

FINAL
ENVIRONMENTAL
IMPACT REPORT

GENERAL PLAN AMENDMENT,
PRE-ZONING, SPHERE OF INFLUENCE
BOUNDARY CHANGES, AND
FUTURE ANNEXATIONS
in conjunction with the
NORTH KINGSBURG
SPECIFIC PLAN

State Clearinghouse Number 2002091042

Prepared for the City of Kingsburg
and the
Fresno Local Agency Formation Commission
by the
Kingsburg Planning and Development Department
1401 Draper Street, Kingsburg, California 93631

Certified by the Kingsburg City Council
Resolution 2005-34
July 6, 2005

TABLE OF CONTENTS

PART I	EXECUTIVE SUMMARY	I-1
	INTRODUCTION	I-1
	ORGANIZATION OF COMMENTS AND RESPONSES	I-1
	ORDER OF COMMENTS AND RESPONSES	I-2
	SUMMARY OF SIGNIFICANT CHANGES TO THE ENVIRONMENTAL IMPACT REPORT	I-2
PART II	RESPONSES TO COMMENTS BY STATE AND REGIONAL AGENCIES.....	II-1
	COMMENT LETTER 1, GOVERNOR’S OFFICE OF PLANNING AND RESEARCH.....	II-2
	RESONSE TO COMMENT LETTER 1	II-4
	COMMENT LETTER 2, CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 6 (FRESNO).....	II-5
	RESPONSE TO COMMENT LETTER 2.....	II-7
PART III	RESPONSES TO COMMENTS BY LOCAL AGENCIES.....	III-1
	COMMENT LETTER 3, COUNTY OF FRESNO DEPARTMENT OF PUBLIC WORKS AND PLANNING.....	III-2
	RESONSE TO COMMENT LETTER 3	III-6
	COMMENT LETTER 4, KINGBURG PLANNING AND DEVELOPMENT DIRECTOR ..	III-9
	RESPONSE TO COMMENT LETTER 4.....	III-10

PART I

EXECUTIVE SUMMARY

FINAL ENVIRONMENTAL IMPACT REPORT RESPONSE TO COMMENTS

INTRODUCTION

This Final Environmental Impact Report (EIR) consists of the entire Draft EIR which incorporated herein by reference; written comments submitted to the City of Kingsburg regarding the Draft EIR; and the City's responses to those comments which are contained in this "Response to Comments" document. This Final EIR addresses adoption of the North Kingsburg Specific Plan, (General Plan Amendment 2005-02) plus pre-zoning, sphere of influence boundary changes and future annexations which comprise the Project. All written comments and responses to written comments are provided in Parts II and III.

All responses to comments have been prepared by Robert E. Grunwald, AICP, ASLA, President of Grunwald & Associates, City & Environmental Planning Consultants, of Sacramento, California. He was assisted by Mark Crane, Principal of the Crane Transportation Group, of San Francisco, California and by Bob Grunwald, Jr. Certified Arborist of Hanford, California. All responses have been reviewed by, and reflect the official position of, appropriate City staff, including the City Manager and Planning and Development Director.

The Draft EIR was circulated for 45 days for public review and comment as prescribed by law. Written public comments were received by Terry Schmal, Planning and Development Director for the City of Kingsburg.

In addition to this Final EIR, the City has prepared and will adopt a Mitigation Monitoring Program (MMP). The MMP sets forth the short-, medium- and long-range responsibilities of the City of Kingsburg (acting as Lead Agency), various agencies at state, regional and local levels (acting as Responsible Agencies), and private organizations and individuals for implementing the mitigation measures identified in the Draft and Final EIRs. The MMP will be available for public review at the offices of the Kingsburg Planning and Development Department, City Hall, 1401 Draper Street, Kingsburg, as of July 1, 2005.

ORGANIZATION OF COMMENTS AND RESPONSES

Letters of comment received by the City of Kingsburg on the Draft EIR are responded to in Parts II and III in the order listed below. Each Comment Letter is numbered in the upper right-hand corner of the first page of comment. Each Comment Letter requiring a response is followed by the response. Where more than one topic is commented upon, the comments are identified by a letter (A,B,C, etc.) along the left-hand margin of the page, with corresponding letters identifying the appropriate response.

Where similar comments have been received by more than one party, reference is made to the initial response to avoid redundant responses. Generally, comments on the General Plan Amendment and other components of the Project are responded to only where such comments are relevant to environmental concerns that are consistent with the purposes of the EIR and CEQA.

ORDER OF COMMENT AND RESPONSE

State and Regional Agencies

1. Governor's Office of Planning and Research, no response required.
2. California Department of Transportation (CalTrans), District 6, Fresno.

Local Agencies

3. Fresno County Department of Public Works and Development Services.
4. Kingsburg Planning and Development Department.

SUMMARY OF SIGNIFICANT CHANGES TO THE EIR

No significant change to the text of the Draft EIR have been recommended by commenting agencies.

PART II

**RESPONSES TO COMMENTS
BY STATE AND REGIONAL AGENCIES**

COMMENT LETTER 1



Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Jan Boel
Acting Director

September 30, 2004

Terry Schmal
City of Kingsburg
1401 Draper Street
Kingsburg, CA 93631-1908

Subject: EIR for North Kingsburg
SCH#: 2002091042

Dear Terry Schmal:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 29, 2004, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

A handwritten signature in cursive that reads "Terry Roberts".

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

COMMENT LETTER 1 (continued)

Document Details Report
State Clearinghouse Data Base

SCH# 2002091042
Project Title EIR for North Kingsburg
Lead Agency Kingsburg, City of

Type EIR Draft EIR
Description General Plan Amendment, North Kingsburg Specific Plan, changes to the City's sphere of influence boundaries, the phased pre-zoning of properties covered by the general plan and proposed specific plan, and eventual annexations of these properties to the City of Kingsburg.

Lead Agency Contact

Name Terry Schmal
Agency City of Kingsburg
Phone 559 897.5328
email
Address 1401 Draper Street
City Kingsburg
State CA **Zip** 93631-1908
Fax

Project Location

County Fresno
City Kingsburg
Region

Cross Streets

Parcel No.	Range	Section	Base
Township			

Proximity to:

Highways
Airports
Railways
Waterways
Schools
Land Use Various

Project Issues

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 4; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 6; Department of Housing and Community Development; Native American Heritage Commission; Public Utilities Commission; Department of Toxic Substances Control; Regional Water Quality Control Bd., Region 5 (Fresno)

Date Received 08/16/2004 **Start of Review** 08/16/2004 **End of Review** 09/29/2004

RESPONSE TO COMMENT LETTER 1
Governor's Office of Planning and Research

No response required.

COMMENT LETTER 2

DEPARTMENT OF TRANSPORTATION

1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 445-5868
FAX (559) 488-4088
TTY (559) 488-4066



Flex your power!
Be energy efficient!

September 29, 2004



2131-IGR/CEQA
6-FRE-GEN
DRAFT EIR
KINGSBURG SPECIFIC PLAN
SCH 2002091042

Mr. Terry Schmal
City of Kingsburg
1401 Draper Street
Kingsburg, CA 93631

Dear Mr. Schmal:

We have completed our review of the North Kingsburg Specific Plan Draft EIR. The document consists of a general plan amendment, pre-zoning, sphere of influence boundary change, and a specific plan. It extends the area of potential residential development north of Kamm Avenue to the northern right-of-way line of Caruthers Avenue. This would add approximately 380 acres of low density residential reserve, and change 90 acres of low density residential reserve north of Kamm Avenue to low density residential. Also, 20 acres of light industrial and 20 acres of low density residential between Stroud and Kamm Avenues would be changed to medium density residential. The sphere of influence would be extended from Caruthers Avenue to the centerline of Mountain View Avenue. The western boundary would be extended about 1/4 mile. Caltrans has the following comments:

A

The study identifies impacts to the State Route (SR) 99 off-ramp intersections at Mountain View and the northbound off-ramp to Bethel Avenue. There would also be an impact to the southbound on-ramp from Bethel Avenue (see Impact 4-3-1, Intersection Operation). Mitigation Measure MM 4-3-1 appears to recommend collecting fair share contributions for improvements to these intersections. For the southbound off-ramp to Mountain View Avenue, improvements would include signaling the intersection when warrants are met and providing a westbound left-turn lane. For the northbound off-ramp to Mountain View Avenue, improvements would include relocating the off-ramp to conform with the northbound on-ramp (see Figure IV-23), signaling the intersection, and providing an eastbound left-turn lane. An alternative design with added loop on-ramps in the northwest and southeast quadrants should be considered. It should also be noted that the bridge will likely need raising or replacing when additional lanes are required.

Mr. Terry Schmal
September 29, 2004
Page 2

B. For the two ramp intersections at Bethel Avenue, proposed improvements include signaling both intersections and placing left-turn lanes on Bethel Avenue at the southbound on-ramp.

C Figure IV-22 indicates a proposal to replace the existing northbound on-ramp from Bethel Avenue with a new on-ramp that conforms to the northbound off-ramp. Current design standards allow a skew angle of 75 degrees without an advisory design exception.

