc.ca.gov](mailto:Lora.Jameson@dtsc.ca.gov)

Mr. Dave Kereazis  
Office of Planning & Environmental Analysis  
Department of Toxic Substances Control  
[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)

Letter 4, page 3

**Summary of Comment Letter 4:** DTSC’s letter discussed the evaluation of hazardous materials, aerially deposited lead, mining activities, demolition of structures, and evaluation of soils for hazardous substances.

**Response to Comment Letter 4:** The topic of Hazards and Hazardous Materials for the Project was evaluated in the Project’s Initial Study / Notice of Preparation, and thus was not included in the Project EIR. Specifically, Section 3.9 of the Project Initial Study provided information on the potential impacts associated with hazards and hazardous materials that could result from the Project. This included a description of the types of hazardous materials anticipated (e.g. fuels, oils, chemicals, leads, etc.) as well as the appropriate handling/usage of such materials. The handling/usage methods included compliance with applicable standards and regulations established by the DTSC, the U.S. Environmental Protection Agency (EPA) and the Occupational Safety and Health Administration (OSHA). In addition, a Storm Water Pollution Prevention Plan (SWPPP) is required for the Project and shall include emergency procedures for incidental hazardous materials releases. The SWPPP also includes Best Management Practices which includes requirements for hazardous materials storage. In addition, prior to ground disturbance activities, the Project will also prepare conduct additional soils testing and any subsequent follow-up activities (such as remediation) will be the responsibility of the Project Developer to remediate (refer to the mitigation measures identified herein).

Finally, it should also be noted that there is no demolition associated with the Project.

For ease of reference, the impact analysis under Section 3.9 – Hazards and Hazardous Materials, from the Project Initial Study is copied below:

“As previously indicated, the Project site was included in the evaluation of the Westlake Development Project EIR. As part of the Westlake evaluation, a Phase I Environmental Site Assessment (ESA) was prepared to determine the presence or absence of hazardous materials on the Project site, the results of which are summarized herein.

- a. *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*
- b. *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

**Less Than Significant Impact.** Construction of the Project would require the use and transport of hazardous materials, including fuels, oils, and other chemicals (e.g., paints,

lead, adhesives, etc.) typically used during construction. It is likely that these hazardous materials and vehicles would be stored by the contractor(s) on-site during construction activities. Improper use and transportation of hazardous materials could result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. However, all materials used during construction would be contained, stored, and handled in compliance with applicable standards and regulations established by the Department of Toxic Substances Control (DTSC), the U.S. Environmental Protection Agency (EPA) and the Occupational Safety and Health Administration (OSHA). In addition, a Storm Water Pollution Prevention Plan (SWPPP) is required for the Project (see Mitigation Measure GEO – 2) and shall include emergency procedures for incidental hazardous materials releases. The SWPPP also includes Best Management Practices which includes requirements for hazardous materials storage.

The use of hazardous materials would be confined to the Project construction period. The Project itself, once constructed, will not contain, use or produce any hazardous materials. Any impacts are *less than significant*.

**Mitigation Measures:** None are required.

- c. *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

**Less Than Significant Impact.** The project site is served by the Central Unified School District. The nearest schools to the project site are Glacier Point Middle School and Harvest Elementary School, each located approximately 1,500 feet east of the Project’s eastern boundary.

Based on the current project description of a residential development, it is not reasonably foreseeable that the proposed project will cause a significant impact by emitting hazardous waste or bringing hazardous materials within one-quarter mile of an existing or proposed school. Residential land uses do not generate, store, or dispose of significant quantities of hazardous materials. Such uses also do not normally involve dangerous activities that could expose persons onsite or in the surrounding areas to large quantities of hazardous materials. Therefore, the impact is *less than significant*.

**Mitigation Measures:** None are required.

- d. *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

**Less Than Significant Impact With Mitigation.** The Phase I ESA identified several issues associated with past and present uses of the project site that could potentially result in the exposure of persons and environment to hazardous materials: pesticides, abandoned wells, and ASTs. Each is discussed below:

#### Pesticides

The project site was formerly used for agricultural production. There was a liquid fertilizer above ground storage tank and two empty liquid fertilizer above ground storage tanks were observed within the farm equipment storage yard located within the central portion of the project site. While agricultural chemicals were not directly observed on the project site during the site reconnaissance, their uses are assumed due to past agricultural practices. It is unknown how recently such chemicals were used onsite and in what quantities. Therefore, mitigation is proposed requiring the project applicant to undertake Phase II soil testing of the project site to determine whether residual concentrations of agricultural chemicals are present and, if so, whether these concentrations are within acceptable limits for residential and commercial developments. If the concentrations exceed acceptable limits, the mitigation measure requires the applicant to perform soil remediation activities prior to grading to ensure that human health and the environment are not exposed to harmful concentrations of agricultural chemicals. With the implementation of this mitigation measure, impacts would be reduced to a level of less than significant.

