

FINAL ENVIRONMENTAL IMPACT REPORT

MADERA TRAVEL CENTER SCH #20150121



July 2016



FINAL ENVIRONMENTAL IMPACT REPORT

Madera Travel Center SCH #20150121

Prepared for:

City of Madera
Community Development Department
205 West 4th Street
Madera, CA 93637
Attn: David Merchen, Community Development Director
Ph: 559.661.5430
dmerchen@cityofmadera.com

Consultant:



6051 North Fresno Street, Suite 200
Fresno, California 93710
Contact: Ginger White, AICP
Phone: 559.733.0440

July 2016

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CHAPTER ONE

INTRODUCTION

CHAPTER ONE – INTRODUCTION

1.1 Purpose

The Environmental Impact Report (EIR) for the Madera Travel Center (SCH #2015021058) project was prepared to disclose, analyze, and provide mitigation measures for all potentially significant environmental effects associated with adoption and implementation of the proposed Travel Center. Preparation of an EIR is a requirement of the California Environmental Quality Act (CEQA) for all discretionary projects in California that have a potential to result in significant environmental impacts.

Following the preparation of the Draft EIR, a public review period was held from April 15, 2016 through May 30, 2015. CEQA requires that a Final EIR be prepared, certified and considered by public decision makers prior to taking action on a project. The Final EIR provides the Lead Agency (i.e., County of Madera) an opportunity to respond to comments received on the Draft EIR during the public review period and to incorporate any additions or revisions to the Draft EIR necessary to clarify or supplement information contained in the draft document. This Final EIR includes the responses to comments received during the public review period and any other errata or changes necessitated by comments on the Draft EIR. The Draft EIR and this document constitute the Final EIR for the Madera Travel Center project and include all of the information required by Section 15132 of the CEQA Guidelines.

1.2 Scope and Format

Chapter One of this document introduces and outlines the purpose, scope, and format of the Final EIR. Chapter Two explains the public review process and lists all agencies and individuals who commented on the Draft EIR. Chapter Three consists of the actual comment letters, reproduced in their entirety, and the responses to each written comment received on the Draft EIR. These responses are intended to supplement or clarify information contained in the Draft EIR, as appropriate, based on the comments and additional research or updated information. Additions to the Draft EIR are shown in underline and deletions shown in ~~strikeout~~ format. Additions to the Draft EIR provide minor changes that fall within the scope of the original project analysis included in the Draft EIR and do not result in an increase in impacts or any new impacts. The additions do not constitute new significant information as defined by Section 15088.5 of the CEQA Guidelines. Therefore, recirculation of the Draft EIR is not required.

Each response follows the associated letter or document. Each letter and document has been numbered (e.g., Letter 1, Letter 2, etc.). Within each letter or document, individual comments are assigned an alphanumeric identification. For example, the first comment of Letter 1 is Comment 1A, and the second is Comment 1B. Chapter Four contains the corrections that have been made to the Draft EIR based on comments received on the Draft EIR and updated information that has become available. Following Chapter Four are any additional appendices supporting Final EIR responses to comments.

CHAPTER TWO

OVERVIEW OF COMMENTS RECEIVED

CHAPTER TWO – OVERVIEW OF COMMENTS RECEIVED

2.1 Public Review and Comment Procedures

CEQA requires public disclosure in an EIR of all project environmental effects and encourages public participation throughout the EIR process. As stated in Section 15200 of the CEQA Guidelines, the purposes of public review of environmental documents are:

- 1) sharing expertise,
- 2) disclosing agency analyses,
- 3) checking for accuracy,
- 4) detecting omissions,
- 5) discovering public concerns, and
- 6) soliciting counter proposals.

Section 15201 of the CEQA Guidelines states that “[p]ublic participation is an essential part of the CEQA process.” A public review period of no less than 30 days nor longer than 60 days is required for a Draft EIR under Section 15105(a) of the CEQA Guidelines. If a State agency is a lead or responsible agency for the project, the public review period shall be at least 45 days. As required under CEQA, the Draft EIR was published and circulated for the review and comment by responsible and trustee agencies and interested members of the public. The public review period ran from April 13, 2016 through May 30, 2016. All written comments received on the Draft EIR are addressed herein.

2.2 Agencies and Individuals Who Commented on the Draft EIR

- Letter 1: Scott Morgan, Director, State Clearinghouse, Governor’s Office of Planning and Research
- Letter 2: Sean M. Smith, District Engineer, Madera Irrigation District
- Letter 3: Michael Navarro, Chief, Planning North Branch, California Department of Transportation, District 6
- Letter 4: Alicia Guerra, Buchalter Nemer, A Professional Corporation
- Letter 5: Denise and Donald Marmolejo
- Letter 6: Steve and Lezlie Gittings
- Letter 7: Arnaud Marjollet, Director of Permit Services for Brian Clements, Program Manager, San Joaquin Valley Air Pollution Control District
- Letter 8: M. A. Kairis, Lieutenant Commander, State of California – Transportation Agency, Department of California Highway Patrol

CHAPTER THREE

RESPONSES TO COMMENTS

CHAPTER THREE – RESPONSES TO COMMENTS

This section contains the comment letters that were received on the Draft EIR. Following each comment letter is a response intended to either supplement, clarify, or amend information provided in the Draft EIR, or refer the Commenter to the appropriate place in the Draft EIR where the requested information can be found. Those comments that are not directly related to environmental issues are briefly described and noted for the record.

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LETTER 1



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

June 1, 2016

David Merchen
City of Madera
205 W. Fourth Street
Madera, CA 93637

Subject: Madera Travel Center
SCH#: 2015021058

Dear David Merchen:

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 May 31, 2016, 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.

A

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,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report
State Clearinghouse Data Base**

SCH# 2015021058
Project Title Madera Travel Center
Lead Agency Madera, City of

Type EIR Draft EIR
Description A travel center will be constructed on an approximately 50-acre site, to include the following components: 1) restaurant, 2) hotel, 3) travel stop and tire shop, 4) RV and boat storage, 5) and remainder that will not be developed. In addition to the approximate 24.5 acres to be developed, a street ROW dedication for Sharon Blvd is proposed.

Lead Agency Contact

Name David Merchen
Agency City of Madera
Phone (559) 661-5430 **Fax**
email
Address 205 W. Fourth Street
City Madera **State** CA **Zip** 93637

Project Location

County Madera
City Madera
Region
Lat / Long
Cross Streets SR 99 / Avenue 17
Parcel No. 013-240-003
Township 2 **Range** **Section** **Base**

Proximity to:

Highways SR 99
Airports Madera Municipal
Railways UPRR
Waterways Schmidt Creek
Schools
Land Use Vacant land / Zoned C-2 (heavy Commercial) / GPD: Commercial

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Public Services; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Other Issues; Aesthetic/Visual

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

Date Received 04/13/2016 **Start of Review** 04/14/2016 **End of Review** 05/31/2016

Note: Blanks in data fields result from insufficient information provided by lead agency.

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 6
1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 445-5868
FAX (559) 445-5875
TTY 711
www.dot.ca.gov



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MAY 31 2016

STATE CLEARINGHOUSE 06-MAD-99-R14.22
Love's Travel Center
Traffic Impact Study
~~SCH20150121~~

May 31, 2016

Mr. David Merchen
City of Madera
205 W. Fourth Street
Madera, California 93657

Dear Mr. Merchen:

We have completed our review of the traffic impact study (TIS) for the Love's Travel Center Project draft Environmental Impact Report dated April 2016. The Project is proposing to construct an approximate 47,341 square-foot travel center on an approximately 50-acre site with the following components: 1) restaurant, 2) 80 room hotel, 3) travel stop and tire shop, 4) RV and boat storage, 5) and the remainder area that will not be developed. In addition, a street right-of-way dedication for Sharon Boulevard is proposed. The project is located in the southeast quadrant of State Route (SR) 99 and Avenue 17 interchange in the City of Madera. Caltrans has the following comments:

1. In Table 3-4, *Queuing Operations*, the *Existing plus Project* and the *Near-Term (Year 2016) Plus Project* scenarios show long queuing for the northbound off-ramp right-turn lane. The existing traffic volume is 366 vehicles per hour (vph) for this movement. The right-turn traffic volumes are expected to increase to 528 vph for the *Existing plus Project* scenario, and 563 vph for the *Near Term (Year 2016) Plus Project* scenario. This existing lane configuration is one left-turn lane and a flared right-turn lane. **It is recommended that the Project construct a separate right-turn lane as an opening day mitigation measure.** The improvements should be consistent with the Caltrans Project Study Report SR 99/ Avenue 17 interchange proposed improvements.
2. In Table 4-5, *Left Turn and Right Turn Storage Requirements*, the proposed dual left-turn lane storage at the northbound off-ramp is inadequate. It should also include the deceleration.
3. In Table 3-9, *Cumulative Year 2036 Plus Project Merge/Diverge Operations*, there are 1,892 vph on the northbound off-ramp. According to Caltrans Highway Design Manual (HDM) Chapter 500, a two-lane exit ramp with an auxiliary lane should be provided when the off-ramp traffic volumes exceeds 1,500 passenger cars per hour. Therefore, a two-lane exit ramp with an auxiliary at the northbound off-ramp for the 2036 traffic scenario is recommended. **The improvement should be added in the mitigation section and Table 4-6, *Equitable Fair-Share Responsibility*; Table 4-3, *Cumulative Year 2036 No Project Merge/Diverge Operations with Mitigation*, and Table 4-4, *Cumulative Year 2036 Plus Project Merge/Diverge Operations with Mitigation*.**

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Mr. David Merchen
May 31, 2016
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4. The study recommended that the Project contribute their fair share for the improvements on SR 99 northbound off-ramp and the southbound off-ramp intersections. However, the improvements for the SR 99/Avenue 17 interchange should be consistent with the Caltrans Project Study Report (PSR) in determining the fair share calculations.
5. The proposed Project Driveway #1 at Avenue 17 should have a minimum distance of 0.25 mile from the SR 99 northbound off-ramp, measured from curb return to curb return. **Please submit a site plan in larger scale showing the distance between the northbound off-ramp and the proposed Driveway#1 at Avenue 17.**
6. There was a proposed project in the northeast quadrant of SR 99/Avenue 17 in 2006 called Madera Town Center. The proposed connection on Avenue 17 should line up with the proposed connection for Madera Town Center approximately 0.25 mile for the SR 99 northbound ramps, opposite of the proposed Project site. The analysis should include the future traffic for Madera Town Center at the connection with Avenue 17.
7. The City of Madera did a study for Avenue 17 which analyzed circulation around the SR 99/Avenue 17 interchange. The project suggested to realign, reconstruct, and modify road connections to Avenue 17 within the interchange area. Airport Drive/Golden State Boulevard would be converted to right-turn in and out only access. There would be a new intersection west of the current Golden State Blvd that is called Yeager Drive. The future intersection of Avenue 17/Yeager Drive should be studied.
8. All cumulative projects (approved and pending projects, including the proposed Casino) plus proposed land uses in the General Plan should be included in the future analysis.
9. It is recommended that the City and County of Madera be consulted regarding the cumulative projects and the future land use near the interchange on SR 99 at Avenue 17, Avenue 18 ½, and Ellis Street. The projects which were circulated before 2003 are not listed below.
 - a. Cumulative projects near SR 99/Avenue 17 Interchange:
 - i. North Fork Casino- located west of SR 99 between Avenue 18 ½ and Avenue 17
 - ii. Madera Town Center- located on the northeast quadrant of SR 99/Avenue 17 (commercial)
 - iii. Madera Promenade Development- located north of Avenue 17 between Golden State Blvd and Road 23 (commercial)
 - iv. CAT 17- located southeast quadrant SR 99/Avenue 17 (commercial)
 - v. Northwest Madera Specific Plan- located southwest corner Avenue 17/Road 23 (mixed-use development)
 - vi. DMP Development- located west of N Schnoor Avenue north of Aviation Drive (Mobile Home Park)
 - vii. Robert Boro Pre-zoning- located north of Avenue 17, west of Golden State Blvd (industrial and commercial)
 - viii. Bratton Properties- located south of Avenue 17, west of Airport Drive (commercial)
 - ix. Buzz Oates Industrial Park- located south of Yeager Road between Falcon Drive and Condor Road
 - x. Singh Highway Commercial- located southeast corner of Golden State/Avenue 17

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- xi. Gottschalks GPA
 - xii. Comfort Suites- located south of Avenue 17 between Airport Drive and the southbound on-ramp
 - xiii. Ahmad service station- located northeast corner of Avenue 17 and Golden State Blvd.
 - xiv. Going Nuts- located northwest corner of Aviation Drive/Condor Drive
 - xv. Avenue 17 Circulation Element- located west of SR 99, north and south of Avenue 17
 - xvi. Golden State Realignment- located west side of SR 99 between Avenues 16 and 17
 - b. Cumulative projects near SR 99/Avenue 18 ½ Interchange:
 - i. Gary Fox Industrial- located north of Avenue 18 ½ approximately 1,500 feet east of SR 99 (approximately 8.76 acres)
 - ii. Industrial/Commercial- located northeast quadrant SR 99/Avenue 18 ½ (approximately 140 acres)
 - iii. AC Plant by Jaxon Baker- located near the SR 99/Avenue 18 ½ interchange
 - iv. Rancho Alegria- located northwest corner of Avenue 19 and Road 17
 - v. The Hulling Company- located southwest quadrant of Road 19 and Avenue 19 ½
 - vi. Joseph Pistachio- located southwest corner Avenue 18 ½/SB off-ramp
 - vii. Circle K and Car Wash- located northwest quadrant SR 99/Avenue 18 ½
 - viii. Kraft Industrial complex- located west of Road 24 north of Avenue 18
 - ix. Casey Otero Light Industrial- located north of Avenue 18 ½ west of Road 24
10. The right-of-way dedication on Avenue 17 along the Project frontage needs to be adequate to accommodate the ultimate interchange improvements.
11. Signal coordination along the Avenue 17 interchange area is recommended and should be reflected in the Synchro analysis.
12. The Project should mitigate their impacts back to an acceptable level of service at the interchange for the opening day scenario and all subsequent scenarios. The TIS indicated that the intersection levels of service will be degraded to an F on opening day and proposed no mitigations, indicating that these impacts are significant and unavoidable. Caltrans does not concur with this outcome.
13. The Cumulative Year scenario traffic analysis assumes that there are road and intersection improvements (specifically at the SR 99 / Avenue 17 interchange) that do not currently exist. In addition, the TIS assumed that these improvements are funded or part of a fee study. This assumption would deem the Cumulative Year scenario traffic analysis inaccurate.
14. Project traffic volumes do not match for each of the following scenarios: Existing plus Project, Near-Term with Project, and Year 2036 With Project. The project traffic should be consistent throughout all scenarios.
15. The TIS needs to be revised and resubmitted for our review and comment.
- The *Final 2014 Regional Transportation Plan and Sustainable Communities Strategy* shows that in the year 2025, the SR 99/Avenue 17 interchange will need interchange/structure improvements. However, In Table 7-5 it indicates that the funding source is local transportation

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impact fee (TIF) and Other. It is recommended that the proposed project which would impact SR 99 mitigate their impacts by contributing their responsible fair-share towards maintaining and improving the State facilities due to the absence of an all-inclusive fee program.

If you have any further questions, please contact David Padilla, Associate Transportation Planner, Transportation Planning at (559) 444-2493.

Sincerely,



MICHAEL NAVARRO, Chief
Planning North Branch

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**Letter 1 Scott Morgan, Director, State Clearinghouse, Governor's
Office of Planning and Research**

Comment 1A: *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 May 31, 2016, 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.*

Response 1A: The comment is noted. The letter attached from the Department of Transportation, received from the Clearinghouse, is included as Letter 8 of this Chapter. In accordance with CEQA Guidelines Section 15088, written responses to all comments, including those from the Department of Transportation, are provided.

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LETTER 2

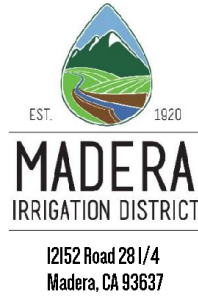
Phone (559) 673-3514

www.madera-id.org

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May 31, 2016

Via United States Mail & Email

City of Madera
205 W. 4th Street
Madera, CA 93637

Attn: David Merchen, Director Community Development Department

RE: Madera Travel Center Draft Environmental Impact Report

Dear David Merchen:

Madera Irrigation District (MID or District) is concerned about the groundwater impacts of the proposed Madera Travel Center project. The District service area is within the City, and our local groundwater will be affected directly by the proposed groundwater consumption of 37.0 acre-feet per year.

*"Combined, the proposed Project would require a total of 33,800 gpd, or 37.9 acre-feet per year, of water."
(DEIR page 2-20)*

The Environmental Impact Report (EIR) finds the groundwater impacts to be significant and unavoidable. Because the impacts are significant and unavoidable, the City is required to consider, analyze, and adopt feasible mitigation to reduce the significant and unavoidable effects.

"Impact #3.9-2 – Substantially deplete groundwater supplies or interfere with groundwater recharge

Mitigation Measures: Implement Mitigation Measure #3.12-1.

(Mitigation Measure #3.12-1: As part of the Site Plan Review process, the applicant shall submit a water conservation plan to the City of Madera Planning Department for review and approval which demonstrates the landscaping and buildings will include available water conservation measures for both interior and exterior water usage that, after compliance with all existing federal, state and local regulations, will result in a reduction of an additional 10 percent over anticipated water demand for the Project.)

Significant and Unavoidable" (DEIR page ES-22)

A

B

The District takes exception to the opinion that the City does not have the ability to affect the groundwater situation because it is a regional problem.

Conclusion: *The proposed Project would require approximately 37.9 acre-feet of water use per year. As evidenced by continuing falling groundwater levels described in the City's General Plan EIR, the community usage of groundwater remains a significant impact. Inasmuch as the groundwater situation is a regional issue, the City alone does not have ability to affect it. Thus, with implementation of the proposed Project this impact will be **significant**. (DEIR page 3.12-17)*

B
cont.

Feasible mitigation could come in several forms (i.e. including either the applicant or City bringing in water from external sources, the City requiring reduction of water usage by others, etc.) Mitigation is feasible and should be required or the EIR should make a finding that mitigation is infeasible.

Very truly yours,



Sean M. Smith
District Engineer

Letter 2: Sean M. Smith, District Engineer, Madera Irrigation District

Comment 2A: *Madera Irrigation District (MID or District) is concerned about the groundwater impacts of the proposed Madera Travel Center project. The District service area is within the City, and our local groundwater will be affected directly by the proposed groundwater consumption of 37.0 acre-feet per year.*

"Combined, the proposed Project would require a total of 33,800 gpd, or 37.9 acre-feet per year, of water." (DEIR page 2-20)

Response 2A: The District's expressed concern is noted and incorporated in the EIR. The Response to Comment 2B addresses that concern.

Comment 2B: *The Environmental Impact Report (EIR) finds the groundwater impacts to be significant and unavoidable. Because the impacts are significant and unavoidable, the City is required to consider, analyze, and adopt feasible mitigation to reduce the significant and unavoidable effects.*

"Impact #3.9-2 - Substantially deplete groundwater supplies or interfere with groundwater recharge

Mitigation Measures: Implement Mitigation Measure #3.12-1.

(Mitigation Measure #3.12-1: As part of the Site Plan Review process, the applicant shall submit a water conservation plan to the City of Madera Planning Department for review and approval which demonstrates the landscaping and buildings will include available water conservation measures for both interior and exterior water usage that, after compliance with all existing federal, state and local regulations, will result in a reduction of an additional 10 percent over anticipated water demand for the Project.)

Significant and Unavoidable" (DEIR page ES-22)

The District takes exception to the opinion that the City does not have the ability to affect the groundwater situation because it is a regional problem.

Conclusion: The proposed Project would require approximately 37.9 acre-feet of water use per year. As evidenced by continuing falling groundwater levels described in the City's General Plan EIR, the community usage of groundwater remains a significant impact. Inasmuch as the groundwater situation is a regional issue, the City alone does not have ability to affect it. Thus, with implementation of the proposed Project this impact will be significant. (DEIR page 3.12-17)

Feasible mitigation could come in several forms (i.e. including either the applicant or City bringing in water from external sources, the City requiring reduction of water usage by others, etc.) Mitigation is feasible and should be required or the EIR should make a finding that mitigation is infeasible.

Response 2B: The City of Madera shares the Madera Irrigation District’s concerns regarding the impacts of urban growth and development (and of agricultural irrigation) on the Madera Groundwater Subbasin.

That concern is addressed in both the City General Plan and its EIR, the September 2015 City of Madera Water System Master Plan, and the City’s participation in cooperative establishment of a Groundwater Sustainability Agency (GSA) for the Madera Subbasin. Fortunately, for reasons explained in the Draft EIR (pages 3.9-12 – 3.9-13) and addressed in more detail below, the regional GSA, once established, will be responsible for developing policies that, over time, will stabilize groundwater conditions in the region so that no unsustainable overdraft is occurring any longer.

When the Legislature passed the Sustainable Groundwater Management Act (SGMA) in 2014, it created the first statewide requirement to sustainably manage groundwater resources. SGMA adopts a state policy of managing groundwater resources “sustainably for long-term reliability and multiple economic, social, and environmental benefits for current and future beneficial uses.” (Wat. Code, §113.) Those outcomes, the Act states, are “best achieved locally through the development, implementation, and updating of plans and programs based on the best available science.” (*Ibid.*)

SGMA emphasizes local planning and management while providing for state intervention if local agencies are unable or unwilling to carry out their responsibilities. SMGA defines sustainable groundwater management as “management and use of groundwater in a manner that can be maintained during the [50-year] planning and implementation horizon without causing *undesirable results*.” (See Wat. Code, § 10721, subds. (r), (v) [*italics added*].) The six undesirable results are significant and unreasonable (1) depletion of supply, indicated by chronic lowering of groundwater levels; (2) reduction of groundwater storage; (3) seawater intrusion; (4) degraded water quality; (5) land subsidence that substantially interferes with surface land uses; and (6) adverse impacts on the beneficial uses of interconnected surface water due to depletions. (*Id.*, subd. (x).)

SGMA sets deadlines for planning and plan implementation. All groundwater basins designated as medium- or high-priority and identified as subject to critical conditions of overdraft must be managed under one or more Groundwater Sustainability Plans (GSPs) by January 31, 2020. (*Id.*, § 10720.7, subd. (a).) The deadline is two years later (January 31, 2022) for other medium- or high-priority basins. (*Ibid.*) If GSAs develop multiple GSPs to cover a particular basin, they must jointly submit the plans to the California Department of Water Resources (DWR) for evaluation and coordinate their implementation. ((*Id.*, § 10733.4.) GSPs must include measurable objectives with interim milestones designed to achieve operation within the basin’s sustainable yield (avoiding undesirable results) within 20 years of plan implementation. (*Id.*, §§ 10727.2, subd. (b), 10721, subds. (u)–(x).)

As the Draft EIR explained, the City of Madera is underlain by the Madera Groundwater Subbasin, which DWR has designated as a high priority basin. The GSA of which the City will likely be a part is currently anticipated to comply with the SGMA by January 31, 2020. This means that, within the following 20 years, the Subbasin will have to be stabilized in a way that avoids any undesirable results. Whether the City’s water supply will shrink as a result is not known, as

municipal supplies often gain priority over competing agricultural uses; but any cutbacks that may be required will be the subject of City-wide conservation measures.

The Master Plan (Section 7.4.1) and its cited Appendices concluded that the City could continue to rely upon its groundwater source as adequate to supply City buildout. Impact #3.9-1 discussion (Draft EIR page 3.9-21) notes that the Project’s water usage has already been accounted for in the General Plan.

Notably, as and set forth in the Draft EIR (pages 3.9-13 through 3.9-15), the General Plan includes numerous policies and action items intended to ensure that new development reduces its water use to a substantial degree. For example, within the Conservation Element, Action Item CON-5.2 provides that the City will “[d]evelop regulations and programs to encourage water conservation through means such as establishing tiered rate structures for water use, updating the appropriate City codes to provide performance standards for irrigation equipment and water fixtures, establishing water-friendly landscaping requirements and watering limitations, etc.” Under that Item, the City will also “[c]ontinue to monitor the effectiveness of these regulations and programs and refine them as needed.”