D The southbound off-ramp to Kamm Avenue is an isolated ramp and would require an advisory design exception to perpetuate with any major improvements. The scissors configuration would also need to be eliminated.

E It is recommended that the City of Kingsburg develop a funding strategy for future widening of the Mountain View structure. It should be noted that Caltrans has begun collecting pro-rata share contributions as mitigation from new development with traffic impacting this interchange.

Please send a response to our comments prior to staff's recommendations to the Planning Commission and the City Council. If you have any questions, please call me at (559) 445-5868.

Sincerely,



MICHAEL NAVARRO
Office of Transportation Planning
District 06

C: David Peters, Peters Engineering

RESPONSE TO COMMENT LETTER 2
California Department of Transportation District 6, Fresno

- A. No question asked or information requested; comment noted and accepted.
- B. No question asked or information requested; comment noted and accepted.
- C. No question asked or information requested; comment noted and accepted.
- D. No question asked or information requested; comment noted and accepted.
- E. It is agreed that the City of Kingsburg should provide a fair share contribution towards needed improvements at the Mountain View Avenue interchange with the State Route 99 freeway from development that occurs within the North Kingsburg Specific Plan area. The precise amount of the contribution shall be determined by a formula to be negotiated by the City with County and CalTrans staff.

The formula for fair share mitigation recommended in past EIRs of the City provided that ambient traffic from existing development would not be included in the formula. That formula previously recommended by CalTrans is as follows:

$$\frac{\text{Project Volumes}}{\text{Future Volumes minus Existing Volumes}}$$

The City believes that the formula should also reflect funding that can be obtained from the State for State facilities and from other cities and rural areas served by the Mountain View Avenue interchange within the County of Fresno.

PART III
**RESPONSES TO COMMENTS
BY LOCAL AGENCIES**



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ANDREW E. RICHTER, INTERIM DIRECTOR

October 11, 2004

VIA FACSIMILE (559) 897-5568

City of Kingsburg
Mr. Terry Schmal, Planning & Development Director
1401 Draper Street
Kingsburg, CA 93631

Dear Mr. Schmal:

Subject: Draft Environmental Impact Report
GPA, Rezoning, SOI Changes & Future Annexations
North Kingsburg Specific Plan

The Department of Public Works and Planning, Development Services Division, has reviewed the North Kingsburg Specific Plan and its EIR and compliments the City for its effort to plan for future expansion of the City and maximize the available land resources. We would like to offer comments and raise questions in the following areas:

Annexations and Sphere Expansion

A.

Regarding Annexation Proposals, EIR page II-7, reference is made to LAFCo policy relative to annexations. The text should appropriately include reference to the Memorandum of Understanding (MOU) between the City of Kingsburg and the County of Fresno and specifically to the Standard for Annexation that is an important aspect of the MOU. It is this agreement between the City and County that guides the timing and circumstances for annexations.

B.

Regarding the proposed changes to the Kingsburg Sphere of Influence (SOI), it may be appropriate to note that the MOU will need to be amended before any annexation of area within an expanded Sphere of Influence is annexed. This would be accomplished through negotiations between the City Council and the Board of Supervisors and ideally would occur prior to submittal of the application for SOI expansion to LAFCo.

C.

The plan shows that the northerly SOI expansion area of 480 acres is to be designated agriculture. It is not clear why the City proposes to add this area to its SOI because the agricultural uses can be preserved within the County. The County General Plan directs urban development to cities and assumes a County role of preserving and protecting agricultural lands. Nearly a quarter of this area is under Williamson Act Contract. The agricultural designation, under the provisions of the City-County Memorandum of Understanding would preclude the annexation of this

COMMENT LETTER 3 (continued)

Terry Schmal
October 8, 2004
Page 2

area. Page II-8 suggests a potential concern with the location of the Selma SOI in relation to the Kingsburg SOI but the Mountain View boundary is only a common area near Golden State Blvd, 1/2 mile west of Bethel.

If urban services and land uses for this north area are not planned at this time and essential to the future development of Kingsburg it may be more appropriate to delay the consideration for expansion to the north. If the SOI expansion is approved, then the County would inquire if the City would be requesting the County to consider alternate zoning such as a limited agricultural zoning district. Also, if the area were added to the SOI it should be assumed that it would encompass all of Mountain View Avenue.

The proposed removal of Sphere area east of Madsen Avenue is understandable and an acceptable proposal.

D,

The City is also proposing to expand the SOI with the addition of 300 acres west of Bethel. It is not clear what the intended land use designation for the area is and where the development of this area is included in the City's General Plan and if services are planned. Page II-8 of the Draft EIR includes the sentence "The addition of SOI territory will further the establishment and maintenance of mutually advantageous land use policy along the common border (with SKF)." It is not clear what mutually advantageous land use policy is and what the resulting land use proposals are. While the desirability of development on both sides of the arterial street to ensure full improvement of the roadway can be understood it is not apparent that a land use plan for the area has been developed, and that there is a need for additional urban-designated land in the 20 year planning period. Therefore it appears that the westerly expansion is premature.

Water Policy

E.

Specific Plan Objective 4A encourages the incorporation of waterways and lakes throughout the NK Village as elements of visual amenity, as part of the systems of public and private open space and surface water drainage within North Kingsburg.

The text of the Specific Plan gives the impression that the waterways and lakes would have a water source other than solely drainage water. Discussion of the use of waterways and lakes and the impacts was not found in the EIR. There is a potential significant impact on groundwater if that is the source of lake-water. Use of surface water from Consolidated Irrigation District would be a more acceptable source provided that the lakes and waterways are not lined but rather allow for percolation and groundwater recharge. The latter alternative would be consistent with the County General Plan Policy.

Williamson Act

The proposal contains many parcels restricted under Williamson Act contracts. The loss of prime agricultural lands and the incremental increase in urbanization will have a detrimental effect on the underlying economic viability of agriculture in the County.

COMMENT LETTER 3 (continued)

Terry Schmal
October 8, 2004
Page 3

F.

In the immediate vicinity of the proposal, lands under contract will be threatened by urban encroachment as will other farming parcels. Prior to annexation and development of such lands, nonrenewal and/or the cancellation of Agricultural contracts must be initiated by landowners. Annexation may not proceed prior to the relief of a parcel/parcels from Ag. contract development limitations.

Consideration should be given to the design, layout, and operational characteristics of uses in the project area so as to minimize impacts to existing surrounding rural and agricultural operations. To help protect the on-going use adjacent agricultural lands and reduce potential conflicts with the planned residential uses it is recommended that a mitigation measure or condition of approval be imposed on any development to require that a right-to-farm notice be recorded on all parcels in accordance with City policies.

Design

G.

The DEIR does not adequately mitigate impacts from traffic generated by the project that will significantly impact roads and intersections within the County's jurisdiction.

H.

The project should contribute a prorata share for improvements to intersections and road segments on Mountain View from Mendocino Avenue to State Highway 99.

I.

The project also failed to study the impacts on Academy Avenue north of Mountain View from traffic generated by this project.

Road Maintenance & Operations

J.

All SOI adjustments or annexations should include all of the road right-of-way for all boarder roads such as Mountain View, Madsen, and Bethel. Creation of City-County half-streets should be discouraged and avoided.

K.

The Fresno County Department of Community Health, Environmental Health System has reviewed the Introduction and Executive Summary for above subject document and offers the following comments:

- Drinking water which meets state quality standards for public water systems is a precious commodity which must be protected. Existing standards for water well construction and destruction are designed to protect groundwater quality, thereby protecting the public health. The expense associated with proper destruction of a well is infinitesimally small in comparison to the expense of cleaning up contaminated groundwater.

The Fresno County Department of Community Health is concerned that abandoned water wells are not being properly destroyed, particularly with respect to new development projects. As city boundaries expand, community services are provided

COMMENT LETTER 3 (continued)

Terry Schmal
October 8, 2004
Page 4

to areas originally served only by individual domestic and agricultural wells. Improper abandonment of such wells presents a significant risk of contaminating the city's community water supply. For this reason, when development occurs, it is extremely important to ensure the safe and proper destruction of all abandoned water wells.

Prior to destruction of any existing agricultural wells, a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Transportation of these materials on public roadways may require special permits and licensure.

The Department of Community Health is available to provide consultation in cooperation with the City of Kingsburg in order to encourage the proper destruction of wells and safeguard our water quality. City staff may contact Ed Yamamoto, Water Surveillance Program, at (559) 445-3357 for more information.

- The Community Health Department recommends that any existing rural residential parcel(s) be required to connect to the Selma-Kingsburg-Fowler sewer system in the event of a failure of the existing sewage system(s), and that no building permits be issued for repair of such a system whether or not the mandatory three (3) year connection requirement has expired.

We appreciate the opportunity to comment on the project. If you have any questions, please telephone me at (559) 262-4334.