#### Abandoned Wells

There were no wells or septic systems directly observed on the property. As such, it is assumed that, due to the presence of past agriculture on the project site, there are agricultural wells onsite as well as domestic wells and possible septic systems for the rural residence that existed on-site, but were removed in 1976. As these wells and septic systems would not be used at a future date with the proposed project, they should be abandoned in accordance with applicable local, state, and federal regulations. In particular, the closure of all onsite wells and septic systems should be required as a condition of approval for the proposed project. This condition has been included as mitigation measure. The

abandonment of the existing wells and septic systems in accordance with applicable laws would not pose a health risk. Therefore, with the implementation of mitigation, impacts would be less than significant for all well closure associated activities.

#### Aboveground Storage Tanks

In the 2007 reconnaissance by the consultant, two 10,000-gallon diesel fuel Aboveground Storage Tanks (ASTs) were noted at the site along the east central boundary and the north central portion of the site. At the time, de minimus surface staining was observed under one diesel tank. In the 2011, reconnaissance, only one 10,000 diesel AST was identified on the site. At that time, no evidence of surface staining or petroleum hydrocarbon odors was observed in association with the diesel fuel AST. The consultant found that the Diesel AST appears to have been located in the location for approximately four years. It was Kleinfelder's opinion at the time of the site reconnaissance that the diesel soil impacted conditions were considered a de minimis condition. However, given the proposed development of residential uses, a Phase II soil sampling is recommended. Mitigation is requiring additional soil sampling to determine if the diesel impacts exceed regulatory guidance and if so, to delineate the horizontal and vertical extent of the diesel impacts in order to implement a soil remediation program. Remediation will be conducted in accordance with Department of Toxic Substances Control guidelines. The implementation of this mitigation measure would reduce impacts to a level of less than significant.

#### Southern Pacific Railroad Tracks

A wide variety of herbicides may have been applied to the soils at areas within the former railroad track alignment. The condition of soils at areas of the site adjacent to the railroad alignment did not exhibit obvious evidence of contamination and had seasonal vegetative growth. It was Kleinfelder's opinion that further assessment of site soils in close proximity to the former railroad track alignment is unlikely to reveal concentrations above regulatory agency levels requiring further assessment or remedial action. However, given the proposed development of residential uses, a Phase II soil sampling is recommended. Mitigation is requiring soil sampling adjacent to the former rail alignment to ensure that concentrations do not exceed regulatory agency levels. Should the concentrations exceed regulatory agency levels, a remediation program will be conducted in accordance with Department of Toxic Substances Control guidelines. The implementation of this mitigation measure would reduce impacts to a level of less than significant.

#### Electric Power Lines and Natural Gas Transmission Lines

PG&E owns and operates an electric transmission pole and a high pressure gas transmission line within the project's boundaries. Project construction may require the relocation of existing facilities and has the potential to damage underground natural gas transmission lines. This would be a potentially significant impact.

The California Public Utilities Commission (CPUC) has mandated clearance requirements between utility facilities and surrounding objects or construction activities. PG&E provided recommendations to ensure that the proposed project does not adversely impact their facilities. These recommendations have been incorporated as mitigation and require that the locations of each wooden transmission pole be delineated on grading/development plans, provides PG&E the opportunity to review and approve plans, provides a minimum cover over the top of gas lines at final grade, and ensures future access to facilities. With the implementation of these mitigation measures, the impacts are reduced a less than significant level.

#### Government Code 65962.2

As mentioned previously, there are no known hazardous materials sites within the proposed project site or vicinity. The databases, lists and or reports delineated previously were consulted in preparation of the Phase I Environmental Site Assessment in order to identify any recorded hazardous material and waste sites within the proposed project area. No recorded sites were identified.

#### Surrounding Land Uses

There are several sites within 0.5 mile of the project site that are recorded on hazardous materials databases. However, the Phase I ESA indicate that hazardous materials usage or contamination at the nearby sites does not pose a significant environmental concern to the project site since three of the four sites are active UST sites with no records of violations or contamination. The third site is a cleanup vacant field that had a UST removed and was granted closure status by the Fresno County Department of Community Health. None of these sites would be considered to pose a significant environment risk to the project site.

However, because of the risk of hazardous materials, this is a *potentially significant impact* and mitigation measures have been applied to reduce the impact to a less than significant level.



**Mitigation Measures:** HAZ-1 (Additional soils testing); HAZ – 2 (Abandonment of any agricultural wells that may be uncovered); and HAZ-3 (Consultation with PG&E for power/gas lines). See attached Project-specific Mitigation Measure Monitoring Checklist.