In addition, General Plan Action Item CON-5.4 provides that the City will “[w]ork with wastewater system operators and other potential partners to identify and implement programs for reuse of treated wastewater, particularly in landscaping, irrigation, parks, and public facilities.” Action Item Action Item CON-6.1 requires the City to “[c]onsider adoption of standards and requirements for the installation of plumbing systems for recycled water (e.g., ‘purple pipe’).” Action Item CON 7-1 requires the City to “[e]stablish criteria and standards to permit the safe and effective use of gray water (on-site water recycling) that do not compromise public health and safety, and revise existing city codes that may unnecessarily inhibit the use of gray water systems.”

Conceptual landscaping design is, and final landscaping design for the Project has been designed in full conformity with the State Model Water Efficient Landscape Ordinance. Further, Mitigation Measure #3.12-3 quoted in the comment, addresses the feasible reduction in project water usage as referred to in the analysis of Impact #3.9-2. In both Impact analyses (#’s 3.9-2 and 3.12-3) it is concluded that despite this feasible mitigation the groundwater impact of the Project is significant. (It should be noted that on DEIR page 3.9-23 this Mitigation Measure is incorrectly referred to as #3.12-1. The Final EIR corrects this error). See Errata as follows:

Conclusion: As noted in Section 3.12, due to the overdraft condition of the regional groundwater basin, this impact is *significant*.

Mitigation Measures: Implement Mitigation Measure #3.12-43.

Effectiveness of Mitigation: Even with mitigation, the potential impact remains *significant and unavoidable*.

The Commenter provides no evidence that his suggested additional mitigation measures are feasible. There is, to the City’s knowledge, no available surface water source or feasible method of providing such surface water in lieu of the City’s groundwater-based water system. Surface

water imports into the San Joaquin Valley from the Sacramento-San Joaquin Delta have been reduced in recent years due to environmental constraints. There is little reason to be optimistic that these supplies will increase within the foreseeable future. Nor is there any established program by which the City could require the Applicant to cause water use reduction by other, existing water users in order to compensate for Project water use. In light of anticipated regional groundwater use reductions that will be required by SGMA, the water-saving General Plan policies and action items described above, and the fact that the proposed Project has already been designed to minimize its water usage consistent with aggressive recent water-conserving mandates, the City does not believe that there is any need to impose further water conservation measures or other mitigation strategies on this particular project, given its relatively low water use compared with other land uses. The City reaches this conclusion even though the City concurs with the Commenter's concern regarding groundwater overdraft in the Subbasin. The City believes it has taken all feasible, reasonable steps to reduce groundwater usage by the Project before considering its groundwater impacts to be significant.

LETTER 3

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 6

1352 WEST OLIVE AVENUE

P.O. BOX 12616

FRESNO, CA 93778-2616

PHONE (559) 445-5868

FAX (559) 445-5875

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May 31, 2016

06-MAD-99-R14.22
Love's Travel Center
Traffic Impact Study
SCH20150121

Mr. David Merchen
City of Madera
205 W. Fourth Street
Madera, California 93657

Dear Mr. Merchen:

We have completed our review of the traffic impact study (TIS) for the Love's Travel Center Project draft Environmental Impact Report dated April 2016. The Project is proposing to construct an approximate 47,341 square-foot travel center on an approximately 50-acre site with the following components: 1) restaurant, 2) 80 room hotel, 3) travel stop and tire shop, 4) RV and boat storage, 5) and the remainder area that will not be developed. In addition, a street right-of-way dedication for Sharon Boulevard is proposed. The project is located in the southeast quadrant of State Route (SR) 99 and Avenue 17 interchange in the City of Madera. Caltrans has the following comments:

1. In Table 3-4, *Queuing Operations*, the *Existing plus Project* and the *Near-Term (Year 2016) Plus Project* scenarios show long queuing for the northbound off-ramp right-turn lane. The existing traffic volume is 366 vehicles per hour (vph) for this movement. The right-turn traffic volumes are expected to increase to 528 vph for the *Existing plus Project* scenario, and 563 vph for the *Near Term (Year 2016) Plus Project* scenario. This existing lane configuration is one left-turn lane and a flared right-turn lane. **It is recommended that the Project construct a separate right-turn lane as an opening day mitigation measure.** The improvements should be consistent with the Caltrans Project Study Report SR 99/ Avenue 17 interchange proposed improvements.
2. In Table 4-5, *Left Turn and Right Turn Storage Requirements*, the proposed dual left-turn lane storage at the northbound off-ramp is inadequate. It should also include the deceleration.
3. In Table 3-9, *Cumulative Year 2036 Plus Project Merge/Diverge Operations*, there are 1,892 vph on the northbound off-ramp. According to Caltrans Highway Design Manual (HDM) Chapter 500, a two-lane exit ramp with an auxiliary lane should be provided when the off-ramp traffic volumes exceeds 1,500 passenger cars per hour. Therefore, a two-lane exit ramp with an auxiliary at the northbound off-ramp for the 2036 traffic scenario is recommended. **The improvement should be added in the mitigation section and Table 4-6, *Equitable Fair-Share Responsibility*; Table 4-3, *Cumulative Year 2036 No Project Merge/Diverge Operations with Mitigation*, and Table 4-4, *Cumulative Year 2036 Plus Project Merge/Diverge Operations with Mitigation*.**

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A

B

C

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4. The study recommended that the Project contribute their fair share for the improvements on SR 99 northbound off-ramp and the southbound off-ramp intersections. However, the improvements for the SR 99/Avenue 17 interchange should be consistent with the Caltrans Project Study Report (PSR) in determining the fair share calculations.	D
5. The proposed Project Driveway #1 at Avenue 17 should have a minimum distance of 0.25 mile from the SR 99 northbound off-ramp, measured from curb return to curb return. Please submit a site plan in larger scale showing the distance between the northbound off-ramp and the proposed Driveway#1 at Avenue 17.	E
6. There was a proposed project in the northeast quadrant of SR 99/Avenue 17 in 2006 called Madera Town Center. The proposed connection on Avenue 17 should line up with the proposed connection for Madera Town Center approximately 0.25 mile for the SR 99 northbound ramps, opposite of the proposed Project site. The analysis should include the future traffic for Madera Town Center at the connection with Avenue 17.	F
7. The City of Madera did a study for Avenue 17 which analyzed circulation around the SR 99/Avenue 17 interchange. The project suggested to realign, reconstruct, and modify road connections to Avenue 17 within the interchange area. Airport Drive/Golden State Boulevard would be converted to right-turn in and out only access. There would be a new intersection west of the current Golden State Blvd that is called Yeager Drive. The future intersection of Avenue 17/Yeager Drive should be studied.	G
8. All cumulative projects (approved and pending projects, including the proposed Casino) plus proposed land uses in the General Plan should be included in the future analysis.	H
9. It is recommended that the City and County of Madera be consulted regarding the cumulative projects and the future land use near the interchange on SR 99 at Avenue 17, Avenue 18 ½, and Ellis Street. The projects which were circulated before 2003 are not listed below.	I
a. Cumulative projects near SR 99/Avenue 17 Interchange:	
i. North Fork Casino- located west of SR 99 between Avenue 18 ½ and Avenue 17	
ii. Madera Town Center- located on the northeast quadrant of SR 99/Avenue 17 (commercial)	
iii. Madera Promenade Development- located north of Avenue 17 between Golden State Blvd and Road 23 (commercial)	
iv. CAT 17- located southeast quadrant SR 99/Avenue 17 (commercial)	
v. Northwest Madera Specific Plan- located southwest corner Avenue 17/Road 23 (mixed-use development)	
vi. DMP Development- located west of N Schnoor Avenue north of Aviation Drive (Mobile Home Park)	
vii. Robert Boro Pre-zoning- located north of Avenue 17, west of Golden State Blvd (industrial and commercial)	
viii. Bratton Properties- located south of Avenue 17, west of Airport Drive (commercial)	
ix. Buzz Oates Industrial Park- located south of Yeager Road between Falcon Drive and Condor Road	
x. Singh Highway Commercial- located southeast corner of Golden State/Avenue 17	

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<ul style="list-style-type: none"> xi. Gottschalks GPA xii. Comfort Suites- located south of Avenue 17 between Airport Drive and the southbound on-ramp xiii. Ahmad service station- located northeast corner of Avenue 17 and Golden State Blvd. xiv. Going Nuts- located northwest corner of Aviation Drive/Condor Drive xv. Avenue 17 Circulation Element- located west of SR 99, north and south of Avenue 17 xvi. Golden State Realignment- located west side of SR 99 between Avenues 16 and 17 b. Cumulative projects near SR 99/Avenue 18 ½ Interchange: <ul style="list-style-type: none"> i. Gary Fox Industrial- located north of Avenue 18 ½ approximately 1,500 feet east of SR 99 (approximately 8.76 acres) ii. Industrial/Commercial- located northeast quadrant SR 99/Avenue 18 ½ (approximately 140 acres) iii. AC Plant by Jaxon Baker- located near the SR 99/Avenue 18 ½ interchange iv. Rancho Alegra- located northwest corner of Avenue 19 and Road 17 v. The Hulling Company- located southwest quadrant of Road 19 and Avenue 19 ½ vi. Joseph Pistachio- located southwest corner Avenue 18 ½/SB off-ramp vii. Circle K and Car Wash- located northwest quadrant SR 99/Avenue 18 ½ viii. Kraft Industrial complex- located west of Road 24 north of Avenue 18 ix. Casey Otero Light Industrial- located north of Avenue 18 ½ west of Road 24 	I cont.
10. The right-of-way dedication on Avenue 17 along the Project frontage needs to be adequate to accommodate the ultimate interchange improvements.	J
11. Signal coordination along the Avenue 17 interchange area is recommended and should be reflected in the Synchro analysis.	K
12. The Project should mitigate their impacts back to an acceptable level of service at the interchange for the opening day scenario and all subsequent scenarios. The TIS indicated that the intersection levels of service will be degraded to an F on opening day and proposed no mitigations, indicating that these impacts are significant and unavoidable. Caltrans does not concur with this outcome.	L
13. The Cumulative Year scenario traffic analysis assumes that there are road and intersection improvements (specifically at the SR 99 / Avenue 17 interchange) that do not currently exist. In addition, the TIS assumed that these improvements are funded or part of a fee study. This assumption would deem the Cumulative Year scenario traffic analysis inaccurate.	M
14. Project traffic volumes do not match for each of the following scenarios: Existing plus Project, Near-Term with Project, and Year 2036 With Project. The project traffic should be consistent throughout all scenarios.	N
15. The TIS needs to be revised and resubmitted for our review and comment.	O
The <i>Final 2014 Regional Transportation Plan and Sustainable Communities Strategy</i> shows that in the year 2025, the SR 99/Avenue 17 interchange will need interchange/structure improvements. However, In Table 7-5 it indicates that the funding source is local transportation	P

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Page 4

impact fee (TIF) and Other. It is recommended that the proposed project which would impact SR 99 mitigate their impacts by contributing their responsible fair-share towards maintaining and improving the State facilities due to the absence of an all-inclusive fee program.

P
cont.

If you have any further questions, please contact David Padilla, Associate Transportation Planner, Transportation Planning at (559) 444-2493.

Sincerely,



MICHAEL NAVARRO, Chief
Planning North Branch

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

Letter 3: Michael Navarro, Chief, Planning North Branch, California Department of Transportation, District 6

Comment 3A: 1. In Table 3-4, *Queuing Operations*, the Existing plus Project and the Near-Term (Year 2016) Plus Project scenarios show long queuing for the northbound off-ramp right-turn lane. The existing traffic volume is 366 vehicles per hour (vph) for this movement. The right-turn traffic volumes are expected to increase to 528 vph for the Existing plus Project scenario, and 563 vph for the Near Term (Year 2016) Plus Project scenario. This existing lane configuration is one left-turn lane and a flared right-turn lane. **It is recommended that the Project construct a separate right-turn lane as an opening day mitigation measure.** The improvements should be consistent with the Caltrans Project Study Report SR 99/Avenue 17 interchange proposed improvements.

Response 3A: The City acknowledges that the intersection is forecasted to operate at unacceptable level of service (LOS) F under Existing Plus Project and Near-Term (Year 2016) Plus Project' conditions. As noted in the Traffic Impact Study (TIS) (see Appendix I.1), this intersection does not meet the peak hour traffic signal warrant because the minor approach does not carry enough traffic to justify signalization. The TIS (Appendix I.1) and DEIR (Mitigation Measure 3.13-1a, page 43 and text page 34) have been revised to include the following (see also Chapter 4 Errata):

Nevertheless, with the addition of the proposed Project the queuing of the NB right on opening day will significantly exceed the existing 50-foot flared right turn. Queuing at the northbound right-turn movement is projected to be approximately 528 and 680 feet for the Existing plus Project and Near-Term (Year 2016) Plus Project scenarios, respectively. The TIS was revised to include a separate right-turn lane as mitigation for the Existing plus Project and the Near-Term (Year 2016) Plus Project scenarios.

Comment 3B: 2. In Table 4-5, *Left Turn and Right Turn Storage Requirements*, the proposed dual left-turn lane storage at the northbound off-ramp is inadequate. It should also include the deceleration.

Response 3B: The Commenter has misunderstood the purpose of Table 4-5, which reflects turn storage requirements for study intersections and does not reflect deceleration length requirements associated with City of Madera or Caltrans guidelines. Table 4-5 (see Appendix I.1) has been revised to indicate that turn storages included in the table do not include deceleration length requirements. Analysis of deceleration lane lengths consistent with agency guidelines will be conducted at the time engineering plans are prepared for roadway improvements.

Comment 3C: 3. In Table 3-9, *Cumulative Year 2036 Plus Project Merge/Diverge Operations*, there are 1,892 vph on the northbound off-ramp. According to Caltrans Highway Design Manual (HDM) Chapter 500, a two-lane exit ramp with an auxiliary lane should be provided when the off-ramp traffic volumes exceeds 1,500 passenger cars per hour. Therefore, a two-lane exit ramp with an auxiliary at the northbound off-ramp for the 2036 traffic scenario is recommended. **The improvement should be added in the mitigation section and Table 4-6, Equitable Fair-Share Responsibility; Table 4-3, Cumulative Year 2036 No Project Merge/Diverge Operations with Mitigation, and Table 4-4, Cumulative Year 2036 Plus Project Merge/Diverge Operations with Mitigation.**

Response 3C: PSR improvements include increasing the off ramp storage and queuing capacity by adding lanes. By revising the TIS (see Appendix I.1) to include a two-lane exit ramp with an auxiliary lane as mitigation for the SR 99 NB Off-Ramp at Avenue 17, the improvement will be consistent with the PSR. As noted below, the improvement is included not to improve LOS or otherwise minimize an impact, but only to comply with Caltrans' Highway Design Manual requirements as detailed in the Comment. The improvement was added to Tables 4-3, 4-4, and 4-6. DEIR revised Table 3.13-15, showing the Equitable Fair-share Responsibility, is included in Chapter 4 – Errata of this Final EIR. Additionally, the DEIR text (page 3.13-37) has also been revised to reflect this change as follows:

SR 99 NB Off-Ramp

- Cumulative Year 2036 No Project and Plus Project scenarios:
 - Widen the northbound off-ramp to provide for a two-lane exit ramp with an auxiliary lane

The improvements identified above for the Cumulative Year 2036 No Project and Plus Project scenarios are not required for level of service purposes. However, Caltrans' Highway Design Manual states that a two-lane exit ramp with an auxiliary lane should be provided when the off-ramp traffic volume exceeds 1,500 passenger cars per hour. As shown in Tables 3-8 and 3-9 of the revised TIS (Appendix I.1), there are greater than 1,500 passenger cars per hour on the northbound off-ramp for the Cumulative Year 2036 No Project and Plus Project Scenarios.

Comment 3D: *4. The study recommended that the Project contribute their fair share for the improvements on SR 99 northbound off-ramp and the southbound off-ramp intersections. However, the improvements for the SR 99/ Avenue 17 interchange should be consistent with the Caltrans Project Study Report (PSR) in determining the fair share calculations.*

Response 3D: The TIS analysis identifies all locations where the Project will create significant impacts to the interchange. In instances where impacts occur under cumulative conditions, mitigation measures require the Applicant to contribute a fair share for future improvements. In no case are fair share contributions based on future improvements that are less than those called out in the PSR.

Comment 3E: *5. The proposed Project Driveway #1 at Avenue 17 should have a minimum distance of 0.25 mile from the SR 99 northbound off-ramp, measured from curb return to curb return. Please submit a site plan in larger scale showing the distance between the northbound off ramp and the proposed Driveway#1 at Avenue 17.*

Response 3E: A site plan in larger scale has been provided by the City. Also see Response to Comment 3F addressing the location of Driveway #1.

Comment 3F: *6. There was a proposed project in the northeast quadrant of SR 99/Avenue 17 in 2006 called Madera Town Center. The proposed connection on Avenue 17 should line up with the proposed connection for Madera Town Center approximately 0.25 mile for the SR 99 northbound ramps, opposite of the proposed Project site. The analysis should include the future traffic for Madera Town Center at the connection with Avenue 17.*

Response 3F: During initial discussions with Caltrans regarding the Madera Travel Center Project, the City confirmed that the proposed Project Driveway #1 would link up with the proposed connection for Madera Town Center. In addition, the TIS prepared for the proposed Project included the future traffic for the Madera Town Center at the connection with Avenue 17. It should be noted that the approved location for Driveway #1 is located approximately 0.18 mile west of the north bound ramps. Though this location is less than the preferred 0.25-mile separation from the ramps, this location was approved in 2006 in conjunction with the Madera Town Center Project. The location was selected as providing the best possible location to maximize separation from the ramps, allow for separation from the planned intersection of the Sharon Boulevard arterial street with Avenue 17, and to accommodate traffic demand from the large regional commercial properties located on both sides of Avenue 17.

Comment 3G: *7. The City of Madera did a study for Avenue 17 which analyzed circulation around the SR 99/ Avenue 17 interchange. The project suggested to realign, reconstruct, and modify road connections to Avenue 17 within the interchange area. Airport Drive/Golden State Boulevard would be converted to right-turn in and out only access. There would be a new intersection west of the current Golden State Blvd that is called Yeager Drive. The future intersection of Avenue 17/Yeager Drive should be studied.*

Response 3G: As documented in Section 3.7 of the TIS and page 3.13-31 of the DEIR, conversion of the Airport Drive/Golden State Boulevard intersection to right-turn in and out only access would generate the need for a future connection to Avenue 17 at Yeager Drive. The future intersection of Avenue 17/Yeager Drive was analyzed and is documented in Figures 3-8, 3-13, 3-14, 3-15, and 3-16 as well as Tables 3-2 and 4-1.

Comment 3H: *8. All cumulative projects (approved and pending projects, including the proposed Casino) plus proposed land uses in the General Plan should be included in the future analysis.*

Response 3H: As documented in Section 3.5 of the TIS, the list of projects to be included in the cumulative analysis (the “probable future projects”) was developed in consultation with the City and County of Madera. City and County staff were asked to review the status of projects which had previously been identified as pending or approved in the vicinity of the interchange, as well as to identify new projects in the area that had not been previously identified. As the result of this process, a current list of probable future projects was developed for inclusion in the analysis. This list of projects is considered to be the best available information.

Also, see Response 4C for a discussion as to how near term and cumulative condition traffic volumes for probable future projects were incorporated into the analysis.

Comment 3I: 9. *It is recommended that the City and County of Madera be consulted regarding the cumulative projects and the future land use near the interchange on SR 99 at Avenue 17, Avenue 18 ½, and Ellis Street. The projects which were circulated before 2003 are not listed below.*

- a. *Cumulative projects near SR 99/Avenue 17 Interchange:*
 - i. *North Fork Casino-located west of SR 99 between Avenue 18 ½ and Avenue 17*
 - ii. *Madera Town Center-located on the northeast quadrant of SR 99/Avenue 17 (commercial)*
 - iii. *Madera Promenade Development-located north of Avenue 17 between Golden State Blvd and Road 23 (commercial)*
 - iv. *CAT 17-located southeast quadrant SR 99/Avenue 17 (commercial)*
 - v. *Northwest Madera Specific Plan- located southwest corner Avenue 17/Road 23 (mixed use development)*
 - vi. *DMP Development-located west of N Schnoor Avenue north of Aviation Drive (Mobile Home Park)*
 - vii. *Robert Boro Pre-zoning- located north of Avenue 17, west of Golden State Blvd (industrial and commercial)*
 - viii. *Bratton Properties-located south of Avenue 17, west of Airport Drive (commercial)*
 - ix. *Buzz Oates Industrial Park- located south of Yeager Road between Falcon Drive and Condor Road*
 - x. *Singh Highway Commercial- located southeast corner of Golden State/Avenue 17*
 - xi. *Gottschalks GPA*
 - xii. *Comfort Suites-located south of Avenue 17 between Airport Drive and the southbound on-ramp*
 - xiii. *Ahmad service station- located northeast corner of Avenue 17 and Golden State Blvd.*
 - xiv. *Going Nuts- located northwest corner of Aviation Drive/Condor Drive*
 - xv. *Avenue 17 Circulation Element- located west of SR 99, north and south of Avenue 17*
 - xvi. *Golden State Realignment-located west side of SR 99 between Avenues 16 and 17*
- b. *Cumulative projects near SR 99/Avenue 18 ½, Interchange:*
 - i. *Gary Fox Industrial- located north of Avenue 18 ½, approximately 1,500 feet east of SR 99 (approximately 8.76 acres)*
 - ii. *Industrial/Commercial-located northeast quadrant SR 99/Avenue 18 ½, (approximately 140 acres)*
 - iii. *AC Plant by Jaxon Baker- located near the SR 99/Avenue 18 ½, interchange*
 - iv. *Rancho Alegria- located northwest corner of Avenue 19 and Road 17*
 - v. *The Hulling Company-located southwest quadrant of Road 19 and Avenue 19 ½,*
 - vi. *Joseph Pistachio- located southwest corner Avenue 18 ½ /SB off-ramp*
 - vii. *Circle K and Car Wash- located northwest quadrant SR 99/Avenue 18 ½,*
 - viii. *Kraft Industrial complex- located west of Road 24 north of Avenue 18*
 - ix. *Casey Otero Light Industrial-located north of Avenue 18 ½, west of Road 24*

Response 3I: As documented in Section 3.5 of the TIS, the approved or pending probable future projects included in the TIS were developed in consultation with City of Madera and Madera

County staff. The Cumulative project listed above were used initiate discussions with City and County of Madera staff. Also see Response to Comment 4.L for more detailed information on the use of Cumulative projects in the analysis of traffic volumes.

Comment 3J: *10. The right-of-way dedication on Avenue 17 along the Project frontage needs to be adequate to accommodate the ultimate interchange improvements.*

Response 3J: The planned right-of-way dedication along the Avenue 17 Project frontage will achieve a 73 feet half-street width on the south side Avenue 17, with a planned full street right-of-way of 146 feet. This dedication will, at minimum, be adequate for interim improvements. Based on the information contained in the PSR for the Avenue 17/SR 99 interchange, this width will likely also accommodate the ultimate improvements for the interchange improvements. If additional right-of-way is necessary in the future, the owner should receive fair-market compensation for the land required to accommodate construction of ultimate interchange improvements.”

Comment 3K: *11. Signal coordination along the Avenue 17 interchange area is recommended and should be reflected in the Synchro analysis.*

Response 3K: Section 4.1 of the TIS has been revised to include signal coordination along Avenue 17 at the intersections of the SR 99 SB Off-Ramp, SR 99 NB Off-Ramp, Project Driveway #1, and Sharon Boulevard. The DEIR text has been revised to show these changes as follows (also see Chapter 4 – Errata):

Avenue 17 at SR 99 SB Off Ramp

- Existing Plus Project and Near-Term (Year 2016) Plus Project scenarios:
 - No improvements are recommended to achieve acceptable levels of service

This intersection is forecasted to operate at unacceptable LOS ‘~~DF~~’ under ‘Existing Plus Project’ and ‘Near-Term (Year 2016) Plus Project’ conditions; however, this intersection does not meet the peak hour traffic signal warrant because the minor approach does not carry enough traffic to justify signalization. Therefore, no improvements are recommended for the Project’s contribution to traffic at the intersection.