Sincerely,



Rick Thaxton, Planning & Resource Analyst
Development Services Division

RT
G:\4360Devs&Plan\EnvPlan\OAR\Kingsburg DEIR GPA SOI Annex\CmntLtr.doc

- c: Bernard Jimenez, Development Services
Teresa Acosta-Mena, Development Services
Stan Nakagawa, Design
Robert Thompson, Road Maintenance & Operations
Kathleen Boyer, Environmental Health System

RESPONSE TO COMMENT LETTER 3

County of Fresno Public Works and Planning Department

Annexations and Sphere Expansion

- A. Comment noted. Since there are no specific proposals for annexation included as part of the Project, reference to the Memorandum of Understanding with the County serves no particular purpose associated with the purpose of the Project EIR under discussion. The City is well aware of the guiding principles contained in the Memorandum referred to by the comment.
- B. Comment noted. As under Paragraph A above, the City is well aware of the process required in proposing any future annexation with the area proposed for inclusion within the City's northern sphere of influence boundary.
- C. The reason for the proposed northern expansion of its sphere of influence boundary to the centerline of Mountain View Avenue is clearly stated in the second paragraph under Item 1 on page II-8 of the Draft EIR. It should be noted that the City's ability to exert influence over development that might be proposed to the County would be seriously impaired if the acreage in question were to be left out of the City's sphere of influence boundary. The centerline of Mountain View Avenue has long been recognized by officials of the cities of Selma and Kingsburg and Local Agency Formation Commission staff as the logical dividing line of their respective areas of interest.
- D. The City is about to undertake the preparation of a Specific Plan for West Kingsburg similar to the program recently completed for North Kingsburg. Expansion of the City's westerly sphere of influence boundary at this time is in anticipation of preparing the West Kingsburg Specific Plan. The work program for that Specific Plan provides for prescribing a land use pattern within the quarter-mile strip to be added west of Bethel Avenue that will be mutually beneficial to the City and Selma-Kingsburg-Fowler County Sanitation District. The land use proposals for this quarter-mile strip extending north from Clarkson Avenue to Freeway 99 will be selected as the first major task of the West Kingsburg Specific Plan program.

Since the last general plan amendment for West Kingsburg occurred eight years ago, with much of the land involve having been urbanized, it is logical that the City extend the effective planning period an extra 12 years to maintain a 20-year perspective of future development.

Water Policy

- E. The use of lakes and waterways as an amenity in residential areas has been a common occurrence in many subdivisions in north Fresno and the Clovis urban area. Their use in the Kingsburg area being considered as a matter of policy for the first time, but specific

proposals (if any actually emerge) have yet to be developed. If and when a proposal does emerge, additional environmental review for that purpose will be required. At this point, the logical source of water is the groundwater basin which is very stable in the Kingsburg area. If groundwater were to become the source for a residential lake, the quantity of groundwater now pumped for agricultural use or surface water delivered to agricultural users by the Consolidated Irrigation District would be logical sources to consider, along with supply from Kingsburg's municipal water system. As noted above, the source and probable impact of water use would of necessity require further environmental analysis if one or more lakes or waterways are proposed in the future.

Williamson Act

- F. The impact of removing agricultural lands from production is well documented in the Draft EIR, including mitigation measures that recognize the need to protect agricultural lands from premature conversion to urban use and the need to avoid urban-agricultural conflicts. The City of Kingsburg adopted a Right-To-Farm Ordinance in the 1990s that requires notice to all prospective buyers of residential lots and homes or renters to be aware of the rights of adjacent agricultural operators to continue agricultural operations.

It is to be noted that the State Departments of Agriculture and Conservation did not respond to the Draft EIR. Therefore, the adequacy of the discussion has not been questioned by these State agencies even though they did recommend such discussion in responding to the Notice of Preparation.

Design

- G. No specifics are provided in the comment regarding the roads and intersections within the County that were not evaluated in the Draft EIR. The Draft EIR traffic analysis fully identifies project traffic impacts and needed mitigation along Mountain View Avenue at major intersections, as well as at its interchange with the State Route 99 freeway. This County roadway would receive the largest traffic volumes due to the proposed project. Consideration of impacts outside the Kingsburg urban area suggests that the County would have to have an agreement with all cities on how such impacts would have to be measured.
- H. It is agreed that the City of Kingsburg should make a fair share contribution towards improvement needed to intersections and roadway segments along Mountain View Avenue from Mendocino Avenue to the State Route 99 freeway interchange. The formula to determine fair share contributions should be developed with County and, where appropriate, CalTrans staff.
- I. The proposed fully developed project (by 2025) is projected to add an additional 35 two-way afternoon peak hour trips to Academy Avenue north of Mountain View Avenue for a total two-way volume of 355 vehicles per hour. This level of peak hour traffic could be accommodated acceptably on a two-lane roadway. This level of traffic increase would not produce a significant impact and no mitigation would be required.

Road Maintenance and Operations

- J. The City intends to eventually annex all of the road right-of-way required for Bethel and Clarkson Avenues and continue to include all of Madsen Avenue within the City as northern urban expansion occurs. However, Mountain View Avenue is a County expressway serving a considerable population in southeast Fresno County from Selma and Kingsburg easterly to Dinuba, Cutler-Orosi and beyond. The northern half of the Mountain View Avenue right-of-way immediately east of the State Route 99 freeway lays within the Selma sphere of influence, while the southern half at this location lays within the City of Kingsburg's sphere of influence. This division between the spheres of both cities should continue easterly, with development in each sphere contributing fair share contributions to widening Mountain View Avenue to expressway status. Such division is in itself the first step in assuring fair share contributions from each City as annexations and developments occur within each sphere.

- K. The City of Kingsburg is well aware of laws and regulations that are necessary to the protection of the groundwater basin. The City's municipal water system is made to comply with such law and regulation on a continuous basis as the system expands to serve new development. An important standard of the City that is applied to all tentative subdivision and parcel maps (and site plans where appropriate) is to require that any on-site wells be abandoned and destroyed in accordance with state and county standards. The reminder offered by the County is noted and accepted.

- L. The comment is noted and accepted.



City of Kingsburg

1401 Draper Street, Kingsburg, California 93631-1908 (559) 897-5821 Fax (559) 897-5568

October 18, 2004

Robert E. Grunwald, President
Grunwald and Associates
350 Rivergate Way
Sacramento, CA 95831
FAX: (916) 429-1310

Leland E. Bergstrom
Mayor

Dr. Paul Kruper
Mayor Pro-Tem

COUNCIL MEMBERS
Bruce Blayney
David Karstetter
Dr. Milo Smith

Donald F. Pauley
City Manager

SUBJECT: PRESERVATION OF SIGNIFICANT TREES IN NORTH KINGSBURG

Dear Bob,

M.

This is a formal request to include within the North Kingsburg Specific Plan and Environmental Impact Report a description of the process to be used in identifying and preserving significant trees located within the planning area. We have previously discussed the value of such a process.

The variations in terrain and the presence of landmark trees and substantial groves are among the features that make North Kingsburg interesting and unique. These trees are assets that should be nurtured and accentuated as they are surrounded by development.

Thank you for your interest in maximizing these resources.

Sincerely,

Terrence J. Schmal
Planning and Development Director

RESPONSE TO COMMENT LETTER 4
Kingsburg Planning and Development Director

- M. The following procedures should be added as Appendix G of the North Kingsburg Specific Plan as a matter of policy affecting all development applications within the North Kingsburg planning area:

APPENDIX G

PROCESS FOR INTEGRATING AND PRESERVING EXISTING MATURE TREES WITHIN THE NORTH KINGSBURG PLANNING AREA

1. Inventory

The first step in the process is to inventory all existing mature trees within the area covered by any type of development application, including subdivisions, parcel maps, Planned Unit Developments, site plans and Conditional Use Permits. The inventory shall include the following information: genus and species (botanical and common names), height, trunk diameter taken at chest height (approximately five feet above the ground), approximate age and location. Tree locations are to be mapped at the scale of the project design.

2. Inspection

A field inspection of all trees identified in the inventory shall be conducted to determine the overall condition of each tree.

3. Assessment

Using the information gathered during the inspection, an assessment shall be prepared identifying those trees worthy of preservation that would make a viable aesthetic contribution by being integrated into the project design. Tree species to be used in new plantings for the project shall be selected in an attempt to incorporate those species already represented among mature trees growing on the project site where practicable. Those trees inventoried that are not deemed viable for preservation due to a poor or hazardous condition, disease, undesirable species, location or other negative factor should then be considered for removal.

4. Preservation

A Tree Preservation Program shall be instituted to protect those trees deemed viable, useful and worthy of integration into the project design. Some of the elements to be considered would be protection of the root zone from soil compaction, cutting and filling during site grading, and during the construction of site improvements and structures. Provision shall be made for watering trees during project construction. Any pruning or

other treatment found to be necessary for the health and viability of those trees to be preserved shall be listed and implemented for each tree.

5. Certified Arborist Services Required

The above process shall be conducted by a qualified consulting arborist certified by the International Society of Arboriculture as selected by the City, with the cost of these services to be the responsibility of the project applicant and/or developer.

MITIGATION MONITORING PROGRAM

North Kingsburg Specific Plan, Including General Plan Amendments, Sphere of Influence Boundary Changes, Pre-Zoning and Future Annexations

July 2005

SECTION 1 - INTRODUCTION

In compliance with Public Resources Code Section 21081.6, the Kingsburg City Council does hereby establish the Mitigation Monitoring Program (MMP) for the proposed North Kingsburg Specific Plan and related entitlements, hereinafter referred to as the "Project". This Program ensures compliance with all mitigation measures included in the Final EIR prepared for the aforementioned Project. It allows the City and its citizens, along with other affected agencies, to verify compliance with mitigation measures, and serves to provide specific information regarding the effectiveness of particular mitigation measures.

A. Monitoring Checklist

Project mitigation measures identified to mitigate or avoid significant effects on the environment have been incorporated into a Checklist (attached as Table 1) which is intended as a summary of the full program for ready reference. Mitigation measures are listed both separately and by environmental topic in the Checklist. Appropriate space is provided to monitor progress in the implementation of each measure.

B. List of Permitting Agencies

A list of state and local agencies having responsibility for issuing various types of permits required before new urban development can occur under certain situations is included after the Checklist.

C. Characteristics of the Monitoring Program

1. Program-Level Mitigation Monitoring:

The overall monitoring for impacts resulting from the Project will be conducted by the Planning and Development Department, City Engineer and Public Works Department on behalf of the City.

2. Project-Level Mitigation Monitoring:

Mitigation measures to be monitored as part of Project implementation will be the primary responsibility of the Planning and Development Director to be assisted by the City Engineer, as appropriate, on behalf of the City. Most of the mitigation measures can be monitored through the preparation of staff reports for tentative

subdivision maps, site plans and other entitlements, and by preparation and checking of engineering and improvement plans for various development projects and through field inspection.

As City staff reviews each stage of project development, maps and plans will be checked by each agency having jurisdictional responsibility for review. Mitigation measures specific to the project are to be classified into project design monitoring and on-going monitoring, as follows:

- a. *Project Design Monitoring:* Project design monitoring involves mitigation measures that are to be incorporated into the specific project design to mitigate one or more impacts identified in the EIR approved by the City. For the most part, these measures will be shown on site plans and required improvement drawings prepared by or for the City. Site plans, improvement plans or agreements shall not be approved until the appropriate mitigation measures have been duly incorporated and/or implemented. Verification of compliance will be noted on the Checklist, and the Checklist shall be signed off and dated thereby completing the monitoring process for each measure.
- b. *On-going Measure Monitoring:* An on-going mitigation measure is one that continues over a period of time (for example, control of dust during grading operations and traffic improvements that may be needed in the future). The process followed will be similar to that for project design monitoring except that the status of each on-going measure will be noted periodically until no longer needed. Such monitoring may have to occur both before development construction and after such development becomes operational. The Department of Public Works may be required to submit periodic reports regarding such on-going measures to the Planning Commission and City Council.

D. Outside Agency Monitoring

Mitigation monitoring which is the responsibility of agencies other than those of the City (for instance, California Department of Transportation District 6) shall be managed by such agencies. The City shall notify such agencies when specific mitigation measures pertaining to their areas of responsibility or jurisdiction are proposed for inclusion in project approvals so that these agencies can develop a program for review with the City which outlines the proposed monitoring.

E. Changes in Mitigation Measures

If as a result of the monitoring program the City determines that one or more mitigation measures is ineffective, physically infeasible or is not achieving the intent of the measures, or if a measure becomes unnecessary, the City may, with the approval of any

outside agency having jurisdiction, modify, add or delete mitigation measures to achieve the intent of the original mitigation measures.

F. Responsibility of Lead Agency; Public Records

As the Lead Agency, the City of Kingsburg will be responsible for coordinating the mitigation monitoring program responsibilities of all parties to the process. The results of the MMP shall be summarized and filed with each development project file maintained by the City so that all interested parties can easily obtain information on the status of mitigation measure implementation.

PRELIMINARY LIST OF PERMITTING AGENCIES AND PERMITS REQUIRED

The following agencies have been identified as having some jurisdiction over development projects encompassed by the North Kingsburg Specific Plan and related entitlements:

A. California Environmental Protection Agency (EPA), Air Resources Board (ARB); and San Joaquin Valley Air Pollution Control District (SJVAPCD):

ARB will mediate the resolution of any conflicts on air quality compliance that may arise with the San Joaquin Valley Unified Air Pollution Control District or Federal EPA.

1. Permit required by SJVAPCD for:
 - a. Authority to construct a facility or equipment which may emit pollutants from a stationary source to assure compliance with national, state and regional emission standards.
 - b. Permit to operate. Same as under a, above.
2. Contact: SJVAPCD, (559) 230-5800, 1990 East Gettysburg Avenue, Fresno, CA 93726.

B. California Department of Transportation (CalTrans):

1. Permits required for any form of encroachment into right-of-way of Sierra Street (State Route 201) including placement, planting or removal of vegetation, modification of road approaches and grading.
2. Approval of engineering drawings for and inspections of construction to Sierra Street.
3. Contact: District 6, CalTrans, 1352 West Olive Street, Fresno CA 93778, (559) 488-4088.

C. Selma-Kingsburg-Fowler County Sanitation District (S-K-F):

1. Permits required for connection to SKF sewerage system.
2. Contact: S-K-F General Manager, 11301 E. Conejo Avenue, Kingsburg, CA 93631, (559) 896-4420.

TABLE 1, Page 1 of 3 - Agricultural Resources
Checklist for Mitigation Monitoring Program, EIR for North Kingsburg Specific Plan and Related Activities

Mitigation Measures Part IV of the Project Environmental Impact Report for a detailed description)		(See	Local Party Responsible	Outside Agency Responsible	When Required	Date of Completion	Agency to Verify
4-1-1	Continue current policies of the General Plan that discourage the premature conversion of agricultural land to urban use, including the Urban Limit Line and Right to Farm Ordinance.		Planning and Development Department		During review of development proposal		Planning Department
4-1-2	Coordinate the phased non-renewal of Williamson Act contract.		Planning and Development Department		Prior to submitting development proposal		Planning Department
4-1-3 and 4-1-4	Establish barriers to interface between urban and agricultural lands to reduce		Planning and Development Department		Prior to sale of parcels		Planning Department

North Kingsburg Specific Plan and Environmental Impact Report

Mitigation Monitoring Program

**TABLE 1, Page 2 of 3 - Air Quality Management
Checklist for Mitigation Monitoring Program, EIR for North Kingsburg Specific Plan and Related Activities**

Mitigation Measures Part IV of the Project Environmental Impact Report for (See a detailed description)		Local Party Responsible	Outside Agency Responsible	When Required	Date of Completion	Agency to Verify
4-2-1	Short-term construction impacts: stabilization of dust during site preparation, grading demolition, transfer of materials, removal of mud and dirt, washing of equipment, suspending activity during windy conditions, erosion control and maintenance of equipment.	Developer		During construction activities		City Engineer and San Joaquin Valley Air Pollution Control District
4-2-2	Long-term regional impacts: provide bus turnouts, park-and-ride lots, pedestrian- and bicycle-enhancing infrastructure, carpools and vanpools, employee shops and services, and encouragement of compressed work schedules and home-based telecommuting.	Developer, commercial and industrial operators	San Joaquin Valley Air Pollution Control District	During and after construction activities		Planning Department, City Engineer, San Joaquin Valley Air Pollution Control District
4-2-3 and 4-2-4	Integrate driveway design of commercial sites and utilize extensive landscaping of streets and parking bays.	Developer		During subdivision review or site plan review		Planning Department
4-2-5	Provide street and highway improvements as called for by the Project Environmental Impact Report	Developer and City		During subdivision review or site plan review		Planning Department and City Engineer
4-2-6	Mitigation through residential and commercial construction techniques including fireplace inserts, natural gas fireplaces, electrical outlets for yard equipment, energy-efficient appliances, permits for internal combustion engines	Developer, Building Official		During building permit processing		Building Official

**TABLE 1, Page 3 of 3 - Transportation, Circulation and Traffic
Checklist for Mitigation Monitoring Program, EIR for North Kingsburg Specific Plan and Related Activities**

Mitigation Measures Part IV of the Project Environmental Impact Report for a detailed description)	(See a detailed description)	Local Party Responsible	Outside Agency Responsible	When Required	Date of Completion	Agency to Verify
1	Intersection operation: provide intersection improvements on Mountain View, Bethel, Kamm, and Stroud Avenues and Sierra Street and on freeway interchange ramps as described in the Project Environmental Impact Report	Developer and City	California Department of Transportation	Subdivision review, site plan review and construction		City Engineer and San Joaquin Valley Air Pollution Control District
2	Freeway operation: provide fair-share contributions to the costs of improving freeway interchange operations.	Developer and City	California Department of Transportation	Subdivision review, site plan review and construction		Planning Department, City Engineer, and CalTrans
3	Intersection spacing and turn lanes: Provide proper driveway spacing and acceleration and deceleration turn lanes along Bethel Avenue, Golden State Boulevard and Mountain View Avenue as described in the Project Environmental Impact Report.	Developer	California Department of Transportation	Subdivision review, site plan review and construction		Planning Department, City Engineer, and CalTrans
4	Access to employment and commercial areas: maximize driveway locations to employment and commercial areas, provide right and left turn lanes to driveway approaches, provide continuous left turn lanes in areas of high driveway concentrations alternating with median landscaping; minimize median breaks along Golden State Boulevard, and provide left turn lanes from Simpson Street onto Stroud Avenue.	Planning Department and City Engineer	California Department of Transportation	During review of development proposal		Planning Department and City Engineer

SECTION 2 - MITIGATION MONITORING PROGRAM

FORMAT AND CONTENTS

The Mitigation Monitoring Program (MMP) is organized under the same topic structure and order contained in the EIR prepared for the Project by the Kingsburg Planning and Development Department. The MMP consists of a separate page (or pages) devoted to a given impact and the mitigation measures applicable to that impact.