Avenue 17 at SR 99 NB Ramps

- Cumulative Year 2036 Plus Project scenario:
 - Widen the northbound approach to two left turn lanes and three right turn lanes (adding one right turn lane)
 - Signal Coordination along Avenue 17 at the intersections of the SR 99 SB Off-Ramp, SR 99 NB Off-Ramp, Project Driveway #1, and Sharon Boulevard

Avenue 17 at Project Driveway #1

- Cumulative Year 2036 Plus Project scenario:
 - Widen the southbound approach to one left turn lane, one through lane, and one right turn lane with overlap phasing (adding one right turn lane and overlap phasing)
 - Signal Coordination along Avenue 17 at the intersections of the SR 99 SB Off-Ramp, SR 99 NB Off-Ramp, Project Driveway #1, and Sharon Boulevard

The improvements identified above for the Cumulative Year 2036 No Project and Plus Project scenarios are sufficient to meet the City of Madera's acceptable LOS standard of 'C.'

Avenue 17 at Sharon Boulevard

- Near-Term (Year 2016) Plus Project scenario:
 - Install Traffic Signal
- Cumulative Year 2036 Plus Project scenario:
 - Install an eastbound right turn overlap phase
 - Install a southbound right turn overlap phase
 - Signal Coordination along Avenue 17 at the intersections of the SR 99 SB Off-Ramp, SR 99 NB Off-Ramp, Project Driveway #1, and Sharon Boulevard

Comment 3L: 12. *The Project should mitigate their impacts back to an acceptable level of service at the interchange for the opening day scenario and all subsequent scenarios. The TIS indicated that the intersection levels of service will be degraded to an F on opening day and proposed no mitigations, indicating that these impacts are significant and unavoidable. Caltrans does not concur with this outcome.*

Response 3L: The Avenue 17 at SR 99 NB off-ramp intersection is forecasted to operate at unacceptable LOS ‘F’ under ‘Existing Plus Project’ and ‘Near-Term (Year 2016) Plus Project’ conditions and the Avenue 17 at SR 99 SB off-ramp intersection is forecasted to operate at LOS ‘D’ under ‘Near-Term (Year 2016) Plus Project’ conditions; however, neither of these intersections meet the peak hour traffic signal warrant because the minor approach does not carry enough traffic to justify signalization. Therefore, no improvements were recommended for the Project’s contribution of traffic at the intersection.

The Commenter neither explains why he/she does not concur with this outcome, nor offers any alternative solution to the “Existing Plus Project” and “Near Term Year Plus Project” LOS of ‘F’ and ‘D,’ respectively. As Caltrans is aware, a traffic signal is not usually recommended when the warrants are not met, as this may cause unforeseen safety and traffic problems. Therefore, the only solution is to install a traffic signal once the signal warrants have been met. The TIS analysis recommends, as discussed in Response to Comment 3K, that the Project make fair share contributions for the ramp improvements (signalization) described for the interchange for future improvements when signal warrants have been met. Response to Comment 3M and Table 4-6 of Appendix I.1 provide detailed information on fair share contributions.

Comment 3M: *13. The Cumulative Year scenario traffic analysis assumes that there are road and intersection improvements (specifically at the SR 99 I Avenue 17 interchange) that do not currently exist. In addition, the TIS assumed that these improvements are funded or part of a fee study. This assumption would deem the Cumulative Year scenario traffic analysis inaccurate.*

Response 3M: The improvements at the Avenue 17 and SR 99 Interchange, as documented in the PSR, were assumed to be in place for the Cumulative Year 2036 study scenarios.

As described in the TIS, the PSR identified the State Transportation Improvement Program (STIP) and the Interregional Improvement Program (IIP) as the funding sources for the improvements identified at the interchange. However, the TIS also states that in the absence of funding through federal, state, or local taxes, the improvements may be funded through fair share payments collected from the development projects impacting the interchange. Page 58 (Section 3.7) of the revised TIS (Appendix I.1) identifies the improvements that are included in the PSR, which include signalization of the ramp intersections.

As documented in the TIS, there are several large developments that are approved or are pending in close proximity to the interchange. Under the fair share funding scenario, each project impacting the interchange would calculate and contribute a fair share payment prior to development. Funding would be provided in a manner proportional to the impacts that are projected to occur from each project. This does not presume that a “fee program” is in place.

Notwithstanding the potential for STIP, IIP or other non-local funding source to be available, since at least 2006 it has been the City of Madera’s practice to calculate and collect a fair share contribution from new development for future improvements to the Avenue 17/SR 99 Interchange. This has been the case for large regional commercial projects proposed on the east side of the Interchange, highway and visitor-serving commercial uses on the west side of the interchange, and

commercial/industrial projects located within the Airport Industrial Park southwest of the interchange.

Despite the assumptions and recommendations made in the PSR and the potential for funding through fair share contributions, at present there is no guaranteed funding for all of the improvements described in the PSR. The City has therefore had to recognize the possibility that the funding may not be forthcoming even as of 2036, and for that reason has further recognized that the cumulative traffic effects at issue may go unmitigated, making the impacts significant and unavoidable. (See Draft EIR, pp. 3.13-41, 3.13-43, 5-12 – 5-13.) Within Chapter 5 (Cumulative Impacts), section 5.2.13 includes the following passage, which explains the dilemma facing the City:

[W]ith the exception of the intersection of Avenue 17 and Sharon Boulevard, the additional improvements necessary to mitigate the Project's contributions to cumulative impacts at the locations identified in Table 3.13-15 for which the Project would pay its fair-share are either (1) not programmed into the City traffic impact fee program or any other funding program and therefore would rely on funding from sources other than the project applicant that have yet to be identified in order to be constructed, (2) or the intersections/roadways are under the jurisdiction of Caltrans, and the City of Madera cannot assure that necessary improvements would be installed as contemplated. Therefore, it cannot be assured that these impacts would be fully mitigated and the proposed Project's contribution to the impact would remain cumulatively significant and unavoidable.

The dilemma described in these statements remain accurate. Although the City will assess the proposed project its fair share of the costs of the improvements at issue, there remains considerable uncertainty as to whether STIP and IIP money will be forthcoming, and as to whether, in the absence of such funds, matching fair share payments from other probable future projects can be obtained. Based on the uncertain timing of future projects and variation in cost of future improvements, the City also cannot guarantee that adequate funding from fair share payments will be available when required to construct improvements.

Comment 3N: *14. Project traffic volumes do not match for each of the following scenarios: Existing plus Project, Near-Term with Project, and Year 2036 With Project. The project traffic should be consistent throughout all scenarios.*

Response 3N: As documented in Section 3.3 of the TIS (Appendix I.1), Sharon Boulevard will connect to Krohn Street/Ellis Avenue in the future, which will slightly alter the trip distribution of the proposed Project. The Sharon Boulevard connection was analyzed in the Cumulative Year 2036 and Cumulative Year 2036 Plus Project conditions. Figures 3-4a and 3-4b were inadvertently omitted from the TIS, which document Project traffic for Existing Plus Project and Near-Term Plus Project conditions. Figures 3-5a and 3-5b display Project traffic associated with the Sharon Boulevard connection, which was analyzed in the Cumulative Year 2036 and Cumulative Year 2036 Plus Project conditions. The TIS has been revised to include Figures 3-4a and 3-4b.

Comment 3O: *15. The TIS needs to be revised and resubmitted for our review and comment.*

Response 3O: The TIS was revised and is included here as Appendix I.1

Comment 3P: *The Final 2014 Regional Transportation Plan and Sustainable Communities Strategy shows that in the year 2025, the SR 99/Avenue 17 interchange will need interchange/structure improvements. However, In Table 7-5 it indicates that the funding source is local transportation impact fee (TIF) and Other. It is recommended that the proposed project which would impact SR 99 mitigate their impacts by contributing their responsible fair-share towards maintaining and in proving the State facilities due to the absence of an all-inclusive fee program.*

Response 3P: The improvements at the Avenue 17 and SR 99 Interchange, as documented in the PSR, were assumed to be in place for the Cumulative Year 2036 study scenarios. The Project TIS (see Appendix I.1) and DEIR identify the impacts that will occur at this interchange. Also see Response to Comment 3M for a discussion of how PSR improvements relate to the Project and Probable Future Projects in near term and cumulative year conditions.

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LETTER 4

Buchalter Nemer
A Professional Law Corporation

55 SECOND STREET, SUITE 1700, SAN FRANCISCO, CALIFORNIA 94105-3493
TELEPHONE (415) 227-0900 / FAX (415) 227-0770

File Number: N7924-0002
Direct Dial Number: (415) 227-3508
E-Mail Address: aguerra@buchalter.com

May 31, 2016

David Merchen
Community Development Director
Community Development Department
City of Madera
205 W. Fourth Street
Madera, CA 93637

Re: Madera Travel Center Draft EIR - State Clearinghouse Number 2015021058

Dear Mr. Merchen:

Thank you for the opportunity to submit comments on the above-referenced Madera Travel Center Draft Environmental Impact Report ("Draft EIR"). Buchalter Nemer represents the North Fork Rancheria of Mono Indians of California, a federally recognized Indian Tribe ("North Fork" or "Tribe") regarding land use matters affecting the development of a future gaming and hotel project including parking and associated facilities (the "North Fork Project"), on lands held in trust for the Tribe (the "Tribal Property"). The Tribe supports the Madera Travel Center Project ("Travel Center Project") and looks forward to the opening of the center in the future.

Notwithstanding the Tribe's support for the project, we hereby submit the following comments regarding the Draft EIR's analysis of the Travel Center Project for the City of Madera's ("City") consideration.

Background

The Tribal Property is located in southwest Madera County, just north of the City of Madera, adjacent to the west side of State Route 99 and north of Avenue 17, approximately one-half mile north of the Travel Center Project site. The Tribe has over 2,000 tribal citizens.

In 2005, the Tribe submitted its application to the Bureau of Indian Affairs ("BIA") to have the Tribal Property, consisting of 7 parcels totaling approximately 305 acres, taken into trust for the benefit of the Tribe. In 2004, Madera County entered into a Memorandum of Understanding (MOU) with the Tribe to address various aspects of the proposed North Fork Project. In 2006, the City of Madera entered into an MOU with the Tribe that addressed potential impacts of the North Fork Project. The Tribe also entered into an MOU with the Madera Irrigation District. In 2011, following the BIA's completion of an Environmental Impact Statement ("EIS") to assess the environmental impacts of the Tribe's application, the Secretary of the Interior made the determination to take the Tribal Property into Federal trust for the Tribe.

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In addition to the trust acquisition for gaming purposes, the Tribe sought approval from the National Indian Gaming Commission (“NIGC”) of a gaming management agreement between SC Madera Management, LLC (a subsidiary of Station Casinos, LLC) and the Tribe. In 2012, the Governor of California concurred in the Secretary’s decision and the State and Tribe entered into a Tribal-State Compact. The compact, which was signed by the Governor and ratified by the State Legislature, was later overturned by a state-wide referendum. Following litigation between the State and the Tribe, a new compact was selected by a mediator appointed by the court and submitted to the Department of Interior for the adoption of secretarial procedures consistent with that compact pursuant to which the Tribe will conduct class III gaming on the Property. After more than a dozen years, the Tribe is now preparing to develop the North Fork Project on the Tribal Property.

General Comments

We appreciate the City’s thorough analysis of the Travel Center Project. Nonetheless, we note that the Draft EIR did not consider the Tribe’s plans for the North Fork Project located a short distance from the Travel Center Project site. Although the North Fork Project will be built in phases and it is anticipated that the first phase will consist of an approximately 178,000 square foot facility, at full build-out, the approved North Fork Project will consist of an approximately 247,180 square foot gaming and entertainment facility and an approximately 224,530 square foot hotel and spa on the parcel identified in Figure 5-1 as the Madera Town Center.

A

The North Fork Project was not identified as a cumulative project, and it appears that the Tribal Property is mislabeled as the site of Madera Town Center project. Consequently, this may have impacted the analysis of cumulative impacts in the Draft EIR. In fact, while we noted that Table 5-1 and Figure 5-1 of the Draft EIR referred to the “Madera Town Center” as a future project located on the Tribal Property on the west side of Highway 99, we were unable to find any references to the North Fork Project itself. According to Section 5.1 of the Draft EIR, the Madera Town Center, however, would consist of retail and commercial development with up to 795,000 square feet of floor area on a 100-acre site. The Draft EIR indicates that it is unlikely that the Madera Town Center will be constructed during the construction period described in Chapter Two of the Draft EIR for the Travel Center Project (David Merchen, pers. comm.). We are unclear as to whether this was meant to be a reference to the North Fork Project (which will be under construction in the near future), or the Madera Town Center (which was inadvertently shown on the Tribal Property).

We request that the City revise the Draft EIR to correctly describe the approved and pending North Fork Project, and evaluate the potential cumulative impacts associated with the Travel Center Project in combination with the approved North Fork Project.

Specific Comments

In addition to our overall concern that the combined impacts of the Travel Center Project and North Fork Project may not have been fully evaluated in the Draft EIR, we note the

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following specific comments concerning groundwater mitigation, traffic impacts and cumulative impacts.

Chapter 3.9 - Groundwater Impacts

Chapter 3.9 states that the Travel Center Project property is situated in the Madera Sub-basin, which, like the San Joaquin Valley Groundwater Basin, has been in a state of overdraft for several decades. The Madera Sub-basin is considered to be “critically overdrafted” by California Department of Water Resources (DWR) (City of Madera et al. 2015). Specific to the Travel Center Project site, the Draft EIR indicates that groundwater levels have declined between 31 and 62 feet between 1980 and 2011 (City of Madera et al. 2015).

Sections 2.4.1 and 3.9 of the Draft EIR indicate that the Travel Center Project is projected to use approximately 33,800 gallons per day (gpd) of water (see pages 2-20 and 3.9-22). The Draft EIR Project Description also states that in the event the extension of the water line is insufficient to accommodate domestic and fire flow requirements to meet this demand, the project developer may install an on-site tank, booster pump, or a new well. Groundwater impacts are addressed in Section 3.9 of the Draft EIR. The Draft EIR indicates that the General Plan Update EIR previously accounted for water demand associated with the development of the Travel Center Project site so groundwater use would not increase over baseline conditions. Nonetheless, Section 3.9 of the Draft EIR concludes that water supply impacts will be “significant and unavoidable” (also see Impact 3.12-3 in the Public Services, Utilities and Service Systems chapter). The Travel Center Project will be required to participate in a regional monitoring program pursuant to Mitigation Measure 3.12-1 to address its contribution to regional and cumulative impacts.

We appreciate the City’s requirement that the Travel Center Project participate in a regional groundwater monitoring program. We request that the City revise the Draft EIR to clarify that, if the results of monitoring indicate that the Travel Center Project will contribute to regional groundwater conditions, that the Travel Center Project will contribute its proportionate share towards any required measures to address regional groundwater impacts.

B

Chapter 3.13 – Transportation/Traffic

Both the Draft EIR and the Traffic Impact Study Report (“TIS”) prepared for the proposed Travel Center Project by VRPA Technologies, Inc., 2015 may not have accurately accounted for the North Fork Project in the near term and cumulative traffic analyses. Consequently, we are concerned that the Draft EIR does not appear to recommend mitigation for the Travel Center Project’s regional traffic impacts and its contribution to significant cumulative traffic impacts.

Traffic Volume Assumptions. In the analysis of project impacts to intersection operations and in its determination of whether the Travel Center Project traffic will exceed acceptable levels of service standards under existing, near term (2016) and cumulative (2035) conditions, the Draft

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EIR and TIS assume all “pending and approved” projects (as of the date of the Draft EIR) will be completely constructed in the cumulative analysis year of 2036. In particular, the Draft EIR states on page 3.13-30, “traffic conditions without the Project in the year 2016 (Project Opening Day) were estimated by interpolating between the existing traffic volumes and the Cumulative Year 2036 No Project traffic volumes developed for this Project. This methodology assumes a linear increase in traffic from all pending and approved projects.”

A linear increase, however, does not accurately represent how trips will be added to the transportation network as projects are developed. By interpolating, the study’s opening day only assumes 1/20th or 5% of the total pending and approved projects have been added to the network. In reality, when the North Fork Project opens its first phase, an additional 8,074 vehicle trips will be added to the roadway network on opening day, with just under 13,000 trips for full buildout. The first phase trip generation figure represents substantially more than 5% of the pending and approved project traffic. The Draft EIR and the TIS should accurately represent the pending and approved project traffic volumes in its near-term analysis, which will identify additional traffic impact beyond those listed in the Draft EIR.

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cont.

Travel Center Significant Impacts. According to Table 3.13-10 of the Draft EIR, the Travel Center Project will produce a raw trip generation of 8,613 trips per day, with a majority of these trips using the Avenue 17 interchange. The TIS and the Draft EIR indicate that with the addition of Travel Center Project traffic, the Avenue 17/SR 99 SB off ramp, Avenue 17/SR 99 NB off ramp and Avenue 17/Walden Drive intersections will operate at unacceptable levels of service on opening day. Despite the degradation in level of service and the identification of significant traffic impacts at the Avenue 17/SR 99 NB and SB off ramps, the Draft EIR does not identify any mitigation measures to offset the significant traffic impacts. Instead, the TIS determines that while there will be major impacts to the interchange caused by the development of the Travel Center Project, any improvements were not feasible due to design constraints at certain intersections, impacts from future traffic growth, and impacts from the Travel Center Project traffic. Therefore, the impacts were determined to be significant and unavoidable.

D

The North Fork Project will be responsible for mitigating its impacts to the Avenues 17 and 18-1/2 interchanges. While we agree with the Draft EIR’s conclusion that the impacts of the Travel Center Project are significant, and we agree that there are no funding programs in place to fund the interchange/roadway improvements, other than the intersection at Avenue 17/Sharon Boulevard, we question the Draft EIR’s conclusion that the impacts cannot be mitigated to a less-than-significant level. By contrast, the Tribe was required to contribute to the mitigation of its impacts to the interchange as part of its environmental review process. Accordingly, we suggest that both developments work together to finance and construct necessary improvements to offset the cumulative impacts with considerations toward impact fee credits and reimbursements. In this regard, the identification of the Travel Center Project’s fair share percentage of the interchange improvements for Avenue 17/SR 99 SN and NB ramps will be informative in determining an appropriate funding arrangement.

We note that the City has indicated that an agreement exists between the City and the

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developer representing the Madera Town Center. The agreement provides for the development of the initial phase of the Madera Town Center project and sets forth a minimum level of improvements that the developer has agreed to construct at the intersection of Avenue 17 and State Route 99. The existence of this agreement suggests that there is some “reserve capacity” in the interchange that should be set aside or accommodated for as part of the Travel Center Project TIS. There is no discussion or analysis, however, of when the Madera Town Center project may occur or under what conditions it would be allowed to move forward, nor does the Draft EIR identify the required improvements or mitigation measures, or any alternate mitigation measures if the initial agreed-upon mitigations have been constructed by others. Consequently, we request that the Madera Town Center project be treated in the same manner for the North Fork Project and that North Fork not be required to include the Madera Town Center project in its traffic analysis or that the Draft EIR be revised to provide information for the Madera Town Center project in the context of describing the Travel Center Project’s and cumulative impacts.

E
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We also note the following technical comments regarding the TIS analysis:

Page 3.13-25: 100% of the Travel Center Project’s freeway traffic is considered “diverted link trips.” This assumption is inappropriate, because it assumes all visitors accessing the Travel Center Project from State Route 99 are traveling by and not making a specific trip to the Travel Center Project. It is likely that some of the trips from the freeway are primary trips. We recommend that the City substantiate or revise this assumption in the Final EIR.

F

Page 3.13- 31: In the future year baseline scenario, the TIS assumes that certain road and intersection improvements at the Avenue 17/State Route 99 interchange that do not currently exist and that do not currently appear to be funded or listed in a fee study or capital improvement program will be constructed as part of baseline conditions. The inclusion of these improvements is not justified in the future year analysis and compromises the future year scenario traffic analysis. Consequently, the Final EIR should be revised to eliminate interchange improvements that have not yet been funded as part of the baseline conditions.

G

Table 3.13-12: The Travel Center Project’s traffic volumes appear to be inconsistent between the “Existing Plus Project,” “Near-Term with Project” and “Year 2036 with Project” scenarios. The Draft EIR should be revised to include consistent traffic volumes for all three scenarios, or provide an explanation justifying the differences in the traffic volumes.

H

Chapter 5 - Cumulative Impacts

Under CEQA, an EIR is required to evaluate the cumulative impacts associated with a project. Cumulative impacts are defined as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” (CEQA Guidelines, §§ 15355, 15130(a)(1)). Thus, the Draft EIR is required to examine the impacts of the proposed Travel Center Project in combination with the North Fork Project and other planned and reasonably foreseeable projects. Table 5-1 in the Draft EIR lists 46 cumulative projects, including #45, a 795,000 square foot retail project identified as the Madera

I

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Town Center. As we noted above in our general comments, this appears to be a development project mis-labeled as being on the Tribal Property.

I
cont.

Please refer to our comments above regarding the opportunity to require that the Travel Center Project mitigate for its contribution to significant traffic impacts. As currently drafted, the Draft EIR does not require that the Travel Center Project mitigate for its project impacts or for its contribution to significant impacts to the regional transportation system. This means that even though the Travel Center Project may be approved, the applicant will not necessarily be required to mitigate for any of these significant impacts. This would impose a greater burden on the Tribe to mitigate for all of the cumulative impacts caused by other development in the region.

Pursuant to California Public Resources Code Section 21080.5(d)(2)(A), a public agency must not approve a project if there are feasible mitigation measures available that would substantially lessen a significant adverse effect that the activity would have on the environment. *Laurel Heights Improvement Assn. v. Regents of University of California*, 47 Cal. 3d 376, 402, (1988); *Clover Valley Foundation v. City of Rocklin*, 197 Cal. App. 4th 200, 236 (2011). As noted above, the Draft EIR concludes that the applicable mitigation measures are infeasible. The North Fork Project EIS, however, concluded that the mitigation measures were feasible to mitigate significant traffic impacts. Accordingly, we request that the City require the Travel Center Project to mitigate for its proportionate fair share of the transportation improvements in order to offset its contribution to significant cumulative impacts.

J

On behalf of North Fork, we appreciate the opportunity to submit comments on the Travel Center Project Draft EIR, and look forward to the opening of the Travel Center Project in the near future. We would appreciate receiving notification of the availability of the Final EIR when the City releases the document. Please let me know if you have any questions regarding our comments.

Sincerely,

BUCHALTER NEMER
A Professional Corporation

By 
Alicia Guerra

AG:ej

cc: Maryann McGovran
Scott Nielson
David Peters
David Zweig

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Letter 4: Alicia Guerra, Buchalter Nemer, A Professional Corporation

Comment 4A: *We appreciate the City's thorough analysis of the Travel Center Project. Nonetheless, we note that the Draft EIR did not consider the Tribe's plans for the North Fork Project located a short distance from the Travel Center Project site. Although the North Fork Project will be built in phases and it is anticipated that the first phase will consist of an approximately 178,000 square foot facility, at full build-out, the approved North Fork Project will consist of an approximately 247,180 square foot gaming and entertainment facility and an approximately 224,530 square foot hotel and spa on the parcel identified in Figure 5-1 as the Madera Town Center.*

Response 4A: The Commenter reviewed Chapter Five of the Draft EIR, and noted that the location of the North Fork Rancheria of Mono Indians of California's future gaming and hotel project (North Fork Project) was not included in the map or in the table of cumulative projects. The map and table in Chapter Five correctly identified the location of the North Fork Project during the Administrative Draft EIR preparation; however, the North Fork Project was inadvertently removed when revising the text and map for other reasons, prior to the document's release for public review. This does not excuse the error, but it is important to note that the North Fork Project was included during the period when the analysis of cumulative projects and their potential effects to resources, including transportation, occurred. The Draft EIR has been revised to properly identify the location of the North Fork Project, and three other projects in Chapter Five (Table 5-1 Locations #44, #45, #46, and #47 and Figure 5-1) and elsewhere in the text of the DEIR.