The MMP specifies the following information for each set of impacts and applicable mitigation measures:

Impact: Lists the topical impacts which trigger the mitigation requirement(s). The level of significance is shown in boldface type.

Mitigation Measures: Lists the mitigation measures which correspond (by number) to a given impact.

Responsibility for Implementation: Identifies the public agency or party responsible for carrying out required mitigation. In some cases, responsibility will be shared.

Timing of Implementation, Monitoring and Verification: Indicates when various mitigation, monitoring and verification of mitigation is to be performed or accomplished. Where appropriate, timing is linked to the development review and approval processes of the City. Examples include the review of tentative subdivision maps site plans and the issuance of a building permit or certificate of occupancy.

Responsibility for Monitoring and Verification: Indicates the agencies or individuals responsible for the actual monitoring required and to assure verification of compliance (and enforcement if necessary) by the party responsible for implementation. In some cases, responsibility may be shared.

4-1 AGRICULTURAL RESOURCES

Project Impacts

Impact 4-1-1: The loss of productive agricultural land resulting from development under the General Plan amendments will be irreversible, requiring statements of overriding considerations if the Project is to be approved by the City. A shift in crops from project proposal sites to other lands in Fresno, Tulare or Kings Counties not now in agricultural production is not likely because of the small acreage involved and the general unavailability of Prime agricultural lands for similar crops in these adjacent counties. Unless such a shift is initiated by a public or non-profit agency, or unless the “no project” alternative is selected, the loss of agricultural land to urban use becomes irreversible (**significant impact**).

Impact 4-1-2: Implementation of the project will result in the cancellation of Williamson Act contracts for the lands under contract shown on Figure IV-I in the Project EIR **(significant impact)**.

Impact 4-1-3: It is reasonable to assume that conflicts will occur at the agricultural-urban interface as phased development occurs. Conflicts affecting the farmland owners and operators concern trespass, vandalism, theft, major damage to equipment and liability in the event of harm to trespassers that may occur from normal farming operations or from unauthorized use of farm equipment. Conflicts affecting residential neighbors concern spray drift of pesticides and herbicides, noise from farm equipment, dust from farm operations and wind-borne odors **(potentially significant impact)**.

Impact 4-1-4: Other potential impacts involve a shifting in the location where urban agricultural conflicts may occur from the current interface between urban and agricultural lands to other locations where urban expansion will occur **(potentially significant impact)**.

Impact 4-1-5: The conversion of farm land to urban use will have some positive benefits such as elimination of use of agricultural pesticides, dust from plowing and discing operations and farm wastes **(significant positive impact)**.

Impact 4-1-6: The nearly 80 acres under Williamson Act contract that lays between Kamm Avenue and the existing urban limit line one quarter mile north of Kamm Avenue could possibly be adversely affected if annexation to the City occurred prior to expiration of the contracts **(potentially significant impact)**.

Mitigation Measures

MM 4-1-1: A functional equivalent to a shift of croplands to other locations would be a commitment by the City of Kingsburg to continue current policies of its General Plan to not encourage the premature conversion of other agricultural land to urban use. Adoption of the Urban Limit Line in 1994 has reinforced these policies. Since certification of the General Plan EIR in July, 1992, the City has adopted a “right to farm” ordinance as an overall mitigation measure needed to protect agricultural operations from premature pressures for conversion to urban use. Further support is provided by policies of the North Kingsburg Specific Plan that seek a balanced approach to adding urbanization on farmlands south and west of town as well as to the north.

It is to be noted that the City is seriously constrained in the long term from seeking a balanced urban pattern centering on the City's central business district because of:

- The diagonal Fresno-Tulare County boundary line that passes through the community on a northeast-southwest alignment;
- Limited acreage to the south before crossing into Tulare and Kings Counties; and

- Limited acreage to the west before encroaching on the SKF wastewater treatment facility.

Another limiting factor is the high-quality agricultural production that occurs on Prime agricultural lands east of Madsen Avenue that the City has protected by not planning for City expansion in that direction.

MM 4-1-2: A policy of the North Kingsburg Specific Plan calls for assistance by the City in working with landowners to start the process of non-renewal of Williamson Act contracts. While ultimate elimination of these contracts will occur, it is desirable to phase non-renewal in keeping with the City's overall growth management program to avoid premature cancellation of contracts.

MM 4-1-3: As phased development occurs, fencing or other suitable barriers should be established at the interface between the phases that are developing and adjacent to agricultural lands so as to reduce the potential of urban-agricultural conflicts resulting from trespass, vandalism, crop and equipment damage, and theft.

MM 4-1-4: To reduce the potential for adverse impacts from agricultural operations upon residential areas, an interface buffer zone shall be provided between the line of residential or industrial development and the nearest line of farmland, with fencing of each line to discourage trespass. This buffer should be assured as a condition of development approval, with removal of the buffer not to occur until the next phase of urban expansion is approved and undertaken. The width of the buffer will necessarily vary depending on local circumstances of land ownership and operation. Where the interface separation cannot be attained by the location of an existing public road, the buffer should be a minimum of 100 feet in width.

MM 4-1-5: To reduce the chance of spray drift hazards, agricultural operations shall comply with Fresno County restrictions on the distance that pesticides can be applied to environmentally sensitive areas, such as residential areas, schools, parks, waterways and livestock. The distances required vary with the type of pesticide and method of application.

MM 4-1-6: Adverse impacts on land covered by Agricultural Land Conservation Contract prior to contract expiration will be avoided if the City assumes responsibility for contract management if annexation occurs before expiration. It is to be noted that the conversion of the first of such parcels to urban use is not expected before 2006.

Responsibility for Implementation: The Planning and Development Department, with assistance from the City Engineer.

Timing of Implementation, Monitoring and Verification: Conditions of approval for individual project, including improvements or construction, will be determined as part of the

development review and permitting process of the City. Any mitigation required as part of building construction (for example, fencing) will be accomplished during the building permit approval process.

Responsibility for Monitoring and Verification: The Planning and Development Director and Building Official will be responsible for monitoring all measures except that those measures pertaining to site improvements, which will be monitored by the City Engineer.

Action by Monitor: Verification of mitigation implementation will be accomplished through the review of plans and specifications and by field inspection as appropriate.

4-2 AIR QUALITY

Project Impacts

Total emissions are products of all criteria pollutants from motor vehicle trips generated by the project. Calculations include estimates of average trip length, trip generation rates, emissions per mile based on speed and year of concern, plus a correctional factor for cold and hot engine starts. At full development, the project proposals are expected to generate new vehicle trips per day in

TABLE 2

PROJECTED EMISSIONS ASSOCIATED WITH THE PROJECT

(Tons per year)

SOURCES	Emissions Generated in tons per year (Emission projections from application of the URBEMIS7G computer model)		
	ROG	NO _x	PM ₁₀
Long-Term Horizon 2025			
Area Source	19.96	8.43	0.01
Mobile Source	73.27	138.66	5.33
Total	92.23	147.09	5.34
SJVAPCD Thresholds	10.00	10.00	
<p>Area source emissions associated with landscaping, natural gas and consumer products were estimated based on default model settings. Mobile source emissions were estimated based on default model settings, trip generation rates, correction for pass-by trips, double counting reduction for internal trips, pedestrian and bike effectiveness factors of 0.5, and the percentage trip reductions resulting from proposed pedestrian and bicycle enhancing infrastructure by 2025.</p>			

(Emissions projections from application of the URBEMIS7G computer model)

addition to the projection of total emissions expected for full development under policies of the General Plan. The estimated tons per year of additional emissions for criteria pollutants are shown in Table 3 (Table IV-3 in the Project EIR).

The results of modeling indicate that threshold levels of emission would be exceeded at project buildout for ROG (area and mobile sources) and NOx (mobile sources). However, it needs to be emphasized that these annual emissions will increase very slowly based on the City's growth management program that will distribute annual housing growth in a balanced fashion throughout the three growth quadrants of the City. It is also important to note that the emission projections consider all of the housing within the boundaries of the North Kingsburg Specific Plan, including a substantial number of units still to be constructed within the area of the existing General Plan along the north side of and south of Kamm Avenue as well as new residential acreage to be added by General Plan amendment north of Kamm Avenue to the line of Caruthers Avenue. By including substantial acreage already covered by the General Plan as well as new acreage, a more realistic view of air quality impacts at buildout is provided while also updating air quality analysis provided in the General Plan EIR in 1992.

The assumptions used in 1992 that no more than 50 percent of the acreage shown for industrial use along the Golden State Boulevard Corridor remains valid for purposes of this EIR. Even this percentage is ambitious as a target for industrial development based on the limited industrial expansion that has taken place since 1992.

Impact 4-2-1: While Project emissions exceed threshold levels for all pollutants except PM-10, anticipated effects of project emissions in the Kingsburg area and the South San Joaquin Valley will in themselves be insignificant. On a cumulative basis, however, they will add to an already serious problem under existing and projected conditions of emissions within the San Joaquin Valley Air Basin. The region will continue to experience fairly high episode days of ozone dosage above the State's one hour standard of 0.09 ppm (**potentially significant impact**). Overall effects will be reduced somewhat by the extent to which control equipment on mobile sources improves, and the extent to which traffic movement is facilitated by the avoidance of congestion through street improvements recommended in this EIR and by the reduction of commuting by the addition of local jobs. Another mitigating factor will be the substantial reduction in commuting distances for home to work for Kingsburg residents as the result of new employment opportunities within North Kingsburg. The traffic model used by the Fresno County Council of Government estimates that 45 percent of commute traffic will remain local because of growth in local employment opportunities.

Impact 4-2-2: Violations of Carbon Monoxide standards at heavily traveled intersections within the City are not expected if mitigation measures to increase roadway capacity along the Arterial street system and freeway on-ramps at Kamm-Bethel Avenues and Mountain View Avenue are applied as recommended by the Kingsburg General Plan and this EIR. (**less than significant impact**).

Regional and Local Construction Impacts

Impact 4-2-3: Under a worst-case condition, construction activities would generate temporary increases in total suspended particulates (TSP) within and near the Project proposals, depending on wind direction and velocity. Equipment will generate dust during site clearing, excavation and grading, and through construction vehicle dust generated on unpaved surfaces. Wind passing over disturbed soils will also produce fugitive dust (**potentially significant impact**).

Impact 4-2-4: Based on field measurement of suspended dust emission from apartment and shopping center construction, an approximate emission factor of 1.2 tons per acre of construction per month of activity is assumed (United State Environmental Protection Agency, Compilation of Air Pollutant Emission Factors, AP-42, Third Edition, October 1980). This value applies to construction operations of medium activity levels, moderate silt content and semi-arid climatic conditions. About 45 percent of this value is made up of large-diameter particles which are of concern as a soiling nuisance rather than for their adverse health effects. The remaining 55 percent could aggravate respiratory problems of workers and nearby residents. It is quite possible that State 24-hour average particulate standards could be violated without regular means being employed by construction contractors and monitored by the City and/or Air Pollution Control District in order to prevent adverse conditions even for short periods of time. Also, adverse impacts of wind-borne particulate can occur at levels of concentration considerably lower than those that exist under State and Federal minimum standards. In the event of such possibility, mitigation measures should seek to prevent as much off-site impact of wind borne particulate as reasonably may be possible (**potentially significant impact**).

Construction worker commute vehicles may also emit exhausts which will contribute to increases in local and regional pollutant concentrations. However, such increases would not be significant impacts and will not cause violations of established air quality standards.

Mitigation Measures

MM 4-2-1, Short-Term Construction Impacts: In accordance with the San Joaquin Valley Air Pollution Control District Guidelines, 2002, the following mitigation measures shall be incorporated and implemented during construction activities:

1. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covering with a tarp or other suitable cover or vegetative ground cover
2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressants.

3. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by pre-soaking.
4. With the demolition of buildings, all exterior surfaces of the building shall be wetted during demolition.
5. When materials are transported off-site, all material shall be covered or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
6. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.
7. Use of blower devices is expressly forbidden.
8. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
9. Trackout shall be immediately removed at the end of each workday when it extends 50 or more feet from the site.
10. Limit traffic speeds on unpaved roads to 15 miles per hour.
11. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.
12. Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.
13. Install wind breaks at windward sides of construction areas.
14. Suspend excavation and grading activity when winds exceed 15 miles per hour. Regardless of wind speed, an owner/operator must comply with the 20 percent opacity limitation included in Regulation VIII.
15. Limit area subject to excavation, grading and other construction activity at any one time.
16. On-site equipment shall be maintained and properly tuned in accordance with manufacturers' specifications.

17. When not in use, on-site equipment shall not be left idling.

MM 4-2-2, Long-Term Regional Impact: In accordance with the San Joaquin Valley Air Pollution Control District Guidelines, 2002, the following mitigation shall be incorporated and implemented during operation:

18. Provide bus turnouts at appropriate intervals on sections of the arterial street system.
19. Provide park and ride lots and/or satellite telecommuting centers.
20. Provide pedestrian-enhancing infrastructure that includes sidewalks and pedestrian paths, direct pedestrian connections, street trees to shade sidewalks, pedestrian safety designs and infrastructure, street furniture and artwork, street lighting, and/or pedestrian signalization and signage.
21. Provide bicycle enhancing infrastructure that includes bikeways, paths connecting to a bikeway system, secure bicycle parking at schools, parks and places of employment, and/or employee lockers and showers.
22. Implement carpool/vanpool programs such as carpool ride matching for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.
23. Through cooperation among multiple worksites, provide on-site shops and services for employees such as a cafeteria, bank, automated teller machine, dry cleaners, convenience market, etc.
24. Provide on-site child care, or contribute to off-site child care within walking distance, through cooperation among multiple worksites.
25. Provide preferential parking for carpool/vanpool vehicles.
26. Encourage compressed work schedules and home-based telecommuting.

MM 4-2-3: Where feasible, provide for the integration of internal driveways between compatible residential, commercial and industrial uses to serve one or more sites.

MM 4-2-4: Provide extensive landscaping, including canopy shade street trees and parking lot canopy shade trees to increase oxygen levels and reduce effects of vehicle emissions.

MM 4-2-5, Mitigation Through Street and Highway Improvements and Traffic Controls: A number of street, highway and traffic control measures are recommended later in Part IV which will have the positive effects necessary to reduce vehicle-generated pollutant emissions. Of most importance are those measures which will increase traffic capacity

and flow and levels of service along Arterial and Collector streets, at intersections at and near the Project site, and at freeway interchange ramps.

MM 4-2-6, Mitigation Through Residential and Commercial Building Construction: Ozone precursor emissions from stationary sources on the site can be reduced by implementing the following measures:

27. Encourage installation of low-emitting, Environmental Protection Agency (EPA)-certified fireplace inserts and/or wood stoves or natural gas fireplaces.
28. Encourage limiting residences to one wood burning appliance which meets EPA Phase II emission standards, or a more current standard, if applicable
29. Provision of natural gas lines or electric outlets to backyards to encourage use of natural gas or electric barbecues.
30. Provision of low NO_x-emitting and/or high efficiency water heaters.
31. Provision of outdoor electric outlets for leaf blowers and lawn mowers.
32. Provision of electric outlets for recharging electric vehicles in garages.
33. Installation of energy-efficient, low-NO_x heating/cooling systems.
34. Installation of energy-efficient lighting.
35. Operation under a San Joaquin Valley Air Pollution Control District permit by any on-site commercial or industrial use, including internal combustion engines of greater than 50 bph, which may emit significant quantities of criteria or toxic pollutants.

Responsibility for Implementation: The Building Official and project developer, with assistance from the City Engineer and Planning and Development Director.

Timing of Implementation, Monitoring and Verification: Improvements or construction necessary as condition of approving individual projects will be determined as part of the development review and permitting process of the City. Mitigation required as part of building construction will be accomplished during the building permit approval process.

Responsibility for Monitoring and Verification: The Building Official (with assistance from the rest of the Planning and Development Department) will be responsible for monitoring all measures, except that those measures pertaining to site improvements will be the responsibility of the City Engineer.

Action by Monitor: Verification of mitigation implementation will be accomplished through the review of plans and specifications, and by field inspection as appropriate.

4-3 TRANSPORTATION, CIRCULATION AND TRAFFIC

Impacts:

Impact 4-3-1, Intersection Operation: The addition of project traffic would result in unacceptable levels of service or would increase volumes to meet or exceed peak hour signal warrant criteria levels at the following locations (see Tables IV-6, -7 and -8 in the EIR).

- a) Mountain View Avenue/State Route 99 Freeway Southbound Off-Ramp
 - Morning (AM) Peak Hour: All-way-stop operation would change from Level of Service (LOS) B to LOS F and volumes would increase more than 0.5 percent at a location where Base Case volumes would already meet peak hour signal warrant criteria levels.
 - Afternoon (PM) Peak Hour: Volumes would increase by more than 0.5 percent at a location with Base Case LOS F all-way-stop operation and Base Case volumes already meeting peak hour signal warrant criteria levels.
- b) Mountain View Avenue/State Route 99 Freeway Northbound Off-Ramp
 - AM Peak Hour: Operation of the stop sign controlled off-ramp left turn would change from LOS C to LOS F and volumes would increase by more than 0.5 percent at a location where Base Case volumes would already meet peak hour signal warrant criteria levels.
 - PM Peak Hour: Volumes would increase by more than 1 percent at a location with Base Case LOS E operation of the stop sign controlled off-ramp left turn and Base Case volumes already meeting peak hour signal warrant criteria levels.
- c) Bethel Avenue/State Route 99 Freeway Southbound On-Ramp/Parkway Drive
 - AM Peak Hour: Volumes would increase to meet peak hour signal warrant criteria levels.
 - PM Peak Hour: All-way-stop operation would change from LOS A to LOS F and volumes would increase to meet peak hour signal warrant criteria levels.