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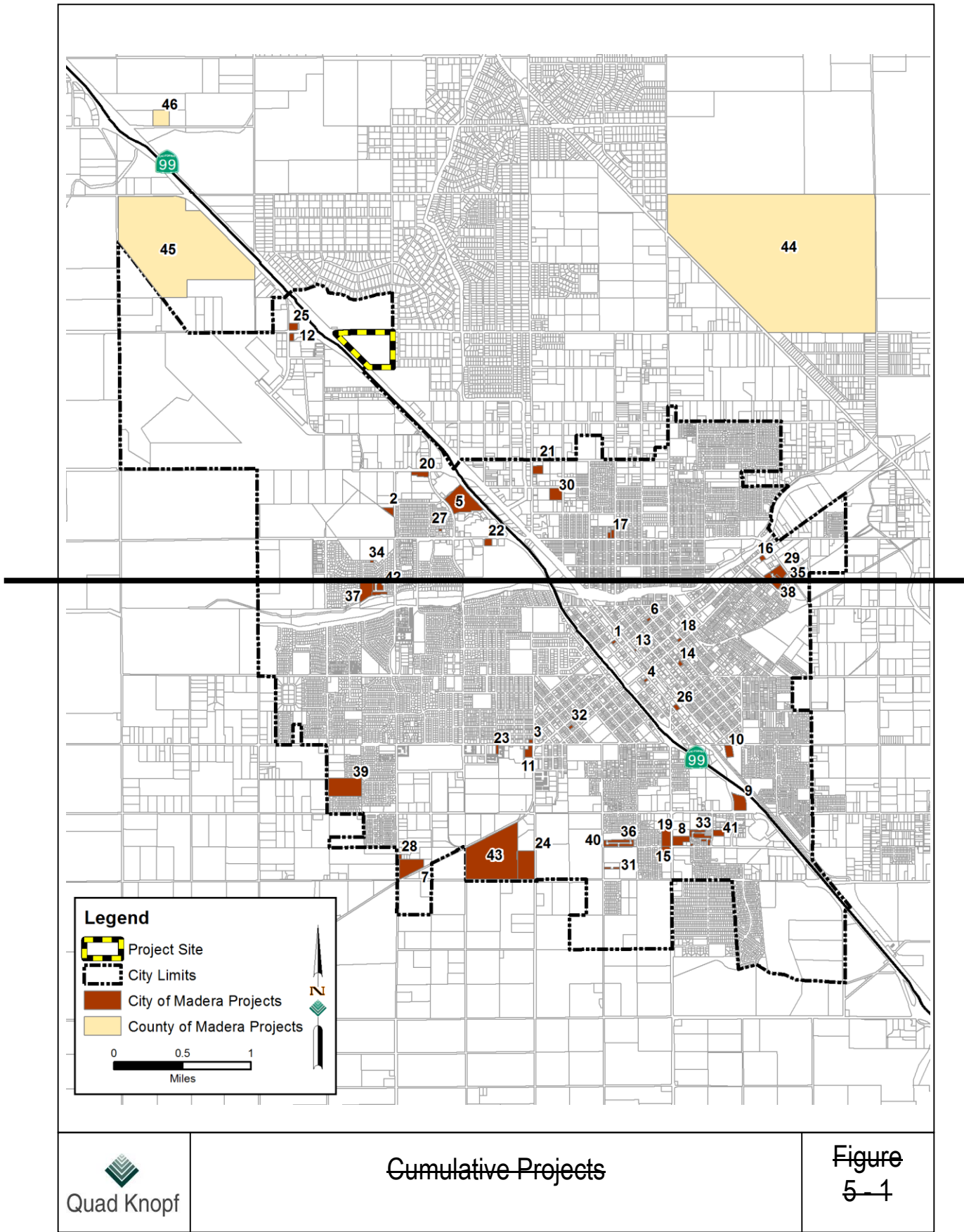
Table 5-1
List of Past, Present, and Probable Future Projects

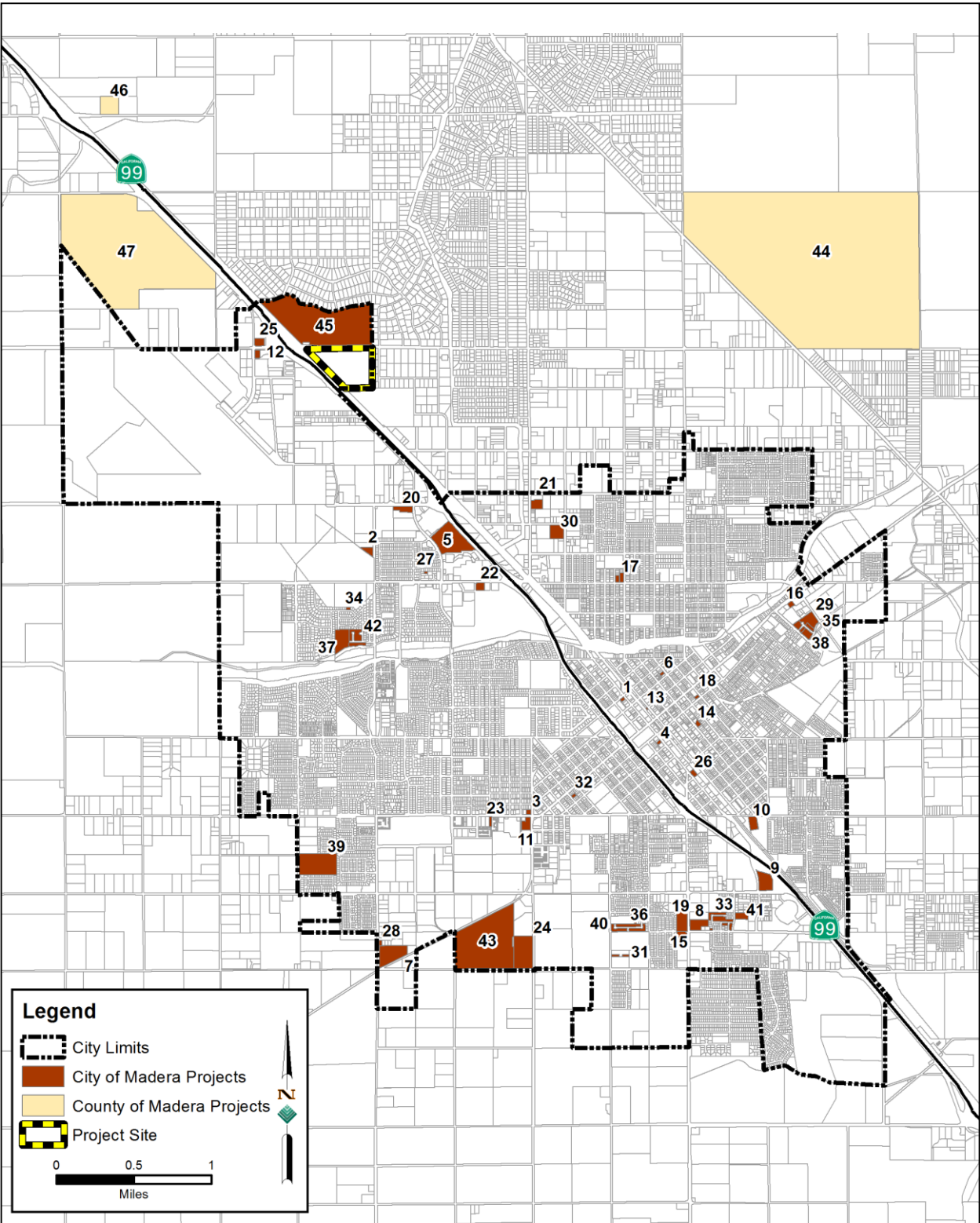
Map #	Project Description	Street	Status	Final Approval Date	Year Built	Comments
1	Gateway Retail Center	Gateway Drive & 3 rd Street	Completed	3/24/09	2011	2000 sf
2	VFW Hall	Granada Drive	Completed	5/12/09	2010	8,000 sf
3	Singh/Sekhon Commercial Development	NWC of Howard Road & Pine Street	Approved by PC	3/13/10	2014	6600 sf
4	Taqueria Mexico	Gateway Drive	Completed	11/2/09	2011	4,500 sf
5	Schnoor & Foxglove Retail Center	Schnoor Street		2012	Not Built	191,000 sf
6	RDA/DMP B Street Apartments	B Street			2010	6,000 sf
7	Color Box Addition	NEC of Road 25 and Pecan Avenue				7000 s.f. Covered storage
8	Madera County Office of Education Admin Center	Gary Lane & Hwy 145			2012	47,500 sf
9	Pistoresi Shopping Center	Gateway Drive & Almond Avenue			Pending	20,000 sf
10	A&S Metal Recycling	Olive Avenue			2012	12,000 sf Bldg & Yard
11	CVS Pharmacy	SWC of Pine Street & Howard Road	Completed		2014	15,000 sf
12	Singh Convenience Store, fuel islands, carwash	Airport Drive	Completed		Not Built	4,000 sf
13	Ochoa Transmission Repair	E Street	Completed	12/14/11		No new construction

Map #	Project Description	Street	Status	Final Approval Date	Year Built	Comments
14	Super Auto Sales Off-Site Service/Detail Garage	C Street	Completed	12/2/11		No new construction
15	Dollar General	SWC of Madera Avenue and Gary Lane	Completed	4/13/12	2012	14,000 sf
16	Family Dollar	Yosemite Avenue	Completed		2013	10,000 sf
17	Food Fair Market Site Expansion	D Street	Completed	10/9/12	2014	9000 sf
18	Camarena Health Centers - New Construction	A Street	Completed		2013	16,000 sf
19	Gill Cadillac Buick GMC Showroom	Madera Avenue	Completed	7/9/13	2014	6000 sf
20	Les Schwab Tire Company	Kennedy Avenue	Completed	9/10/13	2014	12,000 sf
21	Tractor Supply Company	SEC Adell Street and Country Club Drive	Completed	2/11/14	2014	20,000 sf
22	Grocery Outlet Grocery Store	Cleveland Avenue	Completed	6/14/14	2014	12,000 sf
23	Jack in the Box	Howard Road	Completed	7/8/14	2015	3,000 sf
24	Deerpoint Group - Ag Nutrient/Industrial	Wiil Gill Industrial, NWC South Pine Street and West Pecan Avenue	Completed	8/12/14	Pending	62,000 sf
25	17/99 Subway Restaurant (Addition to C Store)	Golden State Boulevard	Completed	9/13/14	2015	1000 sf
26	Napa Auto Parts	Gateway Drive	Completed	11/18/14	Pending	7000 sf
27	W. Cleveland Professional Office	Cleveland Avenue	Completed	10/23/14	Pending	5000 sf
28	Braga Organic Farms	Mitchell Court	Completed	2/10/15	Pending	4500 sf
29	Freedman 72 Unit Apartment Complex	NWC of Clinton Street & Tozer Street	Approved	08/31/07	Pending	72 units
30	Arborpoint Apartment Development	SWC of Owens Street & Clark Street	Approved	10/23/07	2010	65 units

Map #	Project Description	Street	Status	Final Approval Date	Year Built	Comments
31	Corporation for Better Housing Apartments	East side of Stadium, North of Pecan Avenue	Approved	08/31/10	2012	72 units
32	Poythress Multiple Family 6-plex	O street	Approved	12/14/10	2011	6 Units - 6,000 sf
33	Tierra Vista Estates - Kemp Land Co. / North Star Eng.	NWC of Gary Lane and Emily Way	Approved	11/12/13	2015	48 lots SFR
34	Cottonwood Estates II	Last 2 lots in Cottonwood II (Ph. 3)	Approved	11/12/13	2014	2 lots SFR
35	Sugar Pine Village Single Family	4 lot amendment	Approved	01/14/14	2014	4 lots SFR
36	Chateau at the Vineyards	2 lot amendment	Approved	01/14/14	2014	2 lots SFR
37	Cottonwood Estates II	74 remaining lots in Phases 4 and 5	Approved	03/14/14	2015	74 lots SFR
38	Sugar Pine Village Single Family	19 remaining lots	Approved	04/08/14	2015	19 lots SFR
39	Capistrano 16	19.79 ac. N of Almond, E of Westberry	Approved		2015	103 lots SFR
40	Chateau at the Vineyards	35 remaining lots	Approved		2015	35 lots SFR
41	Emily Way Apartments	Emily Way at Joya Drive	Approved	2/18/2015	Pending	54 units
42	Cottonwood Estates II	74 remaining lots in Phases 4 and 5	Approved	01/13/15	Pending	74 lots SFR
43	Will Gill Industrial Subdivision	NWC of South Pine Street and Pecan Avenue (Avenue 13)		01/28/14	2015	17 Lot Industrial Park
44	Commons at Madera Fair Castellina Specific Plan (Madera County Project)	Cleveland Avenue @ Fairgrounds SEC of Avenue 18 and Road 27	Completed In Progress	08/1/07 N/A	2008 N/A	300L sf, retail. Lowes anchored. 2,984 du, 21 ac of commercial/MU, 20 ac employment park, 137 ac of parks
45	Madera Town Center (Madera County Project)	Avenue 17 @ SR 99	EIR Certified			795K sf, retail

Map #	Project Description	Street	Status	Final Approval Date	Year Built	Comments
46	Equipment Yard (<i>Madera County Project</i>)	Avenue 18 ½, east of SR 99				
<u>47</u>	<u>North Fork Casino Project</u>	<u>SEC of Avenue 18 and Road 23</u>		<u>June 2013</u>	<u>N/A</u>	





Cumulative Projects

Figure
5 - 1

Comment 4B: *We appreciate the City's requirement that the Travel Center Project participate in a regional groundwater monitoring program. We request that the City revise the Draft EIR to clarify that, if the results of monitoring indicate that the Travel Center Project will contribute to regional groundwater conditions, that the Travel Center Project will contribute its proportionate share towards any required measures to address regional groundwater impacts.*

Response 4B: Regardless of the results of such monitoring, not only the Project but all water users in the City will be participants in the City's continuing efforts to reduce groundwater usage, including those required by the Groundwater Sustainability Plan for the Subbasin.

Comment 4C: *Traffic Volume Assumptions. In the analysis of project impacts to intersection operations and in its determination of whether the Travel Center Project traffic will exceed acceptable levels of service standards under existing, near term (2016) and cumulative (2035) conditions, the Draft EIR and TIS assume all "pending and approved" projects (as of the date of the Draft EIR) will be completely constructed in the cumulative analysis year of 2036. In particular, the Draft EIR states on page 3.13-30, "traffic conditions without the Project in the year 2016 (Project Opening Day) were estimated by interpolating between the existing traffic volumes and the Cumulative Year 2036 No Project traffic volumes developed for this Project. This methodology assumes a linear increase in traffic from all pending and approved projects."*

A linear increase, however, does not accurately represent how trips will be added to the transportation network as projects are developed. By interpolating, the study's opening day only assumes 1/20th or 5% of the total pending and approved projects have been added to the network. In reality, when the North Fork Project opens its first phase, an additional 8,074 vehicle trips will be added to the roadway network on opening day, with just under 13,000 trips for full buildout. The first phase trip generation figure represents substantially more than 5% of the pending and approved project traffic. The Draft EIR and the TIS should accurately represent the pending and approved project traffic volumes in its near-term analysis, which will identify additional traffic impact beyond those listed in the Draft EIR.

Response 4C: See Table 5-1 of the revised TIS (Appendix I.1) and Response to Comment 3.I for a revised listing of all proposed projects included in the DEIR cumulative analysis, including the 2015 TIS analysis. As indicated in Table 5-1, at the time the TIS was prepared, a total of 26 projects, including the North Fork Project, remained with the status of "pending" or "approved" when the traffic analysis was conducted.

The levels of traffic expected in the year 2036 relate to the cumulative effect of traffic increases resulting from the implementation of the General Plans of local agencies, including the City of Madera and Madera County. Traffic conditions under the future year scenario are typically estimated using the Madera County Transportation Commission (MCTC) regional travel model. However, at the time the traffic analysis for the proposed was initiated, MCTC staff was in the process of calibrating and validating a new regional travel model for Madera County. At this point in time, the MCTC regional travel model has not been finalized or released for use in project level analysis. In the absence of an appropriate regional traffic model, an alternative approach to projecting traffic volumes in near term (2016) and cumulative (2036) conditions from pending and approved projects was required. This matter was discussed during a February 12,

2015 traffic study scoping meeting attended by City of Madera staff, Caltrans staff, and the traffic study preparers. During that meeting, there was a consensus that the best available approach to projecting traffic volumes was to interpolate between existing traffic volumes and cumulative year 2036 volumes as described in section 3.6 of the revised TIS (Appendix I.1) and DEIR page 3.13-31.

The exact timing for construction and development of the pending and approved projects was unknown. Assuming full or partial development of those projects during the proposed Project's Opening Day (2016) would not accurately represent near-term conditions. Despite the significant number of projects proposed in the vicinity of the interchange since 2006, and notwithstanding the intent of any individual developer or owner to commence construction in the near term, the City is not aware of any projects included on the list of pending and approved projects for which construction is clearly imminent.

The approach utilized in the TIS anticipates that all pending and approved projects will be constructed by 2036, but does not anticipate the specific year when any individual project, or portion of any individual project will be developed. This approach more accurately reflects the fact that projects in the area around the interchange will be developed at different times within the 20-year period between 2016 and 2036. While it's possible, though not certain, that the project referenced by the Commenter may be developed within the next few years, other projects may not occur until much closer to 2036 or not at all. Rather than guessing at when specific projects will develop, the methodology in the TIS anticipates constant growth in traffic until all pending and approved projects are built out in 2036.

Comment 4D: *Travel Center Significant Impacts. According to Table 3.13-10 of the Draft EIR, the Travel Center Project will produce a raw trip generation of 8,613 trips per day, with a majority of these trips using the Avenue 17 interchange. The TIS and the Draft EIR indicate that with the addition of Travel Center Project traffic, the Avenue 17/SR 99 SB off ramp, Avenue 17/SR 99 NB off amp and Avenue 17/Walden Drive intersections will operate at unacceptable levels of service on opening day. Despite the degradation in level of service and the identification of significant traffic impacts at the Avenue 17/SR 99 NB and SB off ramps, the Draft EIR does not identify any mitigation measures to offset the significant traffic impacts. Instead, the TIS determines that while there will be major impacts to the interchange caused by the development of the Travel Center Project, any improvements were not feasible due to design constraints at certain intersections, impacts from future traffic growth, and impacts from the Travel Center Project traffic. Therefore, the impacts were determined to be significant and unavoidable.*

The North Fork Project will be responsible for mitigating its impacts to the A venues 17 and 18-1/2 interchanges. While we agree with the Draft EIR's conclusion that the impacts of the Travel Center Project are significant, and we agree that there are no funding programs in place to fund the interchange/roadway improvements, other than the intersection at Avenue 17/Sharon Boulevard, we question the Draft EIR's conclusion that the impacts cannot be mitigated to a less than-significant level. By contrast, the Tribe was required to contribute to the mitigation of its impacts to the interchange as part of its environmental review process. Accordingly, we suggest that both developments work together to finance and construct necessary improvements to offset the cumulative impacts with considerations toward impact fee credits and reimbursements. In this

regard, the identification of the Travel Center Project's fair share percentage of the interchange improvements for Avenue 17/SR 99 SN and NB ramps will be informative in determining an appropriate funding arrangement.

Response 4D: The Avenue 17 at SR 99 NB off-ramp intersection is forecasted to operate at unacceptable LOS 'F' under 'Existing Plus Project' and 'Near-Term (Year 2016) Plus Project' conditions and the Avenue 17 at SR 99 SB off-ramp intersection is forecasted to operate at LOS 'D' under 'Near-Term (Year 2016) Plus Project' conditions; however, neither of these intersections meet the peak hour traffic signal warrant because the minor approach does not carry enough traffic to justify signalization. Although the LOS is F or D under these scenarios, a signal is not warranted, and therefore, no improvements were recommended for the Project's contribution of traffic at the intersection. Future installation of a traffic signal at both intersections would alleviate any and all LOS deficiencies (See Response to Comment 3K for more details, including mitigation regarding signalization). As described in Response to Comment 3M, it is the City of Madera's practice to calculate and collect a fair share contribution from new development for future improvements to the Avenue 17/SR 99 Interchange. And as explained on page 58 of Appendix I.1, signalization of the ramps is included in the PSR.

Comment 4E: *We note that the City has indicated that an agreement exists between the City and the developer representing the Madera Town Center. The agreement provides for the development of the initial phase of the Madera Town Center project and sets forth a minimum level of improvements that the developer has agreed to construct at the intersection of Avenue 17 and State Route 99. The existence of this agreement suggests that there is some "reserve capacity" in the interchange that should be set aside or accommodated for as part of the Travel Center Project TIS. There is no discussion or analysis, however, of when the Madera Town Center project may occur or under what conditions it would be allowed to move forward, nor does the Draft EIR identify the required improvements or mitigation measures, or any alternate mitigation measures if the initial agreed-upon mitigations have been constructed by others. Consequently, we request that the Madera Town Center project be treated in the same manner for the North Fork Project and that North Fork not be required to include the Madera Town Center project in its traffic analysis or that the Draft EIR be revised to provide information for the Madera Town Center project in the context of describing the Travel Center Project's and cumulative impacts.*

Response 4E: As documented in Section 3.5 of the TIS, the probable future projects included in the TIS were developed in consultation with City of Madera and Madera County staff. The proposed Madera Town Center project located in the northeast quadrant of the Avenue 17 and SR 99 Interchange was included in the analysis.

Notwithstanding the development agreement referenced by the Commenter, the City and the developer of the Madera Town Center project remain uncertain about the timing of the initial phase of the development and what that initial phase would be comprised of. This uncertainty is similar to the status of other probable future projects as described in Response 4C. For these reasons, the analysis of near term and cumulative conditions considers traffic created by the Madera Town Center project in the same manner as the traffic created by other probable future projects. Because the improvements identified as the responsibility of the Madera Town Center project would only be constructed when and if that project is developed, and it is not certain when or if that

development would occur, minimum level of improvements that the Madera Town Center project has agreed to construct at the intersection of Avenue 17 and State Route 99 were not incorporated in the analysis of the Madera Travel Center Project. If and when the project included in the referenced development agreement is constructed, the City and Caltrans will determine what additional or modified improvements are necessary.

Comment 4F: *Page 3.13-25: 100% of the Travel Center Project's freeway traffic is considered "diverted link trips." This assumption is inappropriate, because it assumes all visitors accessing the Travel Center Project from State Route 99 are traveling by and not making a specific trip to the Travel Center Project. It is likely that some of the trips from the freeway are primary trips. We recommend that the City substantiate or revise this assumption in the Final EIR.*

Response 4F: Project trips from SR 99 are characterized as “Diverted Link” trips. Diverted link trips occur when a vehicle that would have otherwise have continued its trip along SR 99 exits at the Project location to seek services available at the Project site (e.g., refueling, food services, and hotel). Note that only trips along SR 99 would be diverted link trips. On the other hand, Primary or “destination” trips are trips that originate from a location (from home, for example), visit the Project site, and then return in the direction from which they came (back home in this example). Without the proposed Madera Travel Center Project, neither diverted link trips vehicles nor primary trips would exit SR 99 at this location.

The Madera Travel Center Project trip distribution was developed in consultation with the City of Madera and Caltrans, who concurred with this approach. After much consideration of various methods and scenarios, it was determined that all visitors using SR 99 who would exit SR 99 to seek services provided by the Project could have gotten these same services at another nearby business, and that only a nominal few could occur as primary trips. For primary trips to occur, typically the Project site would offer services that were not available elsewhere in the nearby area. It is unlikely there would be primary trips originating from the north because that is outside the city limits and most travelers would be coming from Chowchilla or further north where similar services are available. In the northbound lanes (for travelers headed from the City of Madera) there are a minimum of ten (10) gas stations and ten (10) fast food restaurants along SR 99 south of Avenue 16 that offer similar services to City of Madera residents. A vast majority of housing units and commercial developments in the City of Madera are located at or south of Avenue 16. Given the numerous gas stations and fast food restaurants located at or south of Avenue 16, it was reasonable to assume that all visitors accessing the Travel Center Project from SR 99 were traveling by and not making a specific trip to the proposed Project site. Therefore, under the 100 percent “diverted link trips,” it was estimated that there are too few primary trips to influence the outcome of analysis of the SR 99 ramps. Furthermore, a review of the levels of service calculations indicates that should 10 percent of trips be considered primary trips (e.g., 27 a.m. trips and 29 p.m. trips), the results of the analysis would remain the same, and would not result in the conclusion that additional significant impacts occur.