- d) Bethel Avenue/State Route 99 Freeway Northbound Off-Ramp
 - AM Peak Hour: Operation of the stop sign controlled Northbound Off-Ramp would change from LOS B to LOS F and volumes would increase to meet peak hour signal warrant criteria levels.

- e) Bethel Avenue/Golden State Boulevard
 - PM Peak Hour: All-way-stop operation would change from LOS C to LOS F and volumes would increase to meet peak hour signal warrant criteria levels.

- f) Sierra Street (State Route 201)/Draper Street
 - AM Peak Hour: Volumes would increase by more than 0.5 percent at a location that would have Base Case LOS F operation for the stop sign controlled Draper Street left turn.
 - PM Peak Hour: -Volumes would increase by more than 1 percent at a location that would have Base Case LOS E operation for the stop sign controlled Draper Street left turn and volumes would increase to meet peak hour signal warrant criteria levels.

- g) Kamm Avenue/Bethel Avenue
 - PM Peak Hour: All-way-stop operation would change to LOS F and volumes would increase to meet peak hour signal warrant criteria levels.

- h) Kamm Avenue/10th (Academy) Avenue
 - PM Peak Hour: All-way-stop operation would change from LOS B to LOS D and volumes would increase to meet peak hour signal warrant criteria levels.

- I) Kamm Avenue/18th (Mendocino) Avenue
 - PM Peak Hour: All-way-stop operation would change from LOS B to LOS D and volumes would increase to meet peak hour signal warrant criteria levels.

- j) Stroud Avenue/18th Avenue
 - PM Peak Hour: All-way-stop operation would change from LOS D to LOS F and volumes would change to meet peak hour signal warrant criteria levels.

- k) Stroud Avenue/Simpson Street (Golden State Boulevard)
 - PM Peak Hour: Volumes would increase to meet peak hour signal warrant criteria levels. However, all-way-stop operation would be an acceptable LOS C.
- l) Stroud Avenue/10th Avenue
 - PM Peak Hour: Volumes would increase to meet peak hour signal warrant criteria levels. However, all-way-stop operation would be an acceptable LOS C.

Impact 4-3-2, Freeway Operation: Tables IV-4 and -5 in the Project EIR show that the addition of project traffic would produce unacceptable operation to the following segments of the State Route 99 freeway.

- a) State Route 99 Freeway Just North of Mountain View Avenue
 - AM Peak Hour: Southbound operation would change from LOS C to LOS D.
 - PM Peak Hour: Northbound volumes would increase by more than 2 percent with Base Case LOS D operation.
- b) State Route 99 Freeway Between Mountain View Avenue and Kamm-Bethel Avenue Interchanges
 - PM Peak Hour: Northbound volumes would increase by more than 2 percent with Base Case LOS D operation.
- c) State Route 99 Freeway Between Kamm-Bethel Avenue and Sierra Street Interchanges
 - PM Peak Hour: Northbound Base Case operation would change from an unacceptable LOS D to an acceptable LOS C. This is a **beneficial significant impact**. The large number of jobs proposed for the project site would reduce peak directional traffic on the State Route 99 Freeway within and south of Kingsburg.

Impact 4-3-3, Intersection Spacing and Turn Lanes: There are two locations along Bethel Avenue and one location along Mountain View Avenue where the existing close spacing of major intersections and the lack of turn lanes combined with the projected volume increases due to the project could result in significantly degraded operation and safety concerns in the immediate area and/or vehicle queues extending from one intersection

through an adjacent intersection.

- a) Bethel Avenue (from Kamm Avenue to Simpson Street/Golden State Boulevard)
 - The 180-foot distance of Bethel Avenue between these two intersections has an at-grade crossing of the Union Pacific Railroad. With all-way-stop control of both intersections as part of the project (or with signalization of both locations as part of project mitigation), it is extremely likely that even with Bethel Avenue widened to four lanes, vehicle queues will extend from one intersection (across the railroad) through the adjacent intersection during peak traffic periods. Slow-moving truck traffic will aggravate this situation.

- b) Bethel Avenue (from the State Route 99 Freeway Northbound Off-Ramp to Golden State Boulevard-Including the State Route 99 Freeway Northbound On-Ramp Intersection)
 - This 950-foot segment of Bethel Avenue includes three major intersections. No roadway widening is proposed at either of the ramp intersections as part of the project. The spacing of intersections and the lack of, at a minimum, turn lanes on various intersection approaches (in particular, a left turn lane on the Bethel Avenue northbound approach to the State Route 99 Freeway Northbound on-ramp), will result in significant congestion and safety concerns for rear-end accidents.

- c) Mountain View Avenue (From the State Route 99 Freeway Southbound On-Ramp to the State Route 99 Freeway Northbound On- and Off-Ramp Intersections)
 - The lack of a left turn lane on the westbound Mountain View Avenue approach to the State Route 99 Freeway southbound on-ramp will result in added congestion and safety concerns for rear-end accidents. The close proximity of the Northbound On- and Off-Ramp intersections will make mitigation of one difficult without including measures at the other. Also, the lack of a left turn lane on the eastbound Mountain View Avenue approach to the State Route 99 Freeway Northbound On-Ramp will result in added congestion and safety concerns for rear-end accidents.

Impact 4-3-4, Access to Employment and Commercial Areas along Golden State Boulevard, Bethel Avenue, Kamm Avenue, Stroud Avenue and Parkway Drive: There are no specific development proposals for the retail/employment centers proposed along these roadways. Provision of too many driveways or the lack of right and left turn deceleration lanes on the approaches to driveways (particularly along high speed roadways) could result in significant operational and safety concerns.

Mitigation Measures

MM 4-3-1, Intersection Operation (see Table IV-9 in EIR)

- a) Mountain View Avenue/ State Route 99 Freeway Southbound Off-Ramp/Frontage Road
- Provide a fair share contribution to those improvements already required for 2025 Base Case unacceptable operation -or- provide full improvements and receive fair share paybacks from other area developments.
 - Signalize the intersection when warranted.
 - Provide a left turn lane on the westbound Mountain View Avenue intersection approach and a right turn lane on the northbound Frontage Road approach.

Resultant Operation: AM Peak Hour: LOS C-34.6 seconds vehicle delay PM Peak Hour: LOS C-28.0 seconds vehicle delay

- b) Mountain View Avenue/ State Route 99 Freeway Northbound Off-Ramp
- Provide a fair share contribution to those improvements already required for 2025 Base Case unacceptable operation -Of- provide full improvements and receive fair share paybacks from other area developments.
 - Signalize the intersection when warranted.
 - Relocate the Northbound On-Ramp to intersect Mountain View Avenue at the same location.
 - Provide a left turn lane on the eastbound Mountain View Avenue approach to the relocated Northbound On-Ramp.

Resultant Operation: AM Peak Hour: LOS B-11.5 seconds vehicle delay PM Peak Hour: LOS B-10.8 seconds vehicle delay

- c) Bethel Avenue/ State Route 99 Freeway Southbound On-Ramp/Parkway Drive
- Signalize the intersection when warranted.
 - Provide left turn lanes on both Bethel Avenue intersection approaches and a right turn lane on the Parkway Drive intersection approach.

Resultant Operation: AM Peak Hour: LOS B-19.8 seconds vehicle delay PM Peak Hour: LOS B-19.1 seconds vehicle delay

d) Bethel Avenue/ State Route 99 Freeway Northbound Off-Ramp

- Signalize the intersection when warranted.

Resultant Operation: PM Peak Hour: LOS A-7.2 seconds vehicle delay

e) Bethel Avenue/Golden State Boulevard

- Signalize the intersection when warranted.

Resultant Operation: PM Peak Hour: LOS C-29.8 seconds vehicle delay

f) Sierra Street (State Route 201)/Draper Street

- Prohibit left turns on the northbound Draper Street approach to Sierra Street in conjunction with informational signing about the turn prohibition farther south on Draper Street.

-or-

Prohibit left turns on the northbound Draper Street approach to Sierra Street during the AM and PM commute periods in conjunction with informational signing about the turn prohibition farther south on Draper Street.

-or-

Provide signing along Draper Street informing drivers of alternative routes to access Sierra Street near 10th Street.

Resultant Operation of Northbound Right Turn AM Peak Hour: LOS B-14.5 seconds vehicle delay: PM Peak Hour: LOS C-20.1 seconds vehicle delay

g) Kamm Avenue/Bethel Avenue

- Signalize the intersection when warranted.

Resultant Operation: PM Peak Hour: LOS B-12.0 seconds vehicle delay

h) Kamm Avenue/Academy Avenue (10th Avenue)

- Signalize the intersection when warranted.