Comment 4G: *Page 3.13-31: In the future year baseline scenario, the TIS assumes that certain road and intersection improvements at the Avenue 17/State Route 99 interchange that do not currently exist and that do not currently appear to be funded or listed in a fee study or capital improvement program will be constructed as part of baseline conditions. The inclusion of these*

improvements is not justified in the future year analysis and compromises the future year scenario traffic analysis. Consequently, the Final EIR should be revised to eliminate interchange improvements that have not yet been funded as part of the baseline conditions.

Response 4G: As noted under Responses to Comment 3M and 3P, the improvements at the Avenue 17 and SR 99 Interchange, as documented in the PSR, were assumed to be in place for the Cumulative Year 2036 study scenarios. The Project TIS (see Appendix I.1) and DEIR identify the impacts that will occur at this interchange. Also see Response to Comment 3M for a discussion of how PSR improvements relate to the Project and Probable Future Projects in near term and cumulative year conditions.

Comment 4H: *Table 3.13-12: The Travel Center Project's traffic volumes appear to be inconsistent between the "Existing Plus Project," "Near-Term with Project" and "Year 2036 with Project" scenarios. The Draft EIR should be revised to include consistent traffic volumes for all three scenarios, or provide an explanation justifying the differences in the traffic volumes.*

Response 4H: As documented in Section 3.3 of the TIS, Sharon Boulevard will connect to Krohn Street/Ellis Avenue in the future, which will slightly alter the trip distribution of the proposed Project. The Sharon Boulevard connection was analyzed in the Cumulative Year 2036 and Cumulative Year 2036 Plus Project conditions. Figures 3-4a and 3-4b were inadvertently omitted from the TIS, which document Project traffic for Existing Plus Project and Near-Term Plus Project conditions. Figures 3-5a and 3-5b display Project traffic associated with the Sharon Boulevard connection, which was analyzed in the Cumulative Year 2036 and Cumulative Year 2036 Plus Project conditions. The TIS has been revised to include Figures 3-4a and 3-4b.

Comment 4I: Chapter 5 - Cumulative Impacts

Under CEQA, an EIR is required to evaluate the cumulative impacts associated with a project. Cumulative impacts are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." (CEQA Guidelines, §§ 15355, 15130(a)(I)). Thus, the Draft EIR is required to examine the impacts of the proposed Travel Center Project in combination with the North Fork Project and other planned and reasonably foreseeable projects. Table 5-1 in the Draft EIR lists 46 cumulative projects, including #45, a 795,000 square foot retail project identified as the Madera Town Center. As we noted above in our general comments, this appears to be a development project mis-labeled as being on the Tribal Property.

Response 4I: The DEIR has been revised to properly label the Madera Town Center as #45 and the North Fork Project as #47 on both Table 5-1 and Figure 5-1. Also see Response 4A and Errata.

Comment 4J: *Please refer to our comments above regarding the opportunity to require that the Travel Center Project mitigate for its contribution to significant traffic impacts. As currently drafted, the Draft EIR does not require that the Travel Center Project mitigate for its project impacts or for its contribution to significant impacts to the regional transportation system. This means that even though the Travel Center Project may be approved, the applicant will not necessarily be required to mitigate for any of these significant impacts. This would impose a*

greater burden on the Tribe to mitigate for all of the cumulative impacts caused by other development in the region.

Pursuant to California Public Resources Code Section 21080.5(d)(2)(A), a public agency must not approve a project if there are feasible mitigation measures available that would substantially lessen a significant adverse effect that the activity would have on the environment. Laurel Heights Improvement Assn. v. Regents of University of California, 47 Cal. 3d 376, 402, (1988); Clover Valley Foundation v. City of Rocklin, 197 Cal. App. 4th 200, 236 (2011). As noted above, the Draft EIR concludes that the applicable mitigation measures are infeasible. The North Fork Project EIS, however, concluded that the mitigation measures were feasible to mitigate significant traffic impacts. Accordingly, we request that the City require the Travel Center Project to mitigate for its proportionate fair share of the transportation improvements in order to offset its contribution to significant cumulative impacts.

Response 4J: The Commenter’s reference to Public Resources Code section 21080.5(d)(2)(A) appears to be in error. That statute addresses the criteria by which the California Secretary of Resources determines whether the regulatory programs of particular state agencies qualify for certification that their regulatory programs require the functional equivalent of EIRs and negative declarations. The statute has no application to the City of Madera or Caltrans. Even so, the City acknowledges the substantive policy of CEQA, by which public agencies should not approve proposed projects with significant environmental effects where there are feasible mitigation measures or feasible alternatives that would substantially lessen such effects. (See Pub. Resources Code, § 21002.)

Also, please refer to the Response to Comment 4D and 3M for more details on mitigation for traffic impacts.

LETTER 5

DENISE & DONALD MARMOLEJO
16892 WALDEN DR.
MADERA, CA 93638
DMARMOLEJO@YAHOO.COM

May 25, 2016

RE: LOVE's proposed Travel Center, hotel, restaurant, fueling islands, RV and boat storage, and amenities for automobile and trailer truck travelers

To Whom It May Concern,

Our primary residence, zoned very low density residential borders this proposed development to the east. Our rural residential neighborhood is just that; Residential and without traffic and noise. Our residential homes are in Madera County and this proposed development has been annexed into the City of Madera. The City is more concerned about collecting the increased revenues from the commercial businesses than insuring our neighborhood is not impacted negatively by this development. As County residents, clearly we do not pay for city services. The City of Madera is not working with the neighborhood to insure our property values remain intact as does our rural lifestyle. Our neighborhood has children, we enjoy back yard BBQ's and swim parties in the quiet and peaceful country setting.

A

We want to insure our neighborhood is not impacted negatively by this development and would ask that we have representation from our County leaders.

Below are the many concerns and issues that have not been addressed:

1. **Lights 24/7** will impact our homes, backyards and lifestyle. How will this be mitigated? The EIR has not addressed a proper solution for our quality of life being changed.
2. **125 foot tower sign**. Will this be visible from our back yards? Balloons were floated along the highway but not on the east side where we reside. If this sign will be visible from our backyards the mitigation should require a lower sign to not impact our current quality of life.
3. **Truck diesel and car emissions** will travel off the site and drift onto our residential properties and our children will breath these fumes. The EIR has not addressed these issues.
4. **Transients and homeless** have not been addressed in the EIR. Travel Centers are a magnet for homeless and illegal activities. This has not been addressed in the EIR.
5. **Water**: Travel Centers are known for providing 24/7 showers for the Truckers. Need I remind anyone our central valley is still in a severe drought situation? How can we consider allowing a business that will suck our very precious resource? The residential homes to the east are on individual wells. We are NOT on a water system. If our wells go dry due to this project we should be compensated. This is not addressed in the EIR.

B

C

D

E

F

Page 2 Marmolejo

6. Noise: How will this potential development mitigate the noise? A Travel Center is not recommended by any municipality next to residential homes. With cars and trucks coming and going 24/7 how will this be mitigated as to not impact the residential neighbors?	G
7. Trucks using our residential street as a turnaround: A sign entering Walden Dr. from Ave. 17 that states 'Residential Neighborhood' no trucks allowed, or something to that effect.	H
8. Property line fence: Currently there is a 8 foot wood fence that is not owned by the homeowners. This was required of the owner back in the 1980's when the property was changed from agriculture to commercial. This fence is wood slat and has approx. an inch of open air in between each board. The fence in it's current state and 35 years old will not shield the residential homes from light and or sound from the development. Why has a brick wall not been recommended as a mitigation measure? We would ask that a brick wall, at the very least 10 foot tall be built to mitigate the items listed above.	I
It is quite ironic that this EIR had addressed the owl, the fox and the rat and measures to not affect their habitat but this EIR and the City officials are not concerned about the humans that will be affected and life's changed by this proposed development.	J
The fact remains there is a residential neighborhood due east of this proposed development and the EIR and mitigation is weak at best in addressing our neighborhood.	K

Regards,
Donald and Denise Marmolejo
16892 Walden Dr., Madera, CA 93638
County of Madera residents

Letter 5: Denise and Donald Marmolejo

Comment 5A: *Our primary residence, zoned very low density residential borders this proposed development to the east. Our rural residential neighborhood is just that; Residential and without traffic and noise. Our residential homes are in Madera County and this proposed development has been annexed into the City of Madera. The City is more concerned about collecting the increased revenues from the commercial businesses than insuring our neighborhood is not impacted negatively by this development. As County residents, clearly we do not pay for city services. The City of Madera is not working with the neighborhood to insure our property values remain intact as does our rural lifestyle. Our neighborhood has children, we enjoy back yard BBQ's and swim parties in the quiet and peaceful country setting.*

We want to insure our neighborhood is not impacted negatively by this development and would ask that we have representation from our County leaders.

Response 5A: The City appreciates the concerns expressed by nearby residents regarding potential impacts to their neighborhood. Although the proposed Project is in the City, potential impacts to resources must be analyzed on all surrounding properties, regardless of the ownership or jurisdiction of those properties. The City Planning Commission will review the Applicant's requests for permits, including Conditional Use Permits; and if the Project is approved, the Commission will include Conditions of Approval which must be completed before the Project can move forward. These Conditions of Approval and the mitigation measures included in the Draft EIR, as well as other permit conditions and Best Management Practices will reduce or avoid impacts to resources on the Project property and the surrounding properties. The County Public Works Department and County Office of Community/Economic Development were notified of the availability of the Draft EIR.

Comment 5B: *1. Lights 24/7 will impact our homes, backyards and lifestyle. How will this be mitigated? The EIR has not addressed a proper solution for our quality of life being changed.*

Response 5B: The potential for light spillover onto adjacent properties has been fully addressed under Impact #3.1-3. Additionally, Mitigation Measures #3.1-3a, b, c and d, have been included to mitigate this potential impact to a less than significant level.

Comment 5C: *2. 125 foot tower sign. Will this be visible from our back yards? Balloons were floated along the highway but not on the east side where we reside. If this sign will be visible from our backyards the mitigation should require a lower sign to not impact our current quality of life.*

Response 5C: As noted in Impact #3.1-1, a 500-foot distance buffer separates the residences from the Project. As also noted, the sign will be required to comply with the City's Freeway Sign Criteria Manual, the Highway Commercial Zone General Provision, and Section 10-6.03 of the City's Municipal Code (Sign Regulations). As required by the City's Freeway Sign Criteria, the Applicant has completed a flag test as a component of an application for variance and use permit. It should additionally be noted that the proposed location of the 125-foot sign is located along the western boundary of the site, at an approximate distance of 2,000 feet from the residences to the east. At approximately 2,000 feet away (0.4 miles), the sign would be minimally visible.

Additionally, existing vegetation along the residences to the east would assist with screening of the sign.

Comment 5D: 3. ***Truck diesel and car emissions** will travel off the site and drift onto our residential properties and our children will breath these fumes. The EIR has not addressed these issues.*

Response 5D: Diesel emissions are discussed in the DEIR Section 3.3. The Health Risk Assessment was revised (see Appendix C.1) to better analyze health risks associated with diesel emissions and other toxins. Under the revised analysis, with the implementation of mitigation measures, toxic air contaminants (TACs), including diesel fumes would be reduced to a less than significant level. See Chapter 4 Errata and Appendix C.1 for a full analysis. The text of Section 3.3 of the DEIR (pages 3.3- 41 through 3.3-45) was revised, in part, to say:

Cancer Risk

According to the SJVAPCD Guidance and the SJVAPCD Staff Report, the cancer risk has been calculated through use of ISC-AERMOD View Version 9.1.0 and the input parameters detailed above in Section 4.2 that were utilized to calculate the DPM (diesel truck and TRU emissions), benzene (gas station emissions) and PAHs (restaurant emissions) concentrations created from operation of the proposed Project at the nearby homes. The AERMOD output files for DPM is provided in Appendix B, benzene in Appendix C, and PAHs in Appendix D. The TAC concentrations were then entered into the Hotspots Analysis and Reporting Program (HARP) Health Risk Assessment Standalone Tool (RAST) Version 2, in order to determine the cancer risks to the nearby residents. The parameters utilized in the HARP2 program are detailed below and the HARP2 output files are provided in Appendix E for the DPM emissions, Appendix F for the Benzene emissions, and Appendix G for the PAHs emissions.

- Receptor Type: Individual Resident;
- Exposure Duration: 70 years;
- Intake Rate Percentile: OEHHA Derived Method;
- Pathways to Evaluate: Mandatory Minimum Pathways; and
- Fraction at time at home: Apply fraction of time at residences less than 16 years (nearest school is Jack Desmond Middle School approximately 1.4 miles to east and outside of the one mile analysis area), and apply fraction of time at residences greater or equal to 16 years.

The cancer risks were calculated separately for each of the different types of TAC emissions created from the operation of diesel trucks and TRUs (DPM emissions), gas station (benzene emissions) and the restaurants charbroiler and griddle (PAHs emissions). The calculated cancer risk from the proposed Project are summarized in and the DPM concentration are shown in Figure 5.

Table 3.3-12 shows that the highest cancer risk created from the proposed Project is 42.2 per million and would occur at Sensitive Receptor 8, which represents the home located near the east side of the Project site and on the west side of Walden Drive. Sensitive Receptors 7 and 8 were found to result in a cancer risk increase in excess of the SJVAPCD's 20 per million people threshold.

Table 3.3-13 shows that with implementation of Mitigation Measures, the highest cancer risk created from the proposed Project is 15.5 per million and would occur at Sensitive Receptor 8, which represents the home located near the east side of the Project site and on the west side of Walden Drive. The calculated cancer risk at the nearby sensitive receptors would be under the 20 per million people threshold. Therefore, with implementation of Mitigation Measures the cancer risk at the nearby sensitive receptors from the proposed Project would be reduced to less than significant levels. See below for Mitigation Measures.

Table 3.3-14 shows that the greatest chronic risk from TAC emissions associated with operation of the proposed Project would be 0.01 and would occur at Sensitive Receptor 8, which represents the home located near the east side of the Project site and on the west side of Walden Drive. The criterion for significance is a Chronic Hazard Index increase of 1.0 or greater, which is detailed above in Section 5.1. Therefore, the on-going operations of the proposed Project would result in a less than significant impact due to the non-cancer chronic health risk from TAC emissions created by the proposed Project.

Comment 5E: 4. *Transients and homeless have not been addressed in the EIR. Travel Centers are a magnet for homeless and illegal activities. This has not been addressed in the EIR.*

Response 5E: With the exception of directly displacing residents, CEQA is not intended to address potential housing and population issues resulting from a project. The nature of the Project is to serve those passing through the area, so that most would be considered “transient” rather than residents. The City’s Housing Element and the Fresno Madera Continuum of Care website (<http://www.fresnomaderahomeless.org/>) provide additional information on local efforts to assist those in need of housing and associated services.

Although the City appreciates the Commenter’s concerns regarding a potential for increased illegal activities within the Project site, the purpose of CEQA (Section 15002(a)) is to inform the agencies and the public about potential, significant environmental effects of proposed activities. Section 3.12-2 of the Draft EIR does evaluate the need for additional police staffing and facilities resulting from the Project. Additional police presence will be provided for this 24-hour commercial operation, to be paid from the development fees required by the Project. Additionally, the Applicant’s management has stated that one of its business practices is to have well-lit parking lots to discourage illegal and illicit behavior, and to have a store manager on site during each and every working shift. Part of the duties of the store manager includes walking the site to identify any potential problems that the Commenter has suggested. Those problems if identified, are dealt with quickly, and in cooperation with local law enforcement, if necessary.

Comment 5F: 5. Water: *Travel Centers are known for providing 24/7 showers for the Truckers. Need I remind anyone our central valley is still in a severe drought situation? How can we consider allowing a business that will suck our very precious resource? The residential homes to the east are on individual wells. We are NOT on a water system. If our wells go dry due to this project we should be compensated. This is not addressed in the EIR.*

Response 5F: The EIR notes, in the discussion of Impact #3.9-2, page 3.9-22, that... “the Project’s water usage has already been accounted for in the EIR for the most current General Plan update.” Please see the response to Comment 2B regarding project-related water-saving design and Mitigation Measure #3.12-3.

There is no evidence available that water supply for the Project, if provided from the existing City distribution system or from an additional well serving that system and the Project, will cause other wells to “go dry.” Such a non-foreseeable occurrence must be addressed if and when it occurs, perhaps through groundwater adjudication; compensation therefore is not subject to environmental analysis in this EIR. As explained in the response to Comment 2B, California law requires the local governments overlying the Madera Subbasin to come together to form a Groundwater Sustainability Agency (GSA) that will prepare a Groundwater Sustainability Plan (GSP) that will be required to eliminate ongoing groundwater overdraft and lead to the sustainable use of the groundwater in the Subbasin.

Comment 5G: 6. Noise: *How will this potential development mitigate the noise? A Travel Center is not recommended by any municipality next to residential homes. With cars and trucks coming and going 24/7 how will this be mitigated as to not impact the residential neighbors?*

Response 5G: The proposed Project is a commercial operation, and conforms to the zoning and general plan designations for uses that were anticipated by the City on that site. The Project will be subject to Conditions of Approval in order for Conditional Use Permits to be approved for the hotel and other uses. Section 3.11 analyzes existing and anticipated noise related effects. The Project is designed to occupy the portion of the site adjacent to SR 99, so that the portion of the parcel nearest to the residences will remain vacant. As explained on page 3.11-15 of the Draft EIR, the closest sensitive receptor (a residence, in this case) is approximately 700 feet from the nearest entrance to the Project site, where the predicted maximum noise levels during construction would be 73 decibels (dB) to 91 dB. Based upon Table 3.11-4, the maximum noise level due to construction activities would range between 55 dB and 67 dB at a distance of 700 feet. These levels are equal to, or less than current (e.g., preconstruction and pre-project) noise levels, which were measured during the ambient noise survey. As for noise during the operation of the Travel Center, page 3.11-16 explains, “Based upon the noise level measurements, a conservative hourly Leq of 70 dB Leq at a distance of 100 feet was applied. The nearest residences are located at a distance of 1,200 feet from the center of the Project site. Thus, the calculated hourly Leq is 49 dB at the nearest residences to the east. This does not account for additional shielding of noise from on-site facilities. Based on this analysis, the noise impacts to the existing residences would be considered less than significant.” The analysis goes on to say that those who are on-site, such as those staying in the hotel on the Project site, especially in the higher floors could be exposed to traffic and railroad noise levels as high as 80 dB Ldn. These rooms would require noise reduction as described in Mitigation Measure #3.11-1b.

Comment 5H: 7. *Trucks using our residential street as a turnaround:* *A sign entering Walden Dr. from Ave. 17 that states ‘Residential Neighborhood’ no trucks allowed, or something to that effect.*

Response 5H: It is not anticipated that trucks will utilize Walden Drive as a turnaround since Walden Drive is not a designated truck route. Instead, the City is requiring the Project to construct a temporary turnout at the south end of the Project site on Sharon Boulevard. The temporary turnaround will be of sufficient size to accommodate the U-turn movement of a truck. Therefore the requested signage will not be necessary. Walden Drive is considered a public roadway within the unincorporated county for which all vehicles, included trucks, have permission, granted by the County, to traverse. Therefore, any restriction to access of that roadway would be not be consistent with the dedicated use of a public roadway. It should be noted that if the trucks are operating in violation of local traffic laws, the law enforcement agencies which regulate traffic, such as the Sheriff’s Department or California Highway Patrol, may be notified in order to enforce the appropriate regulations.

Furthermore, any signage installation would be reviewed and approved by the Madera County Public Works Department, Maintenance and Operations Division and Traffic Engineering staff. A sign could be purchased by the residents to further notify motorists that Walden Drive has no outlet or is not a through street. Further consultation with the County could also lead to installation of a sign. However, as noted above, the need for a sign is not an environmental impact identified within the Final EIR and, therefore, requires no mitigation on behalf of the Project.

Comment 5I: 8. *Property line fence:* *Currently there is a 8 foot wood fence that is not owned by the homeowners. This was required of the owner back in the 1980’s when the property was changed from agriculture to commercial. This fence is wood slat and has approx. an inch of open air in between each board. The fence in it’s [sic] current state and 35 years old will not shield the residential homes from light and or sound from the development. Why has a brick wall not been recommended as a mitigation measure? We would ask that a brick wall, at the very least 10 foot tall be built to mitigate the items listed above.*

Response 5I: The construction of a solid masonry wall no less than eight (8) feet in height is required by the Madera Municipal Code for any parking facility within 50 feet of a residential zone. However, no impact was identified within the current Project since development would occur well outside this 50-foot requirement. Therefore, this development requirement is not required to be implemented as a condition of approval by the City. However, all lighting proposed by the Project is required to be hooded and directed away from adjacent properties in order to minimize impacts to adjacent residences (Mitigation Measure 3.1-3d). Please see Comment 6N for further discussion regarding construction of a fence and timing for when it may occur.

Comment 5J: *It is quite ironic that this EIR had addressed the owl, the fox and the rat and measures to not affect their habitat but this EIR and the City officials are not concerned about the humans that will be affected and life’s [sic] changed by this proposed development.*

Response 5J: The analysis of biological resources is one of the requirements under the CEQA Guidelines. As explained in Response 5E, the purpose of CEQA (Section 15002(a)) is to inform the agencies and the public “about potential, significant environmental effects of proposed activities.” Section 15002(a) goes on to say that the purpose of CEQA is also to, “Prevent significant, avoidable damage to the environment....” The emphasis is on potential impacts to the environment, and CEQA evaluates the effects on humans only insofar as they are affected by those environmental changes. For example, if air emissions standards are exceeded by a project’s activities, the Project will typically include feasible mitigation measures to reduce those air pollution emissions. It is not within the purview of CEQA to evaluate social or economic changes, or changes in character of a neighborhood or community (see *Preserve Poway v. City of Poway*, (2016) 245 Cal.App.4th 560, 576-582). This does not mean that the EIR and the City “are not concerned about the humans that will be affected” by the Project, but that the effects alluded to by the Commenter are not within the scope of CEQA. The City’s Planning Commission, in reviewing the proposed Project will be able to consider all of the potential ramifications, and not just those within the ambit of CEQA.

Comment 5K: *The fact remains there is a residential neighborhood due east of this proposed development and the EIR and mitigation is weak at best in addressing our neighborhood.*

Response 5K: Please see the response to Comment 5J. Because this comment does not raise any specific environmental issue within the scope of the EIR adequacy, no response is required. However, there are a number of mitigation measures included in the DEIR intended to minimize impacts to the neighborhoods and other areas adjacent to the Project site. Some of these are referenced here. Please see the Project Mitigation and Monitoring Reporting Program or the Draft EIR for greater details.

- Mitigation Measures 3.1-3a through 3.1-3d, addressing lightening;
- Mitigation Measure 3.3-1, 3.3-2, and 3.3-3, addressing exposure to diesel fumes and other pollutants;
- Mitigation Measure 3.8-1a and 3.8-b, regarding the transportation, use, and disposal of hazardous materials;
- Mitigation Measures 3.9-1a and 3.9-1b, addressing water quality standards, and stormwater pollutants;
- Mitigation Measures 3.11-1a regarding construction noise;
- Mitigation Measure, requiring a reduction in water usage; and
- Mitigation Measures 3.13 – 1a through 3.13 -2, regarding traffic control and improvements.

LETTER 6

May 29, 2016

Ref: Love's Truck Stops and Country Stores Propose Project, Madera California

To Whom It May Concern:

We have great concerns, as residents, who live in close proximity to the proposed Love's Truck Stops and Country Stores, Inc project, located at Avenue 17 and Highway 99 in Madera (East of the site). Our back fence butts up against the above referenced project.

While we understand the importance of our town growing and becoming more financially secure; we fear that the residents adjacent to the propose site will be left without recourse if we our concerns are not addressed. We are at a complete disadvantage with no representation on our behalf. Although, a copy of this will be forwarded to our County Representative, Mr. David Rogers, District 2.