Resultant Operation: PM Peak Hour: LOS C-21.1 seconds vehicle delay

i) Kamm Avenue/Mendocino Avenue (18th Avenue)

- Signalize the intersection when warranted.

Provide a left turn lane on the westbound Kamm Avenue approach.

Resultant Operation: PM Peak Hour: LOS B-18.9 seconds vehicle delay

j) Stroud Avenue/18th Avenue

- Signalize the intersection when warranted.
- Provide left turn lanes on both Stroud Avenue approaches and on the northbound 18th Avenue approach.

Resultant Operation: PM Peak Hour: LOS B-18.3 seconds vehicle delay

k) Stroud Avenue/Golden State Boulevard

- Signalize the intersection when warranted.
- Provide (lengthen) the left turn lanes on both Golden State Boulevard intersection approaches.

Resultant Operation: PM Peak Hour: LOS B-18.0 seconds vehicle delay

l) Stroud Avenue/10th Avenue

- Signalize the intersection when warranted.

Resultant Operation: PM Peak Hour: LOS C-21.1 seconds vehicle delay

MM 4-3-2, Freeway Operation:

- a) State Route 99 Freeway Just North of Mountain View Avenue
- b) State Route 99 Freeway Between Mountain View Avenue and Kamm Avenue-Bethel Avenue Interchanges

It is beyond the project's financial ability to add additional lanes to the State Route 99 Freeway freeway. It is also unlikely that the City of Kingsburg would desire to mandate all new businesses in the City develop and maintain Transportation Demand Management (TDM) plans to reduce project trip generation or shift employment trip generation out of the peak commute hours unless all jurisdictions in the surrounding counties subjected

their businesses to the same restrictions.

These Impacts remain significant and unavoidable.

MM 4-3-3, Intersection Spacing and Turn Lanes

a) Bethel Avenue (Kamm Avenue to Golden State Boulevard) - see Figure IV-21 in the EIR.

- Realign Kamm Avenue east of Bethel Avenue to intersect Bethel Avenue at least 500 feet (and preferably 700 feet or more) north of their existing intersection location.

-or-

Realign Kamm Avenue to intersect the east side of Golden State Boulevard in the same location as the existing Bethel Avenue connection to Golden State Boulevard, using the same at-grade crossing of the Union Pacific Railroad. In conjunction with this measure, realign Bethel Avenue east of Golden State Boulevard to intersect (T-into) Kamm Avenue at least 700 feet east of the Union Pacific Railroad at-grade crossing of Kamm Avenue.

b) Bethel Avenue from the State Route 99 Freeway Northbound Off-Ramp to Golden State Boulevard - see Figure IV-22 of the EIR

- Provide a single Northbound On-Off Ramp intersection that can ultimately be signalized and have a left turn lane provided on the northbound Bethel Avenue approach. The location of this single intersection could be located at or to the east (north) of the existing northbound off-ramp intersection. The farther east the location of this intersection, the more likely that the left turn lane required on the northbound intersection approach will not require widening of the Bethel Avenue bridge across the State Route 99 freeway (see Table 6). In conjunction with this improvement, maintain access into the existing mobile home park on the northwest side of Bethel Avenue via a single entrance (with turn lanes provided on the Bethel Avenue approaches to this entrance).

c) Mountain View Avenue (from the State Route 99 Freeway Southbound On-Ramp to the Northbound On-Off Ramp Intersection)-see Figure IV -23

The proposed project should provide a fair share contribution to the following measures.

- Provide a single Northbound On-Off Ramp intersection that can be signalized and have left and right turn lanes provided on the Mountain

View Avenue approaches to the on-ramp-see Table IV-9.

- .Provide a left turn lane on the westbound Mountain View Avenue approach to the southbound on-ramp.

MM 4-3-4, Access to Employment and Commercial Areas:

- a) Minimize driveway access locations to project employment and commercial areas.
- b) Provide right and left turn deceleration lanes on the approaches to all employment and commercial area driveways.
- c) Provide continuous two-way left turn lanes in areas with high driveway concentrations -or- provide raised medians and allow right turns in/out only to driveways (with room for U-turns at signalized median breaks).
- d) Minimize median breaks along Golden State Boulevard.
- e) Provide properly designed left turn lanes on the Golden State Boulevard approaches to Stroud Avenue.

Responsibility for Implementation: There are three parties responsible for implementing transportation/circulation/traffic mitigation measures during development of the Project: the project developer(s), the City, and (to a lesser extent) CalTrans. All three parties will be involved in virtually every form of implementation, either as a direct participant, or indirectly under notice and referral procedures.

Timing of Implementation, Monitoring and Verification:

A. Periodic Data Monitoring Tasks throughout the Process of Buildout:

1. As major project activity areas become operational, monitoring every two years or when a project may generate more than 70 peak hour trips will be required to provide up-to-date information on changes in vehicle traffic volumes and capacities and in determining the time when improvements will be required. A determination by the City Engineer will be required as to which of the following intersections are to be monitored and analyzed:
 - The State Route 99 Freeway interchanges with Sierra Street, Kamm-Bethel Avenues, and Mountain View Avenue.
 - The intersections of Sierra and Simpson Streets, Stroud Avenue and Simpson Street, Kamm Avenue and Simpson Street, and Golden State Boulevard with Mountain View Avenue.

- The intersections of Sierra Street and 18th Avenue, Stroud and 18th Avenues, Kamm and 18th Avenues, and Mountain View and 18th Avenues.
 - The intersections of Sierra Street and 10th Avenue, Stroud and 10th Avenues, Kamm and 10th Avenues, and Mountain View and Academy Avenues.
2. Traffic monitoring for City streets would be conducted by the City, with data collection and analysis to be performed by a qualified transportation/traffic consultant. Costs of consultant services would be defrayed by all Project developers on a pro-rata basis based on trip generation, with the cooperation and financial participation of the City. The timing of traffic monitoring should be consistent with the time of the year when existing traffic volume data was developed as a basis for various EIR or other environmental assessment traffic impact analyses prepared for the Simpson Street, Sierra Street and North Kingsburg corridors.
 3. Coordination with the annual counts taken by CalTrans along the freeway system would be helpful to maximize the benefits of survey results.
 4. Determining the timing for street improvements should be examined every year, based on data developed under 1, above. These evaluations should involve CalTrans, the City, and any Project developers.
 5. In cooperation with CalTrans and various project developers, a monitoring and record keeping system should be established by the City Engineer for the purposes described above.

B. Timing of Project-Related Improvements:

1. The first stage of activity will be a design conference among the principal parties involved to identify all relevant factors and conditions to be considered by the Project developer in preparing engineering drawings for street improvements, prior to any authorization of construction activity. Engineering drawings and documents required of the Project Developer by the City for on-site improvements will be identified by the City Engineer and Planning and Development Director. Requirements of the Project developer identified by the City and CalTrans shall be presented to the Project developer in writing.
2. The second stage of activity will occur prior to project construction, and will include the review of preliminary and final engineering, improvement drawings, plans and specifications for building and site improvements (including landscaping), bidding procedures, and the terms of improvement and rebate

agreements or other forms of proposed development agreement that may be required. The drawings and documents provided and approved during this stage provide the framework of responsibility for the financing and construction of street and highway improvements and on-site improvements to follow.

3. The final stage will involve field supervision and review of construction progress to verify that all improvements are in accordance with previously established policy, permit approvals and agreements. This will occur in accordance with an agreement by the City (and CalTrans where appropriate) with the Project developer of the times when field inspections will be required so as not to unnecessarily delay construction progress. Final verification by the City (and/or CalTrans) of satisfactory completion will be made to the Project developer in writing.

Responsibility for Monitoring and Verification immediately above:

For actions required under subsection A:

1. The City Engineer, with assistance from the Planning and Development Director and CalTrans as necessary to CalTrans interests.
2. The City Engineer, with assistance from the Planning and Development Director and CalTrans as necessary to CalTrans interests and with the participation of the Project developer.
3. The City Engineer.

For actions required under subsection B immediately above:

1. The City Engineer, who shall coordinate and conduct the design conference with the Project developer and CalTrans, and record the results of the conference.
2. The City Engineer, with assistance from CalTrans as necessary to CalTrans interests, and with assistance of the City's Planning and Development Director.
3. The City Engineer, with assistance from CalTrans as necessary to CalTrans interests, and with assistance of the City's Planning and Development Director.

Action by Monitor: The City Engineer, with assistance from the City's Planning and Development Director, will verify mitigation through review of plans and specifications, conduct of field inspections and coordination with CalTrans, as appropriate.

4-4 PUBLIC FACILITIES AND SERVICES

None of the impacts identified in the Project EIR attain a level of importance to where a greater

degree of impact than less than significant is anticipated. All impacts will be evaluated annually during the budget process and as part of the project review process involved in approving various types of land use entitlements.

The key mitigation measure to be reviewed annually is the City's on-going growth management program which is the responsibility of the Planning and Development Director to monitor, verify and implement under policy direction of the City Council. This responsibility is overriding in its application and does not require inclusion in any specific Mitigation Monitoring Program required under the California Environmental Quality Act (CEQA).