A

We know that the Notice of Preparation (NOS) was published February 19, 2014, and that the project was signed off by Major Poythress at a City Counsel meeting January 21, 2015 (referenced on the City of Madera's website). After emails to Dave Merchen, it has been noted that the receipt of the EIR was nearly a year late in its preparation. We are now expected to submit our comments within a 45 day time period to the City of Madera. This is not an adequate amount of time for a concerned resident to read and understand what the proposed project encompasses.

B

While reviewing the report by Quad Knopf it is evident that a lay person will have a difficult time understanding the proposed projects requirements, pros and/or cons.

Project Hotel: free-standing 81-room, four-story hotel. Proposed amenities include an outdoor swimming pool, picnic arbor, free breakfast for guests, fitness center, meeting facilities, and business center for travelers. Pg 17

This hotel would be approx 67 ft tall (ctbuh.org); average single story home is 15ft). Will the trees that will be planted be tall enough to allow us to keep our privacy inside/outside our homes and keep noise level below what they are currently?

C

Water and Wastewater: water and wastewater lines will be installed in accordance with City requirements. In the event the extension of the water line does not accommodate domestic and fire flow requirements, other measures such as the installation of an on-site tank, booster pump or even a new well in the vicinity would need to be considered. Pg 18

What about adjacent homes, and what provisions will be made for our water; we are all on private wells. The above item is a great concern, because if the City water isn't sufficient; a new well may be drilled. This possibility has been mentioned numerous times throughout the EIR. Will the City then be drilling new wells for all of the residents that run dry?

D

These are just two of the issues we have great concerns about. We could go through many more portions for the proposed site, but like we mentioned above, 45 days is inadequate. We will briefly address other concerns as follows:

It appears that there will be an in-depth process for animal migration, but the existing homeowners will be bypassed.	E
What will the City and/or project do to keep the construction portion's dirt and dust level to a minimum?	F
The noise level, the lighting, what about the deflection of heat from the buildings. These issues do matter to the residents near the project.	I
We will be dealing with the smells of diesel trucks, which will pool up under our existing patio, then subsequently into our homes (this use to happen with the fiberglass company across the freeway). We will not hesitate in contacting the Air Pollution Board in Fresno. What about the noise that these trucks will produce; the hours that trucks come in and out of the facility will be continual. What will be done to make sure this isn't a disruption in our quality of life? Who will we need to contact if the project does not comply with the outline of the EIR?	J
	K
	L
The equipment yard, that has since relocated, did not contribute to the noise and traffic that this project will create, not to mention possibly drying up the groundwater.	M
Twenty-five acres of the 50 acres will be used for this project, leaving another 25 acres for future proposed projects. What about the easement or variance from the residents whose homes butt up against the acreage? There was a 200 foot easement in the last proposed project. (approximately 2007-2008). Will this be the same? What will be required of any further projected in the coming years? Will they be putting up a brick wall up to reduce noise? We realize that would be another project, but it is an issue that needs to be considered for the residents at this juncture.	N
	O
Will there be a mass mailing to ALL country residents within the radius of the proposed project? Each resident has the right to be heard, yet so many are still unaware of the proposed project.	P

Sincerely,

Steve and Lezlie Gittings
16810 Walden Drive
Madera. CA 93638
559/871-4118

Cc: Mr. David Rogers, District 2
Denise & Donald Marmolejo

Letter 6: Steve and Lezlie Gittings

Comment 6A: *We have great concerns, as residents, who live in close proximity to the proposed Love's Truck Stops and Country Stores, Inc project, located at Avenue 17 and Highway 99 in Madera (East of the site). Our back fence butts up against the above referenced project.*

While we understand the importance of our town growing and becoming more financially secure; we fear that the residents adjacent to the propose site will be left without recourse if we our concerns are not addressed. We are at a complete disadvantage with no representation on our behalf. Although, a copy of this will be forwarded to our County Representative, Mr. David Rogers, District 2.

Response 6A: The City appreciates the Commenter's concerns, which the Planning Commission will take into account in considering the merits of the proposed Project. Please see Response to Comment 6L for further information on who is responsible for ensuring that mitigation and other requirements are appropriately completed. The Commenters appear to also have taken steps to ensure that their concerns will be recognized by their representative.

Comment 6B: *We know that the Notice of Preparation (NOS) was published February 19, 2014, and that the project was signed off by Major Poythress at a City Counsel [sic] meeting January 21, 2015 (referenced on the City of Madera's website). After emails to Dave Merchen, it has been noted that the receipt of the EIR was nearly a year late in its preparation. We are now expected to submit our comments within a 45 day time period to the City of Madera. This is not an adequate amount of time for a concerned resident to read and understand what the proposed project encompasses.*

Response 6B: The preparation of the Draft EIR took longer than originally anticipated for a variety of reasons, but the additional time spent on the document resulted in a better work product. However, the Commenter was mistaken in saying that the NOP was published in 2014 – it was published on February 19, 2015. The public participation period under that notice was from February 19 through March 20, 2015. Comments accepted from the public and agencies during this period are intended to bring to the City's attention those issues that may not otherwise be known to the City, or may be controversial, or may have special significance. The Notice of Availability (NOA) for the Draft EIR was published April 13, 2016, and the comment period for this review was through May 30, 2016. Because May 30th was a holiday, comments were accepted through May 31st. The comment period was open for a total of 48 days: CEQA requires a minimum 45-day review period for projects requiring review by state agencies. This is a large document with extensive analysis of many resources, but the EIR authors attempted to make it relatively accessible to lay readers by providing information in a format that is not too technical for a layperson to understand, and by placing more technical information in appendices.

Comment 6C: *Project Hotel: free-standing 81-room, four-story hotel. Proposed amenities include an outdoor swimming pool, picnic arbor, free breakfast for guests, fitness center, meeting facilities, and business center for travelers. Pg 17*

This hotel would be approx 67 ft tall (ctbuh.org); average single story home is 15ft). Will the trees that will be planted be tall enough to allow us to keep our privacy inside/outside our homes and keep noise level below what they are currently?

Response 6C: The Comment includes an inaccurate hotel height. As noted in Section Two – Project Description, “The hotel will be a free-standing 81-room, 57,792 square foot, four-story hotel with the top of the tower at 59 feet above the ground, and a hip roof ridge at 47 feet above the ground.” A combination of the proposed vegetation as well as the approximately 500-foot distance between the Project and the residences to the east will provide an adequate buffer between the residences and the hotel.

Comment 6D: *Water and Wastewater: water and wastewater lines will be installed in accordance with City requirements. In the event the extension of the water line does not accommodate domestic and fire flow requirements, other measures such as the installation of an on-site tank, booster pump or even a new well in the vicinity would need to be considered.*

Pg 18

What about adjacent homes, and what provisions will be made for our water; we are all on private wells. The above item is a great concern, because if the City water isn't sufficient; a new well may be drilled. This possibility has been mentioned numerous times throughout the EIR. Will the City then be drilling new wells for all of the residents that run dry?

Response 6D: Please see the responses to Comments 2B and 5F.

Comment 6E: *It appears that there will be an in-depth process for animal migration, but the existing homeowners will be bypassed.*

Response 6E: Please see the Response to Comment 5J.

Comment 6F: *What will the City and/or project do to keep the construction portion's dirt and dust level to a minimum?*

Response 6F: The Applicant will be required to adhere to all applicable rules and regulations of the San Joaquin Valley Air Pollution Control District, including Regulation VIII – Dust Control (See DEIR, pp. 3.3-37 – 3.3-47.)

Comment 6G: *The noise level*

Response 6G: Please see the Response to Comment 5G.

Comment 6H: *the lighting,*

Response 6H: The potential for light spillover onto adjacent properties has been fully addressed under Impact #3.1-3. Additionally, mitigation measures #3.1-3a, b, c and d, have been included to mitigate this potential impact to a less than significant level.

Comment 6I: *what about the deflection of heat from the buildings*

Response 6I: As indicated in Mitigation Measure #3.1-3a, the Applicant will be required to submit a lighting plan to the City of Madera. The lighting plan shall adhere to the City of Madera Design & Development Guidelines and design review requirements, as applicable, regarding the appropriate use of building materials, lighting, and signage to prevent light and glare from adversely affecting motorists and adjacent land uses. These measures should ensure that heat is not deflected from the buildings' surfaces onto adjacent properties.

Comment 6J: *We will be dealing with the smells of diesel trucks, which will pool up under our existing patio, then subsequently into our homes (this use to happen with the fiberglass company across the freeway). We will not hesitate in contacting the Air Pollution Board in Fresno. What about the noise that these trucks will produce; the hours that trucks come in and out of the facility will be continual.*

Response 6J: Odors have been fully addressed under Section #3.3-5 of the DEIR. Objectionable odors from diesel fumes are not anticipated to occur in the residential areas adjacent to the proposed Project. Please see Response to Comment 5G regarding noise.

Comment 6K: *What will be done to make sure this isn't a disruption in our quality of life?*

Response 6K: Please see Responses to Comments 5J and 6J.

Comment 6L: *Who will we need to contact if the project does not comply with the outline of the EIR?*

Response 6L: The Commenters should contact the City's Planning Department if they believe that the Applicant is not following the Conditions of Approval or mitigation measures adopted by the Planning Commission. The Mitigation and Monitoring Reporting Plan (MMRP), which has been prepared as part of this Final EIR, includes all mitigation measures described in the Draft EIR. It also includes the party responsible for overseeing satisfactory completion of each mitigation measure, and the time period in which it should be completed (i.e., before grading occurs). In addition to mitigation measures, and other Conditions of Approval required by the conditional use permits required by the City, the Project will require Indirect Source Review by the San Joaquin Air District, and will have to comply with the terms of the General Permits issued by the Regional Water Quality Control Board (including various Best Management Practices). Each of these required approvals has its own responsible party to which the Applicant must demonstrate that compliance has occurred.

Comment 6M: *The equipment yard, that has since relocated, did not contribute to the noise and traffic that this project will create, not to mention possibly drying up the groundwater.*

Response 6M: The proposed and prior uses both meet the requirements under the City's General Plan and zoning ordinances. Issues regarding project noise, traffic, and water supply have been addressed in the Draft EIR and elsewhere in this chapter of the Final EIR.

Comment 6N: *Twenty-five acres of the 50 acres will be used for this project, leaving another 25 acres for future proposed projects. What about the easement or variance from the residents whose homes butt up against the acreage? There was a 200 foot easement in the last proposed project, (approximately 2007-2008). Will this be the same?*

Response 6N: The eastern portion of the property is not proposed to be developed at this time. The balance portion of the property is planned as Commercial within the General Plan and currently zoned C2- Heavy Commercial. At a point when a project is proposed on this portion of the subject property, a subsequent environmental review would be required in accordance with CEQA. At that time, analysis would be conducted to identify any impacts that could potentially need to be mitigated and if any buffers would be appropriate at that time. Based on the analysis within the existing Draft EIR, buffering is not required as impacts were determined to be less than significant.

Of further note, the 200-foot buffer referenced by the Commenter was an alternative to the original Gateway Galleria Project from 2007. This alternative would have redesigned the Project area to incorporate a 200-foot buffer on the east side of the Project site to attempt to lessen impacts to the existing, adjacent residences. This alternative was determined to have similar impacts as proposed Gateway Galleria Project, with the exception of Noise and Aesthetics which would be lessened, but did not to meet the stated project objectives and was subsequently not adopted by the City Council.

Comment 6O: *What will be required of any further projected in the coming years? Will they be putting up a brick wall up to reduce noise? We realize that would be another project, but it is an issue that needs to be considered for the residents at this juncture.*

Response 6O: As proposed, the existing Project is not required by the mitigation measures of the Draft EIR to constructed a wall of any sort. The construction of a solid masonry wall of no less than eight (8) feet in height is required by the Madera Municipal Code for any parking facility within 50 feet of a residential zone, which would not apply in this case. This development requirement is required to be implemented as a condition of approval by the City and therefore is not included as a mitigation measure. Any future project would be subject to a similar requirement; however, a subsequent environmental review in accordance with CEQA would be required to determine if additional mitigation measures would be appropriate.

Comment 6P: *Will there be a mass mailing to ALL country residents within the radius of the proposed project? Each resident has the right to be heard, yet so many are still unaware of the proposed project.*

Response 6P: Within the State of California, unless alternative noticing rules are adopted by ordinance of the local jurisdiction, the City is obligated only to comply with CEQA Guidelines §15087 for noticing the public for availability of the Draft EIR. Section 15072 of CEQA requires that the Notice of Availability for the Draft EIR be provided to the State Clearinghouse for distribution to agencies; be mailed to all individuals and organizations who previously requested notification; and be noticed by at least one of the following:

1. Publication at least one time in a newspaper or general circulation
2. Posting of the notice on and off the site in the area where the project is to be located;
or
3. Direct mailing to the owner and occupants of property contiguous to the parcel or parcels on which the project is located.

The City provided the NOA to the State Clearinghouse for agencies, mailed the notice to those who had requested notification, and published the notice in the Madera Tribune. Lead agencies (the City of Madera in this case) may, but are not required to, provide an opportunity for review of the final EIR by the public or by commenting agencies before approving the Project. Per CEQA Section 15089, “the review of a final EIR should focus on the response to comments on the draft EIR.”

Additionally, future hearings for the Project for certification of a Final EIR and approval of the Project are required to comply with CEQA Guidelines section 15088, as well as Government Code section 65091, which requires public hearing notices be sent to all “owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the hearing.” If the number of owners of real property exceeds 1,000, the City may “provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the local agency in which the proceeding is conducted at least 10 days prior to the hearing.” In this instance, the City, at the time of the public hearing, will comply with the requirements of the Government Code and CEQA Guidelines to provide legal notice for consideration of the Project.

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LETTER 7



May 26, 2016

David Merchen
City of Madera, Community Development Department
205 West 4th Street
Madera, CA 93637

Project: Draft Environmental Impact Report for the Madera Travel Center (SCH #20150121)

District CEQA Reference No: 20160256

Dear Mr. Merchen:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (Draft EIR) for the proposed Madera Travel Center project. The proposed Madera Travel Center project consists of a hotel, restaurant, fueling islands, RV and boat storage, including other services and amenities for automobile and truck travelers located on approximately 25 acres at Avenue 17 and State Route 99 in Madera, California (Project). The District offers the following comments:

1. District Rule 9510 (Indirect Source Review)

The District recommends an Air Impact Assessment application be submitted for the Project for compliance with District Rule 9510.

The Project would equal 2,000 square feet of commercial space. Therefore, the District concludes that the Project is subject to District Rule 9510 (Indirect Source Review). District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject Project constitutes the last discretionary approval by your agency, the District recommends demonstration for compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of Project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

A

Sayed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95358-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

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

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

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2. Air Quality Emissions Analysis

The District recommends the quantification of construction emissions be revised to appropriately account for the amount of acres to be disturbed during construction of the Project.

Table 3.3-9 - *Estimated Unmitigated Annual Construction Emissions* in the Draft EIR demonstrates the Project construction emissions will not exceed the District's Thresholds of Significance. The Draft EIR also states the Project site encompasses approximately 50 acres, with approximately 25 acres are proposed to be developed as part of the Project. Based on a review of the California Emissions Estimator Model (CalEEMod) results in Appendix A of the Draft EIR, the analysis only accounts for a total of 6.03 acres to be disturbed for the Project. As such, construction emissions quantified for the Project appear to be significantly underestimated. The District recommends revising the analysis to account for the estimated 25 acres proposed to be developed as part of the Project.

B

3. Implementation of District Rule 2201 (New and Modified Stationary Source Review)

For future reference, implementation of District Rule 2201 (New and Modified Stationary Source Review) ensures that there is no net increase in operational emissions from permitted stationary sources exceeding the District offset thresholds.

The Draft EIR states "implementation of NSR ensures that there are no net increases in emissions above specified thresholds from new and modified stationary sources for all nonattainment pollutants and their precursors" potentially in relation to construction emissions because the discussion is found on page 3.3-32, under the Construction heading. The District would like to clarify that District Rule 2201 doesn't assess or require offsets for construction emissions, for example emissions associated with new facility construction. District Rule 2201 requires offsets only for operational emissions from permitted stationary sources exceeding the offset thresholds.

C

4. Ambient Air Quality Analysis

The District recommends the Draft EIR include a discussion or assessment to demonstrate if an Ambient Air Quality Analysis is required for the Project.

When assessing the significance of project-related impacts on air quality, it should be noted that the impacts may be significant when on-site emission increases from construction activities or operational activities exceed the 100 pounds per day screening level of any criteria pollutant after implementation of all enforceable mitigation measures. Under such circumstances, the District recommends that an ambient air quality analysis be performed.

D

If an ambient air quality analysis is performed, the District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis. Specific information for assessing significance, include screening tools and modeling guidance is available on the District's website at www.valleyair.org/ceqa.

D
cont.

5. Health Risk Assessment

The District recommends the Health Risk Assessment be revised for the Final Environmental Impact Report.

Toxic Air Contaminants

The emissions from several source types (gas station, restaurant cooking, etc.) were converted to Diesel Particulate Matter (DPM) and/or Benzene "equivalent" emission or the purpose of simplifying the health risk analysis. The District recommends the use of such "equivalents" not be used for the purpose of health risk analyses. All Toxic Air Contaminants (TACs) should be identified and evaluated as separate pollutants. This provides a clear and transparent method of evaluating the impacts from the Project.

E

Emission Factors

Emission factors developed for on-site truck travel were based on specific temperature and humidity values (62 ° F, and 50% humidity). The District doesn't consider this to be appropriate. The District recommends emission factors/rates from either of the following be used:

F

- District database located at <ftp://12.219.204.27/public/Modeling/Final/Roadway/>; or
- California Air Resources Board website located at <http://www.arb.ca.gov/emfac/2014/>

The current analysis contains a Reactive Organic Gases (ROG) emission factor for refueling at a gas station of 0.32 lb/1,000 gallons. The District recommends the 0.42 lb/1,000 gallons emission factor for ROG be used, based on the District approved emission factors for this type of activity unless justification for the lower emission factor is provided and approved by the District.

G

Health Risk Assessment Guidance

The use of guidance from agencies outside of the District may not be acceptable for use within the District. Specifically, the guidance from the South Coast Air Quality Management District used for gasoline dispensing facilities, which only evaluates benzene emissions has not been approved by the District for use. As noted above in the TACs section, all pollutants must be evaluated.

H

For calculating cancer and non-cancer (acute and chronic) health impacts, the District recommends use of the California Air Resources Board's "Hotspots Analysis and Reporting Program Version 2" (HARP 2 version 16088 or later).

I

The District recommends referring to District Policy APR 1906 which identifies the framework for performing health risk assessments in the District and accepted HARP 2 options. District Policy 1906 can be found at: http://www.valleyair.org/policies_per/Policies/apr-1906.pdf. Furthermore, the District recommends all input and output files used to make the determinations for the Project be submitted for District review.

J

Loading and Tank Breathing loss emissions (from the gas station) were modeled in AERMOD using the same source and parameters that were “averaged” between the two source types (specifically, the temperature and exit velocity). The District recommends each of the two sources be modeled in accordance with the California Air Resources Board/District Modeling Guidance; that is, as two separate sources with their own modeling parameters.

K

Mitigation Measures

In order to maximize the cancer risk reduction from Mitigation Measure #3.3-1, the auxiliary power hookups should be provided free of charge. If the project proponent chooses to charge for the service, justification must be provided to show the reduction that can be achieved from the Project. For Mitigation Measure #3.3-3, the District does not currently recognize any reductions in criteria pollutant emissions due to the placement of trees, nor in reducing health impacts. If the project proponent wishes to use this to reduce emissions/impacts from the Project, they must provide clear calculations demonstrating how the estimated reduction.

L

M

Emissions Calculations

It is unclear how the emission rates were determined. The Draft EIR (page 16 of Appendix C – Health Risk Analysis) states “ the emission rates utilized in the AERMOD model were calculated by converting the emissions created for one truck to grams per second and then calculating the time it takes to travel the road length and multiplying this time by the per day and then dividing by 24 hours.” This statement explains how on-site truck travel emissions are calculated, however the analysis is missing a key element (see bold/underlined portion of passage). The standard approach for calculating emissions from on-site truck travel is as follows:

N

- $[\text{Emission Rate (g/mile)}] \times [\text{Miles Traveled (miles travelled/truck)}] \times [\# \text{ of Trucks (trucks/day)}] = [\text{Emissions (g/day)}]$

Since operations of the Project are expected 24 hrs/day and 7 days/week, it doesn't appear that any adjustments need to be made to the standard calculations. Upon inspection of the spreadsheet calculations provided, there appears to be missing references and additional elements used in the calculations of emissions. Please provide justification and/or clarification for the emissions estimation methods. In addition, please clarify and explain how all emission factors, emissions, and impacts determinations were calculated. When possible, please include sample calculations. For example, the project proponent should provide all inputs and raw data used in EMFAC so that it can be evaluated.

O

Summary

The EIR concludes a significant impact will not result from the emission sources of the Project based on the HRA performed for the Project. Such conclusion is based upon a broad array of assumptions and mitigation measures (as noted above). As such, the District is unable to confirm the conclusion. Therefore, the District recommends the above comments in relation to the HRA be addressed, and included in the Final EIR.

P

The District appreciates the opportunity to comment on the Draft EIR for the Project. If you have any questions or require further information, please call Mark Montelongo at (559) 230-5905.

Sincerely,

Arnaud Marjollet
Director of Permit Services



for: Brian Clements
Program Manager

AM: mm

Letter 7: Arnaud Marjollet, Director of Permit Services for Brian Clements, Program Manager, San Joaquin Valley Air Pollution Control District

Comment 7A: 1. District Rule 9510 (Indirect Source Review)

The District recommends an Air Impact Assessment application be submitted for the Project for compliance with District Rule 9510.

The Project would equal 2,000 square feet of commercial space. Therefore, the District concludes that the Project is subject to District Rule 9510 (Indirect Source Review). District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject Project constitutes the last discretionary approval by your agency, the District recommends demonstration for compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of Project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

Response 7A: The Applicant will be required to submit an ISR/AIA application and be in full compliance with Rule 9510.

Comment 7B: 2. Air Quality Emissions Analysis

The District recommends the quantification of construction emissions be revised to appropriately account for the amount [sic] of acres to be disturbed during construction of the Project.

Table 3.3-9 - Estimated Unmitigated Annual Construction Emissions in the Draft EIR demonstrates the Project construction emissions will not exceed the District's Thresholds of Significance. The Draft EIR also states the Project site encompasses approximately 50 acres, with approximately 25 acres are proposed to be developed as part of the Project. Based on a review of the California Emissions Estimator Model (CalEEMod) results in Appendix A of the Draft EIR, the analysis only accounts for a total of 6.03 acres to be disturbed for the Project. As such, construction emissions quantified for the Project appear to be significantly underestimated. The District recommends revising the analysis to account for the estimated 25 acres proposed to be developed as part of the Project.

Response 7B: Construction emissions were re-run using CalEEMod to account for the 25 acres. The technical report was updated accordingly (Appendix B.1, page 36), and no changes to the level of significance was identified. The emissions are less than 25 percent of the District's thresholds with this change. Changes in the modeling can be seen in full in Chapter 4 Errata of this Final EIR. This impact remains less than significant.

Comment 7C: 3. Implementation of District Rule 2201 (New and Modified Stationary Source Review)

For future reference, implementation of District Rule 2201 (New and Modified Stationary Source Review) ensures that there is no net increase in operational emissions from permitted stationary sources exceeding the District offset thresholds.

The Draft EIR states "implementation of NSR ensures that there are no net increases in emissions above specified thresholds from new and modified stationary sources for all nonattainment pollutants and their precursors" potentially in relation to construction emissions because the discussion is found on page 3.3-32, under the Construction heading. The District would like to clarify that District Rule 2201 doesn't assess or require offsets for construction emissions, for example emissions associated with new facility construction. District Rule 2201 requires offsets only for operational emissions from permitted stationary sources exceeding the offset thresholds.

Response 7C: The technical report was revised to take this clarification into account (Appendix B.1, page 35). The DEIR text (page 3.3-32) was revised to state:

The SJVAPCD's attainment strategy as it relates to growth is directly related to their New Source Review (NSR) rule as implementation of NSR ensures that there is no net increase in operational emissions from permitted stationary sources exceeding the District offset thresholds. ~~emissions above specified thresholds from new and modified stationary sources for all nonattainment pollutants and their precursors.~~ The SJVAPCD thresholds of significance for criteria pollutants are applied to evaluate regional impacts of project-specific emissions of air pollutants and their impact on the SJVAPCD's ability to reach attainment.

Comment 7D: 4. Ambient Air Quality Analysis

The District recommends the Draft EIR include a discussion or assessment to demonstrate if an Ambient Air Quality Analysis is required for the Project.

When assessing the significance of project-related impacts on air quality, it should be noted that the impacts may be significant when on-site emission increases from construction activities or operational activities exceed the 100 pounds per day screening level of any criteria pollutant after implementation of all enforceable mitigation measures. Under such circumstances, the District recommends that an ambient air quality analysis be performed.

If an ambient air quality analysis is performed, the District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis. Specific information for assessing significance, include screening tools and modeling guidance is available on the District's website at www.valleyair.org/ceqa.

Response 7D: It was determined that the Project was below the 100 pounds for construction per day threshold and therefore, not subject to the AAQA. In addition, the Health Risk Assessment

includes an AAQA for the Project's operational emissions and found the emissions concentrations at the most impacted sensitive receptor would not exceed the District's thresholds of significance.

Comment 7E: 5. Health Risk Assessment

The District recommends the Health Risk Assessment be revised for the Final Environmental Impact Report.

Toxic Air Contaminants

The emissions from several source types (gas station, restaurant cooking, etc.) were converted to Diesel Particulate Matter (DPM) and/or Benzene "equivalent" emission or the purpose of simplifying the health risk analysis. The District recommends the use of such "equivalents" not be used for the purpose of health risk analyses. All Toxic Air Contaminants (TACs) should be identified and evaluated as separate pollutants. This provides a clear and transparent method of evaluating the impacts from the Project.

Response 7E: The Health Risk Assessment was revised accordingly (Appendix C.1, Page 19). For more details, see also the Response to Comment 5D. The results of the revised assessment presented in Table 3.3-13 in the Errata of this Final EIR indicate that impacts from TAC emissions remain less than significant after mitigation.

Comment 7F: Emission Factors

Emission factors developed for on-site truck travel were based on specific temperature and humidity values (62 °F, and 50% humidity). The District doesn't consider this to be appropriate. The District recommends emission factors/rates from either of the following be used:

- *District database located at <ftp://12.219.204.27/public/Modeling/Final/Roadway/>; or*
- *California Air Resources Board website located at <http://www.arb.ca.gov/emfac/2014/>*

Response 7F: The Health Risk Assessment was revised accordingly (Appendix C.1, page 20). See also the response to comment 5D. The requested revisions to the assessment resulted in inconsequential changes the modeling results. Impacts from TAC emissions remain less than significant after mitigation

Comment 7G: *The current analysis contains a Reactive Organic Gases (ROG) emission factor for refueling at a gas station of 0.32 lb/1,000 gallons. The District recommends the 0.42 lb/1,000 gallons emission factor for ROG be used, based on the District approved emission factors for this type of activity unless justification for the lower emission factor is provided and approved by the District.*

Response 7G: The refueling ROG emission factor was changed to 0.74 lb/1,000 gallons in Table G in the revised HRA. The 0.74 lb/1,000 gallon emission factor was obtained from Guidance for Air Dispersion Modeling prepared by SJVAPCD which provides a more conservative analysis than the requested rate of 0.42 lb/1,000 gallon (Appendix C.1, page 19). Changes in the modeling can also be seen in full in Chapter 4 - Errata of this Final EIR. The revised emission factor resulted

in an inconsequential change to emissions from this source. This impact remains less than significant with mitigation.

Comment 7H: *Health Risk Assessment Guidance*

The use of guidance from agencies outside of the District may not be acceptable for use within the District. Specifically, the guidance from the South Coast Air Quality Management District used for gasoline dispensing facilities, which only evaluates benzene emissions has not been approved by the District for use. As noted above in the TACs section, all pollutants must be evaluated.

Response 7H: The references to the SCAQMD under “Project-Related Gas Station Emissions” were revised to reference the Guidance for Air Dispersion Modeling prepared by SJVAPCD and CAPCOA Gas Station Guidelines. The modeling methodology was also revised to match these two guidance documents (Appendix C.1, pages 18-20). Changes in the modeling can also be seen in full in Chapter 4 - Errata of this Final EIR. See also Response to Comment 5D. Using the revised methodology resulted in an inconsequential change to emissions from this source. This impact remains less than significant with mitigation.

Comment 7I: *For calculating cancer and non-cancer (acute and chronic) health impacts, the District recommends use of the California Air Resources Board's "Hotspots Analysis and Reporting Program Version 2" (HARP 2 version 16088 or later).*

Response 7I: The Health Risk Assessment was revised accordingly (Appendix C.1, pages 28-31). Revisions can also be seen in full in Chapter 4 - Errata of this Final EIR. Using the revised model version resulted in an inconsequential change to emissions from this source. This impact remains less than significant with mitigation.

Comment 7J: *The District recommends referring to District Policy APR 1906 which identifies the framework for performing health risk assessments in the District and accepted HARP 2 options. District Policy 1906 can be found at: <http://www.valleyair.org/policiesper/Policies/apr-1906.pdf>. Furthermore, the District recommends all input and output files used to make the determinations for the Project be submitted for District review.*

Response 7J: The cancer risk analysis methodology detailed in Section 6.1 of the report was revised and now details how the HARP2 program was utilized to calculate cancer and non-cancer (acute and chronic) risks from the proposed Project. The parameters utilized in HARP2 were obtained from District Policy 1906 and are all detailed in Section 6.1 of the Revised HRA (Appendix C.1). See also Response to Comment 5D. The revised methodology resulted in an inconsequential change to emissions from this source. This impact remains less than significant with mitigation.

Comment 7K: *Loading and Tank Breathing loss emissions (from the gas station) were modeled in AERMOD using the same source and parameters that were "averaged" between the two source types (specifically, the temperature and exit velocity). The District recommends each of the two*

sources be modeled in accordance with the California Air Resources Board/District Modeling Guidance; that is, as two separate sources with their own modeling parameters.

Response 7K: The Health Risk Assessment was revised accordingly (Appendix C.1, page 28). The mitigated impacts would not exceed the threshold. See also Response to Comment 5D. The revised methodology resulted in an inconsequential change to emissions from this source.

Comment 7L: *Mitigation Measures*

In order to maximize the cancer risk reduction from Mitigation Measure #3.3-1, the auxiliary power hookups should be provided free of charge. If the project proponent chooses to charge for the service, justification must be provided to show the reduction that can be achieved from the Project.

Response 7L: The City recognizes the Air District’s concern that if the auxiliary hookups are not provided for free of charge, they may not serve the intended purpose of mitigation. After looking into this issue further, however, the City has concluded that free auxiliary hookups will not be needed in order to give the Applicant’s customers an economic incentive to use the hookups, even for a cost. According to multiple government resources, it is estimated that a heavy-duty diesel truck will consume approximately 0.6 to 1.3 gallons of diesel fuel for every hour of idling. At today’s diesel prices in the region of the Project site, the cost of diesel fuel to idle a truck overnight to the fleet operator would be approximately \$1.68 - \$3.48 per hour, based on \$2.80 per gallon of diesel fuel. According to Maryland Department of the Environment, it is additionally estimated that maintenance costs from idling a heavy-duty truck overnight are approximately \$1.15 per night. Shorepower, which is prominent company who provides power hookups for trucks and motor vehicles throughout the United States, advertises the cost of power being provided at \$1 per hour. Therefore, it is evident that the auxiliary hookups need not be provided free of charge in order to economically incentivize fleet operators and drivers to use them. Evidence supporting these conclusions can be found on the following websites:

<http://www.shorepower.com/locations/>

<http://www.shorepower.com/truck-stops/>

<http://www.mde.maryland.gov/programs/Air/MobileSources/DieselVehicleInformation/Documents/Idling%20Technology%20Fact%20Sheet%20Final.pdf>

<http://www.in.gov/idem/prevention/2372.htm>

https://www3.epa.gov/region1/eco/diesel/pdfs/Diesel_Factsheet_Truck_Idling.pdf

<http://energy.gov/eere/vehicles/fact-861-february-23-2015-idle-fuel-consumption-selected-gasoline-and-diesel-vehicles>

Comment 7M: *For Mitigation Measure #3.3-3, the District does not currently recognize any reductions in criteria pollutant emissions due to the placement of trees, nor in reducing health*

impacts. If the project proponent wishes to use this to reduce emissions/impacts from the Project, they must provide clear calculations demonstrating how the estimated reduction.

Response 7M: The use of trees and other landscaping materials to reduce impacts from air pollutants was not included in the modeling, and no emissions reductions were accounted for as a result of their inclusion in the Project. Instead, the Applicant is interested only in installing landscaping that will ultimately contribute to a positive reduction in emissions and improved air quality. Although the District does not currently recognize the benefits of tree planting, other Air Districts recommend this measure. The Sacramento Metropolitan Air Quality Management District recommends, “Projects that propose sensitive receptors adjacent to sources of particulate matter such as freeways, major roadways, rail lines, and rail yards should strongly consider tiered plantings of redwood and/or deodar cedar in order to reduce toxic exposures,” although the agency also noted that further research was needed to examine the effectiveness of vegetative screens (SMAQMD, 2009; pp. 21-22). This study further assesses vegetative screens as a near road mitigation option. The UC Davis –Caltrans Air Quality Project paper Practical Mitigation Measures for Diesel Particulate Matter: Near-Road Vegetation Barriers (2009) provides additional explanation of the particulate matter removal mechanism and effectiveness. Based on this study, the City sees some value in requiring the use landscaping as one of several air quality mitigation strategies. The following language is replacing Mitigation Measure 3.3-3 as it appeared in the Draft EIR:

“The Project Applicant shall plant a row of trees along the eastern and southern edges of the travel stop. The tree species utilized shall be selected to exhibit many of the qualities highlighted in the UC Davis –Caltrans Air Quality Project paper “Practical Mitigation Measures for Diesel Particulate Matter: Near-Road Vegetation Barriers”, as being effective at removing very fine particulate matter. These trees could include, but are not limited to, species from the *Pinus* (Pine), *Quercus* (Oak) and *Ulmus* (Elm and Hackberry) families.”

Comment 7N: Emissions Calculations

*It is unclear how the emission rates were determined. The Draft EIR (page 16 of Appendix C - Health Risk Analysis) states " the emission rates utilized in the AERMOD model were calculated by converting the emissions created for one truck to grams per second and then calculating the time it takes to travel the road length and multiplying this time by **the per day** and then dividing by 24 hours." This statement explains how on-site truck travel emissions are calculated, however the analysis is missing a key element (see bold/underlined portion of passage). The standard approach for calculating emissions from on-site truck travel is as follows:*

- *[Emission Rate (g/mile)] x [Miles Traveled (miles travelled/truck)] x [# of Trucks (trucks/day)] = [Emissions (g/day)]*

Response 7N: The Health Risk Assessment was revised accordingly using the formula (Appendix C.1, page 16). Revisions can also be seen in full in Chapter 4 - Errata of this Final EIR. See also the response to comment 5D. The revised methodology resulted in an inconsequential change to TAC emissions from this source. This impact remains less than significant with mitigation.

Comment 7O: *Since operations of the Project are expected 24 hrs/day and 7 days/week, it doesn't appear that any adjustments need to be made to the standard calculations. Upon inspection of the spreadsheet calculations provided, there appears to be missing references and additional elements used in the calculations of emissions. Please provide justification and/or clarification for the emissions estimation methods. In addition, please clarify and explain how all emission factors, emissions, and impacts determinations were calculated. When possible, please include sample calculations. For example, the project proponent should provide all inputs and raw data used in EMFAC so that it can be evaluated.*

Response 7O: The truck travel emission rate formula utilized in the analysis was revised and is shown in detail under the Onsite Truck Travel subsection under Section 4.2 of Appendix C.1. The District indicates that no adjustments to standard calculations were needed. Using the revised formula resulted in an inconsequential change in TAC emissions. This impact remains less than significant with mitigation.

Comment 7P: Summary

The EIR concludes a significant impact will not result from the emission sources of the Project based on the HRA performed for the Project. Such conclusion is based upon a broad array of assumptions and mitigation measures (as noted above). As such, the District is unable to confirm the conclusion. Therefore, the District recommends the above comments in relation to the HRA be addressed, and included in the Final EIR.

Response 7P: The HRA has been revised to address the concerns of the Commenter. Please see the Revised HRA (Appendix C.1) for a complete analysis of health risks based on updated sources and modeling. None of the changes in modeling and methodology used in the HRA resulted in a new significant impact. Impacts from TAC emissions remain significant after mitigation.

LETTER 8

State of California—Transportation Agency

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

3051 Airport Drive
Madera, CA 95301
(559) 675-1025
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



June 9, 2016

File No.: 450.11908

City of Madera
Mr. David Merchan
205 W. 4th Street
Madera, CA 93637

RE: Environmental Document Review and Response - SCH# 2015021058

The California Highway Patrol (CHP) Madera Area recently reviewed the Notice of Completion environmental document transmittal regarding the proposed Madera Travel Center project for the area of Avenue 17 and State Route 99. Based upon the project description, this area could experience significant Transportation/Traffic issues. The site being considered is directly associated with the transition ramp to Avenue 17 from State Route 99, which is currently one lane. With construction of this referenced project, consideration should be given to a significant increase in vehicular traffic utilizing the transition ramp, if no proposed re-alignment is considered; which would have a significant impact on traffic or statewide operations of the Department within Madera County.

A

If you have any questions related to this response, please contact me at (559) 675-1025.

Sincerely,

A handwritten signature in black ink, appearing to read "M. A. KAIRIS".

M. A. KAIRIS, Lieutenant
Commander

Attachments

Safety, Service, and Security



An Internationally Accredited Agency

Letter 8: M. A. Kairis, Lieutenant Commander, State of California – Transportation Agency, Department of California Highway Patrol

Comment 8A: *The California Highway Patrol (CHP) Madera Area recently reviewed the Notice of Completion environmental document transmittal regarding the proposed Madera Travel Center project for the area of Avenue 17 and State Route 99. Based upon the project description, this area could experience significant Transportation/Traffic issues. The site being considered is directly associated with the transition ramp to Avenue 17 from State Route 99, which is currently one lane. With construction of this referenced project, consideration should be given to a significant increase in vehicular traffic utilizing the transition ramp, if no proposed re-alignment is considered; which would have a significant impact on traffic or statewide operations of the Department within Madera County.*

Response 8A: Generally-accepted traffic engineering principles and methods were employed to estimate the amount of traffic expected to be generated by the Love's Travel Center Project and to analyze the traffic conditions expected to exist in the future. The traffic impact analyses based on projections of cumulative and future traffic volumes through the year 2036 resulted in the conclusions and recommendations described in the TIS prepared for the proposed Project.

The improvements documented in the Revised TIS (see Appendix I.1) at the SR 99/Avenue 17 interchange are consistent with the Caltrans PSR for the interchange. The TIS recommended three (3) right turn lanes at the NB off-ramp to achieve acceptable levels of service (LOS). There is a substantial amount of traffic shown at the right turn movement for the Cumulative Year 2036 No Project and Plus Project scenarios. Limiting the NB off-ramp to two (2) right turn lanes would provide a LOS 'D' for the PM peak hour for the Cumulative Year 2036 No Project scenario and a LOS 'E' for the PM peak hour for the Cumulative Year 2036 Plus Project scenario. As a result, it is recommended that three (3) right turn lanes be constructed at the NB Off-Ramp. Also, please see Response to Comment 3M for more detailed information.

CHAPTER FOUR

ERRATA

CHAPTER FOUR – ERRATA

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

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Table ES-1
Summary of Impacts and Mitigation Measures

AESTHETICS		
Impact #3.1-3 – Create a new source of substantial light or glare	<p>Mitigation Measure #3.1-3a: A lighting plan shall be prepared and submitted to the City of Madera Community Development Department for approval in conjunction, prior to the issuance of building permits. The lighting plan shall adhere to the City of Madera Design & Development Guidelines and design review requirements, as applicable, regarding the appropriate use of building materials, lighting, and signage to prevent light and glare from adversely affecting motorists and adjacent land uses. The City shall ensure that the lighting Project plan incorporates the requirements set forth in mitigation measures 3.1-3b through 3.1-3de below.</p> <p>Mitigation Measure #3.1-3b: Decorative uplighting used to illuminate trees, walls, waterfalls, fountains, and other objects shall be ground-mounted and directed upwards, away from the viewer to prevent glare.</p> <p>Mitigation Measure #3.1-3c: Night lighting shall be limited to that necessary for security, safety, and identification and also be screened from adjacent residential areas and not be directed beyond the boundaries of the parcel on which the buildings are located. Outdoor security lighting at businesses shall be controlled by timers.</p> <p>Mitigation Measure #3.1-3d: All lighting proposed as part of the Project, shall be fully hooded, shielded, directed downward and away from adjoining properties and rights-of-way. Light shields shall be installed and maintained consistent with manufacturer's specifications, and shall reduce the spillage of light on to adjacent properties to less than a one-foot standard, as measured at the adjacent property line.</p>	Less than Significant
AIR QUALITY		
Impact #3.3-4 – Expose sensitive receptors to substantial pollutant concentrations	<p>Mitigation Measures #3.3-1: The Project Applicant shall install auxiliary power hookups in the truck parking area that are capable of providing power to a minimum of 12 trucks TRUs or auxiliary cab power. The Project Applicant shall also install signage in the truck parking areas that restrict the use of diesel powered auxiliary power units (APU).</p> <p>Mitigation Measures #3.3-2: The Project Applicant shall install an approximately 2'x3' sign near the diesel parking area on the property stating that no truck idling is allowed on the premises.</p> <p>Mitigation Measures #3.3-3: The Project Applicant shall plant a row of trees along the eastern and southern edges of the travel stop. The tree species utilized shall be chosen from several that have been studied by Caltrans and the Sacramento Air District to be effective at removing very fine particulate matter, which may include but is not limited to deodar cedar, Italian stone pine,</p>	Less than Significant

	<p>or Digger/Foothill/Gray pine. <u>The tree species utilized shall be selected to exhibit many of the qualities highlighted in the UC Davis –Caltrans Air Quality Project paper “<i>Practical Mitigation Measures for Diesel Particulate Matter: Near-Road Vegetation Barriers</i>”, as being effective at removing very fine particulate matter. These trees could include, but are not limited to, species from the <i>Pinus</i> (Pine), <i>Quercus</i> (Oak) and <i>Ulmus</i> (Elm and Hackberry) families.</u></p>	
BIOLOGICAL RESOURCES		
<p>Impact #3.4.1a – Impacts to the western burrowing owl</p>	<p>Mitigation Measure #3.4-1a: The following measures will be implemented to ensure that impacts to the burrowing owl are less than significant. Standard measures for the protection of burrowing owls provided in the CDFW’s Staff Report on Burrowing Owl Mitigation (2012) shall be implemented except where determined to be unnecessary by the City after consultation with a qualified biologist. Active burrows should be avoided, compensation should be provided for the displacement of burrowing owls, and habitat acquisition and the creation of artificial dens for any burrowing owls removed from construction areas should be provided. These measures are generally outlined as follows:</p> <ol style="list-style-type: none"> 1. Pre-construction surveys shall be conducted. Pre-construction surveys of construction areas, including a 150-meter buffer, should be conducted no less than 14 days and no more than 30 days prior to ground disturbing activities. If more than 30 days lapse between the time of the preconstruction survey and the start of ground-disturbing activities, another preconstruction survey shall be completed, including but not limited to a final survey conducted within 24 hours prior to ground disturbance. 2. If western burrowing owls are present on the construction site (or within 150 meters of the construction site), exclusion fencing shall be installed between the nest site or active burrow and any earth-moving activity or other disturbance. <i>The California Burrowing Owl Consortium’s Survey Protocol and Mitigation Guidelines</i> (California Burrowing Owl Consortium, 1993) recommends that exclusion areas extend 160 feet around occupied burrows during the non-breeding season (September 1 through January 31) and extend 250 feet around occupied burrows during the breeding season (February 1 through August 31). This 250-foot buffer could be removed once it is determined by a qualified biologist that the young have fledged. Typically, the young fledge by August 31st. This date may be earlier than August 31st, or later, and would have to be determined by a qualified biologist. 3. If western burrowing owls are present in the non-breeding season (September 1 through January 31) and must be passively relocated from the Project site, passive relocation shall not commence until October 1st and must be completed by February 1st. Passive relocation may only be conducted by a qualified biologist or ornithologist and with approval by CDFW. After passive relocation, the area where owls occurred and its immediate vicinity will be monitored by a qualified biologist daily for one week and once per week for an additional two weeks to document that owls are not reoccupying the site. 	<p>Less than significant</p>

	<p>4. If western burrowing owls are documented on the Project site and require relocation, compensation for the loss of foraging and burrowing owl habitat shall be required and follow the CDFW's Staff Report on Burrowing Owl Mitigation (2012) and the California Burrowing Owl Consortium's Burrowing Owl Survey Protocol and Mitigation Guidelines (1993). The size of the mitigation site shall be based upon the number of owls or pairs of owls located on the construction area during pre-construction surveys. Compensatory mitigation lands shall encompass a minimum of 6.5 acres of habitat per burrowing owl pair (or unpaired resident single bird) found on site, and those lands shall contain burrows that have been occupied by owls within the last three years. The mitigation site must be determined to be suitable by a qualified biologist and may be located off site. The mitigation site must consist of grassland habitat that contains small mammals (or other prey) and ground squirrel burrows. Two natural or artificial nest burrows shall be provided on the mitigation site for each burrow in the Project area. The mitigation site must be approved by the California Department of Fish and Wildlife. The area shall be preserved in perpetuity as wildlife habitat through a conservation easement that designates the California Department of Fish and Wildlife, or any other qualified conservation organization, as the Grantee of the easement.</p>	
<p>Impact #3.4.1b - Impacts to Swainson's hawks</p>	<p>Mitigation Measures #3.4-1b: Nesting surveys for the Swainson's hawks shall be conducted in accordance with the protocol outlined in the <i>Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley</i> (Swainson's Hawk Technical Advisory Committee 2000). If potential Swainson's hawk nests or nesting substrates are located within 0.5 mile of the Project site, then those nests or substrates must be monitored for activity on a routine and repeating basis throughout the breeding season, or until Swainson's hawks or other raptor species are verified to be using them. The protocol recommends that the following visits be made to each nest or nesting site: one visit during January 1-March 20 to identify potential nest sites, three visits during March 20-April 5, three visits during April 5-April 20, and three visits during June 10-July 30. A lesser number of visits may be permissible if deemed adequate by the City after consultation with a qualified biologist. To meet the minimum level of protection for the species, surveys shall be completed for at least the two survey periods immediately prior to Project-related ground disturbance activities. If Swainson's hawks are not found to nest within the survey area, then no further action is warranted.</p> <p>If Swainson's hawks are found to nest within the survey area, active Swainson's hawk nests shall be avoided by 0.5 mile during the nesting period, unless this avoidance buffer is reduced through consultation with the CDFW and/or a qualified biologist with expertise in Swainson's hawk issues. If a construction area falls within this nesting site, construction must be delayed until the young have fledged (left the nest). The 2,500- foot-radius no-construction zone may be reduced in size but in no case shall be reduced to less than 500 feet except where a qualified biologist concludes that a smaller buffer area is sufficiently protective. A qualified biologist must conduct construction monitoring on a daily basis, inspect the nest on a daily basis, and ensure that construction activities do not disrupt breeding behaviors.</p>	<p>Less than significant</p>

<p>Impact #3.4.1c – Impacts to nesting raptors</p>	<p>Mitigation Measure #3.4-1c: The following measures shall be implemented to reduce potential impacts to nesting raptors (other than Swainson’s hawk) and other migratory birds: A pre-construction survey shall be performed on the Project site, and within 500 feet of its perimeter, in areas where there is a potential for nesting raptors and other migratory birds to occur if construction occurs during the breeding season (generally defined from February 1 to August 31). These areas include power poles or trees that are suitable for the establishment of nests. Areas also include non-native annual grassland habitat and agriculturally developed land, which provide potential breeding habitat for ground-nesting birds such as the western meadowlark and northern harrier. The pre-construction survey shall be performed during the period 3 to 14 days prior to construction to identify active nests and mark those nests for avoidance. These surveys can be completed in conjunction with surveys that may be required for other species.</p> <p>If nesting raptors other than Swainson’s hawk are identified during the surveys, active raptor nests shall be avoided with a buffer of 500 feet and all other migratory bird nests shall be avoided with a buffer of 250 feet. Avoidance buffers may be reduced through consultation with the CDFW and/or a qualified biologist.</p> <p>No construction or earth-moving activity shall occur within a non-disturbance buffer until it is determined by a qualified biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by early July, but September 1st is considered the end of the nesting period unless otherwise determined by a qualified biologist. Once raptors have completed nesting and young have fledged, disturbance buffers will no longer be needed and can be removed, and monitoring can be terminated.</p>	<p>Less than significant</p>
<p>Impact #3.4.1d – Impacts to the San Joaquin kit fox and American badger</p>	<p>Mitigation Measure #3.4-1d: The following measures shall be implemented to reduce potential impacts to San Joaquin kit fox and American badger: Because one American badger den with a species diagnostic sign, a horizontal scratch mark, was found on the Project site and up to 10 potential dens and/ or burrows that could be modified and inhabited by the San Joaquin kit fox and American badger were located throughout Ponding Basins 1 and 2, there is the potential for the San Joaquin kit fox and American badger to occur on the Project site. Therefore the <i>USFWS Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance</i> (USFWS 2011) shall be followed. The measures that are listed below have been excerpted from those guidelines and would protect San Joaquin kit foxes and American badgers from direct mortality and from destruction of active dens and natal or pupping dens. The Lead Agency or Designee shall determine the applicability of the following measures depending on specific construction activities and shall implement such measures when required, as explained below.</p> <ol style="list-style-type: none"> 1. Pre-construction surveys shall be conducted no fewer than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, or any Project activity likely to impact the San Joaquin kit fox or American badger. If such surveys find active or natal or pupping dens for either San Joaquin kit fox or American badger den, exclusion zones shall be placed in 	<p>Less than significant</p>

	<p>accordance with USFWS Recommendations.</p> <p>If any den is found within the construction area and must be removed, it must be appropriately monitored and excavated by a trained wildlife biologist. Destruction of natal dens and other “known” kit fox dens must not occur until authorized by USFWS. Replacement dens will be required if such dens are removed. Potential dens that are removed do not need to be replaced if they are determined to be inactive after monitoring.</p> <ol style="list-style-type: none"> 2. Project construction-related vehicles shall observe a daytime speed limit of 20-mph throughout the site in all Project areas, except on County roads and State and federal highways; this is particularly important at night when kit foxes and American badgers are most active. Night-time construction shall be minimized to the extent possible. However if it does occur, then the speed limit shall be reduced to 10-mph. Project construction-related vehicles shall be prohibited from going off-road outside of designated Project areas. 3. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a Project, all excavated, steep-walled holes or trenches more than 2-feet deep shall be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the CDFW shall be contacted at the addresses provided below. 4. Kit foxes and American badgers are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped. 5. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from a construction or Project site. 6. Use of firearms on the site shall adhere to USFWS protocols. 7. No pets, such as dogs or cats, shall be permitted on the Project site to prevent harassment, mortality of kit foxes, or destruction of dens. 	
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	<p>8. Use of rodenticides and herbicides in Project areas shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional Project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide shall be used because of a proven lower risk to kit fox.</p> <p>9. A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the USFWS.</p> <p>10. An employee education program shall be conducted. The program shall consist of a brief presentation by persons knowledgeable in San Joaquin kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the Project. The program shall include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the Project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during Project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the previously referenced people and anyone else who may enter the Project site.</p> <p>11. Upon completion of the Project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. shall be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the Project, but after Project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas shall be determined on a site-specific basis in consultation with the USFWS, CDFW, and revegetation experts.</p> <p>12. In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or the USFWS shall be contacted for guidance.</p> <p>13. Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916)445-0045. They will contact the local warden or Mr. Paul Hofmann, the wildlife biologist, at (530)934-9309. The USFWS</p>	
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	<p>shall be contacted at the numbers below.</p> <p>14. The Sacramento Fish and Wildlife Office of USFWS and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact is Mr. Paul Hofmann at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.</p> <p>15. All sightings of the San Joaquin kit fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed shall also be provided to the Service at the address below.</p> <p>Any Project-related information required by the USFWS or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at:</p> <p>Endangered Species Division 2800 Cottage Way, Suite W2605 Sacramento, California 95825-1846 (916) 414-6620 or (916) 414-6600</p>	
	<p>Mitigation Measure #3.4-1e: An environmental awareness training program shall be presented to construction personnel prior to the start of construction. The presentation shall include the life history information for all special-status species that could potentially occur on the Project site. The presentation shall discuss the legal protection status of each species, the definition of “take” under existing environmental laws, specific measures that workers would employ to avoid take of wildlife species, and the penalties for violations. An attendance sheet shall be circulated at all training sessions to document worker attendance. All personnel who are unable to attend the initial training program due to scheduling or other factors will review the training program materials and sign the training attendance sheet.</p>	Less than Significant
CULTURAL RESOURCES		
<p>Impact #3.5.1 – Cause a substantial adverse change in the significance of a historical resource as defined in <i>CEQA Guidelines</i> Section 15064.4</p>	<p>Mitigation Measure #3.5-1: In the event that resources potentially qualifying as historical resources or unique archaeological resources per CEQA Guidelines Section 15064.5 and Public Resources Code section 21083.2 are inadvertently discovered during ground-disturbing activities, all work within 50 feet of the find shall halt until a qualified archaeologist who meets the Secretary of the Interior’s professional qualifications standards in prehistoric or historical archaeology, as appropriate, shall evaluate the find and make recommendations. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal, wood, brick, or structural remnants. If the qualified archaeologist determines that the discovery represents either an historical resource or a unique archaeological resource, the archaeologist</p>	Less than Significant

	shall recommend to the City's Community Development Director potential means of addressing impacts to such resources. Such additional measures may include avoidance, testing, and evaluation or data recovery excavation. The Community Development Director shall then determine whether any such recommended measures are feasible in light of project design, economics, logistics, and other factors. If avoidance is infeasible based on these factors, then testing or data recovery shall be the preferred method of dealing with the affected resources. Once the measure(s) chosen by the Community Development Director have been identified and implemented, construction work in the area within 50 feet of the find shall be resumed.	
Impact #3.5-2 - Cause a substantial adverse change in the significance of a unique archaeological resource, as defined in Public Resources Code Section 21083.2(g)	Implement Mitigation Measure #3.5-1.	Less than Significant
Impact #3.5.3 Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	<p>Mitigation Measure #3.5-3: To mitigate potential adverse effects a monitoring program shall be developed in consultation with a professional paleontologist, which would provide intermittent inspection of excavations at the Project site by a professional paleontologist during site grading and excavation activities. Should the construction crew or paleontologist uncover any bones or teeth, all construction-related activities in the immediate vicinity would be stopped until the paleontologist has assessed the find and, if deemed significant, salvaged it for deposition in a repository such as University of California Museum of Paleontology where it would be properly curated and preserved for scientific study. Any period in which construction is halted shall be kept to the minimum amount of time feasible under the circumstances. To avoid any unnecessary loss of time during construction, the City shall require the paleontologist to assess the significance of the affected resources as soon as is feasible under the circumstances.</p> <p>Following the completion of the above tasks, the paleontologist shall prepare a report documenting the absence or discovery of fossil resources on-site. If fossils are found, the report shall summarize the results of the inspection program, identify those fossils encountered, recovery and curation efforts, and the methods used in these efforts, as well as describe the fossils collected and their significance. A copy of the report shall be provided to the Madera Community Development Department and to the Natural History Museum of Los Angeles County.</p>	Less than significant
Impact #3.5.4 – Disturb human remains, including	Mitigation Measure #3.5-4: If human remains are uncovered during Project construction, the Project proponent shall immediately halt work, contact the Madera County Coroner to evaluate the remains, and	Less than significant

those interred outside of formal cemeteries	follow the procedures and protocols set forth in §15064.5 (e)(1) of the <i>CEQA Guidelines</i> . The Madera Community Development Department shall also be notified of the discovery. If the County Coroner determines that the remains are Native American, the Project proponent shall contact the Native American Heritage Commission, in accordance with Health and Safety Code §7050.5, subdivision (c), and Public Resources Code §5097.98 (as amended by AB 2641). The NAHC shall identify the person or persons believed to be most likely descended from the deceased Native American. The Most Likely Descendant (MLD) shall be afforded the opportunity to provide recommendations concerning the future disposition of the remains and any associated grave goods as provided in PRC 5097.98. Per Public Resources Code §5097.98, the Project operator shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section (PRC 5097.98), with the most likely descendent regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.	
GEOLOGY, SOILS, AND SEISMICITY		
Impact#3.6-2(a) Result in substantial soil erosion of instability on site	Mitigation Measure #3.6-2a: Implement Mitigation Measure #3.6-12.	Less than Significant
Impact #3.6-2(b) Will result in substantial soil erosion or soil instability related to off site infrastructure extension	<p>Mitigation Measure #3.6-2b: Prior to issuance of grading permits, an erosion control plan shall be submitted and approved by the City of Madera that reduces erosion and water quality degradation. The erosion control plan shall indicate the proper control of erosion, sedimentation, siltation and other pollutants that will be implemented to meet NPDES permit requirements and City standards (see Section 3.9 of this EIR). The plan shall address storm drainage during construction and set forth BMPs that shall be carried out during construction to minimize erosion, sedimentation and water quality degradation. BMPs selected shall be in accordance with the California Stormwater Quality Association Stormwater Best Management Practices Handbook, and will include: vegetated swales; bioretention areas; and a flow-based, storm water treatment device.</p> <p>The plan shall require that all drainage facilities shall be constructed to the City of Madera specifications. The plan shall indicate whether grading will occur in the winter months.</p> <p>The plan shall also require that:</p> <ul style="list-style-type: none"> • Drainage facilities shall be protected as necessary to prevent erosion of onsite soils immediately following grading activities; • Cut slopes and drainage ways within native material shall be protected from direct exposure to 	Less than Significant

	<p>water runoff immediately following grading activities;</p> <ul style="list-style-type: none"> • The design for collected run-off shall dissipate immediately following grading activities; • Cut and fill embankment slopes shall be protected from sheet, rill, and gully erosion; and • Where soil stockpiling or borrow areas are to remain for more than one construction season, proper erosion control measures shall be applied as specified in the improvement plans/grading plans. 	
GREENHOUSE GASES		
Impact #3.7.1 – Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment	<p>An analysis of the proposed Project compared to the 2020 Project under BAU, or NAT, conditions demonstrates reduction substantially greater than 29 percent. Thus under the methodology recommended by the SJVACD, the impact would be less than significant. Even so, in order to avoid any dispute over the validity of that methodology in the aftermath of <i>CDB v DFW</i> decision, the City has decided with the applicant's agreement, to conservatively treat the impact as being potentially significant and unavoidable.</p> <p>Mitigation Measures: With the inclusion of the reductions already described, no additional reasonable mitigation measures are available.</p>	Significant and Unavoidable
HAZARDS AND HAZARDOUS MATERIALS		
Impact #3.8-1 – Create a significant hazard to the public or environment through transport, use or disposal of hazardous materials	<p>Mitigation Measure #3.8-1a: The Project proponent shall prepare a Hazardous Materials Business Plan and submit it to the Madera County Environmental Health Department <u>Certified Unified Program Agency</u> (CUPA) for review and approval. The Hazardous Materials Business Plan shall include, at a minimum, floor plans of the facility and business conducted at the site; an inventory of hazardous materials that are handled or stored on site; an emergency response plan; and a safety and emergency response training program for new employees with annual refresher courses. A copy of the approved plan shall be provided to the City of Madera Planning Department prior to the issuance of grading permits <u>certificate of occupancy</u>.</p> <p>Mitigation Measure #3.8-1b: The Project proponent shall obtain the appropriate underground storage tank permit, as required under the State Health and Safety Code, as previously referenced from the Madera County Environmental Health Department for the installation of such tanks as a result of the Project. A copy of the approved underground storage tank permit shall be provided to the City of Madera Planning Department prior to the issuance of grading permits.</p>	Less than Significant
Impact #3.8-2 – Create a	The Project proponent shall have a qualified professional prepare a Phase II Environmental Site	Less than Significant

<p>significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions</p>	<p>Assessment for the Project site that includes soil sampling. Based on the conclusions of the Phase II Environmental Site Assessment, the Project proponent shall prepare a work plan and submit it to the Madera County Environmental Health Department for review and approval. A copy of the approved work plan shall be provided to the City of Madera Planning Department prior to the issuance of grading permits,.</p> <p>As determined by the results of the Phase II Environmental Site Assessment, at a minimum, the work plan shall include, but not be limited to:</p> <ol style="list-style-type: none"> 1. Delineating the vertical and horizontal extent of the any soil contamination; 2. Providing workers with notices and information regarding the presence of any surface and subsurface contamination; 3. Educating workers regarding the appropriate measures for protecting themselves from surface and subsurface contamination through a training program; 4. Preparing a remediation plan for affected soils that outlines proposed remediation methods, including capping, excavation and offsite disposal, stockpiling, and/or onsite treatment in accordance with applicable laws, including California Code of Regulations, Title 22, Section 66261.20-24; 5. Identifying the party responsible for funding and conducting site cleanup; 6. Removing and disposing of air-conditioning unit; three aboveground storage tanks; numerous drums, barrels, and/or containers; stained asphalt pavements; trash, debris, and/or waste materials; materials associated with the dumping and construction/demolition debris areas; and three fill soil piles in accordance with applicable laws; 7. Removing or abandoning onsite septic system in accordance with applicable laws; 8. Taking other actions as required by the conclusions in the Phase II Environmental Site Assessment; and 9. Taking other actions as required by the Madera County Environmental Health Department. 	
HYDROLOGY AND WATER QUALITY		
<p>Impact #3.9 – 1 - Violate any water quality</p>	<p>Mitigation Measure #3.9-1a: Prior to issuance of grading permits, the Project proponent shall submit a Notice of Intent (NOI) and SWPPP to the RWQCB to obtain coverage under the General Permit for</p>	<p>Less than Significant</p>

standards or waste discharge requirements	<p>Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ amended by 2010-0014-DWQ & 2012-0006-DWQ). The SWPPP shall specify and require the implementation of Best Management Practices (BMPs), with the intent of keeping all products of erosion from moving off site and into receiving waters during construction. The requirements of the SWPPP shall be incorporated into design specifications and construction contracts. Recommended BMPs for the construction phase shall include, but is not limited to, the following:</p> <ul style="list-style-type: none"> • Stockpiling and disposing of demolition debris, concrete, and soil properly; • Protecting existing storm drain inlets and stabilizing disturbed areas; • Implementing erosion controls; • Properly managing construction materials; and • Managing waste, aggressively controlling litter, and implementing sediment controls. <p>The City of Madera Community Development Department shall confirm that the RWQCB has approved the SWPPP prior to issuance of grading permits.</p> <p>Mitigation Measure #3.9-1b: Prior to issuance of grading permits, the Project proponent shall prepare a drainage plan for the Project for approval by the City of Madera City Engineer that identifies post-construction treatment, control, and design measures that minimize surface water runoff, erosion, siltation, and pollution. The drainage plan shall be prepared in accordance with the City's <i>Storm Water Quality Management Program</i> and CASQA's <i>Storm Water Best Management Practices Handbook</i> as well as the City Engineer's Standard Specifications and Standard Drawings. During final design of the Project, the Project proponent shall implement a suite of post-construction stormwater treatment and control Best Management Practices designed to address the most likely sources of stormwater pollutants resulting from operation and maintenance of the Project. These measures shall take into account the proposed 1.52-acre fenced retention basin, low-lying landscaped areas to be used as vegetated swales, shall be designed to methods described in Section E.12.e.ii.c of the SWRCB Phase II Small MS4, General Permit (Order No. 2013-0001-DWQ) and shall include the following Project-proponent proposed water quality best management practices:</p> <ul style="list-style-type: none"> • Gasoline and diesel fueling areas shall be covered by canopies and shall be surfaced with Portland cement concrete. Diesel fueling areas shall be covered by canopies and shall have catch basins piped to an oil-water separator at each fueling bay to effectively preclude these areas from degrading storm water runoff. Storm water shall be precluded from entering catch basins due to covered canopies and grading design; • Fuel delivery areas shall have catch basins to capture any incidental spillage and shall be piped to an oil-water separator, and discharged to the sanitary sewer system. Catch basins shall not receive storm water runoff due to grading design; 	
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	<ul style="list-style-type: none"> • Above ground diesel tanks shall have a containment curb around them; and • Maintenance bays in the tire shop shall be fully covered to preclude degradation of storm water runoff as a result of maintenance operations. 	
Impact #3.9-2 – Substantially deplete groundwater supplies or interfere with groundwater recharge	Mitigation Measures: Implement Mitigation Measure #3.12- 4 <u>3</u> . (Mitigation Measure #3.12-1: As part of the Site Plan Review process, the applicant shall submit a water conservation plan to the City of Madera Planning Department for review and approval which demonstrates the landscaping and buildings will include available water conservation measures for both interior and exterior water usage that, after compliance with all existing federal, state and local regulations, will result in a reduction of an additional 10 percent over anticipated water demand for the Project.)	Significant and Unavoidable
Impact #3.9-3 – Alteration of the existing site or area resulting in erosion or siltation	Mitigation Measure: Implement Mitigation Measures #3.9-1a and 1b.	Less than significant
Impact #3.9-4 – Alteration of the existing drainage pattern resulting in flooding	Mitigation Measure: Implement Mitigation Measures #3.9-1a and 1b.	Less than significant
Impact #3.9-5 - Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems	Mitigation Measure: Implement Mitigation Measures #3.9-1a and 1b.	Less than significant
Impact #3.9-6 Otherwise substantially degrade water quality	Mitigation Measure: Implement Mitigation Measures #3.9-1a and 1b.	Less than significant
NOISE		
Impact #3.11.1 –	Mitigation Measure #3.11-1a: The following shall be implemented by the Project proponent for the	Less than significant

Exposure to excessive noise levels or vibration	<p>duration of Project construction:</p> <ul style="list-style-type: none"> a. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Project site; b. The construction contractor shall locate the pile driver such that the rear of the vibratory pile driver faces toward the noise sensitive receptors when the machine is being utilized; c. The construction contractor shall locate equipment staging in areas that will create the greatest possible distance between construction-related noise sources and noise sensitive receptors nearest the Project site during all Project construction; d. The construction contractor shall ensure that all construction equipment is equipped with manufacturer-approved mufflers and baffles; and e. Project construction hours shall comply with the Chapter 11, Noise Control, §3-11.02 of the City Code of Ordinances. <p>Mitigation Measure #3.11-1b: Prior to issuance of building permits for the Project's proposed Hotel on Parcel 2, the Project proponent shall prepare a project-specific noise model which demonstrates to the satisfaction of the City of Madera Community Development Department that the Project will either: (1) cause an interior noise level of no greater than 45 dB Ldn, or (2) include windows in sleeping areas of the hotel with an STC rating that reduces interior noise levels to 45 dB Ldn or lower.</p>	
PUBLIC SERVICES		
Impact #3.12.3 – Increased demand for water supply and construction of additional water supply infrastructure	Mitigation Measure #3.12-3: As part of the Site Plan Review process, the applicant shall submit a water conservation plan to the City of Madera Planning Department for review and approval which demonstrates the landscaping and buildings will include available water conservation measures for both interior and exterior water usage that, after compliance with all existing federal, state and local regulations, will result in a reduction of an additional 10 percent over anticipated water demand for the Project.	Less than significant <u>Significant and Unavoidable</u>
TRANSPORTATION AND TRAFFIC		

<p>Impact #3.13.1 – Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for performance of the circulation system or with an applicable congestion management program</p>	<p>Mitigation Measure #3.13-1a: Prior to the occupancy, the Project applicant shall provide evidence to the Madera Community Development Department that the following road improvements have been completed to address Project-related traffic impacts during Existing Plus Project and Near-Term (Year 2016) Plus Project scenarios as follows:</p> <p>Avenue 17 at Sharon Boulevard: Near-Term (Year 2016) Plus Project scenario: Install Traffic Signal</p> <p>SR 99 NB Off-Ramp: Near-Term (Year 2016) Plus Project scenario: Install Separate Right-turn Lane</p> <p>Mitigation Measure #3.13-1b: Prior to the issuance of building permits <u>certificates of occupancy for each structure</u>, the Project applicant shall provide the proposed Project's pro rata funding toward the affected roadways and intersections as required by the City of Madera, the County of Madera, and Caltrans. The proposed Project's proportionate share responsibility for the cost of the installation of all required road improvements in the year 2036 is calculated as follows:</p> <p style="text-align: center;">Equitable Share = (Project Trips)/(Cumulative Year 2036 Plus Project Traffic – Existing Traffic)</p> <p>Pro rata funding shall be paid to the City of Madera Engineering Department for implementation in the City Development Impact Fees Program of the County, as appropriate. A copy of the payment receipts shall be provided to the City of Madera Community Development Department.</p> <p>Table 3.13-15 shows the equitable share responsibility for improvements to City of Madera and Caltrans facilities as described above. The equitable share responsibility shown in Table 3.13-15 is the result of LOS enhancements related to capacity. Avenue 17 at Sharon Boulevard is the only study intersection that is included within the City of Madera's fee program.</p> <p>Traffic signals and other related improvements identified for the Avenue 17 at Project Driveway #1 and Sharon Boulevard at Project Driveway #3 intersections are only necessary to accommodate Project site access to the adjacent roadway network. There is planned future development on the other side of Avenue 17 and Sharon Boulevard that will also be served by the improvements identified at Project Driveway #1 and #3. City of Madera staff has indicated that the traffic signals and other related improvements at Project Driveway #1 and #3 shall be the sole responsibility of the proposed Project and the planned future development on the other side of each street. As a result, Table 3.13-16 has been prepared for the purpose of identifying the proposed Project's fair-share of improvements identified at Project Driveway #1 and #3.</p>	<p>Significant and Unavoidable</p>
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Table 3.13-15
Equitable Fair-Share Responsibility

INTERSECTION	PEAK HOUR	EXISTING	PROJECT TRIPS	CUMULATIVE YEAR 2036 PLUS PROJECT	FAIR SHARE PERCENTAGE
Avenue 17 / SR 99 SB Off Ramp	AM	484	175	1,583	15.9%
	PM	598	198	2,523	10.3%
Avenue 17 / SR 99 NB Ramps	AM	1,050	545	3,393	23.3%
	PM	1,044	644	5,125	15.8%
Avenue 17 / Walden Drive	AM	943	30	2,009	2.8%
	PM	937	36	2,811	1.9%
Avenue 17 / Sharon Boulevard	AM	933	252	3,021	12.1%
	PM	933	369	4,561	10.2%
Avenue 17 / Yeager Drive	AM	156	31	1,265	2.8%
	PM	156	36	1,858	2.1%
ROADWAY SEGMENTS					
Avenue 17					
Sharon Boulevard to Walden Drive	AM	692	16	1,372	2.4%
	PM	358	18	1,126	2.3%
SR 99 FREEWAY AND RAMPS					
Avenue 17					
SR 99 SB Loop On-Ramp	AM	498	128	1,153	19.5%
	PM	190	160	1,153	16.6%
SR 99 NB Off-Ramp	AM	230	128	1,001	16.6%
	PM	440	144	1,892	9.9%
SR 99 NB On-Ramp	AM	116	114	310	58.8%
	PM	85	142	430	41.2%
SR 99 SB Off-Ramp	AM	101	144	325	64.3%
	PM	172	162	536	44.5%
SR 99 SB On-Ramp	AM	95	0	249	0.0%
	PM	120	0	390	0.0%

Table 3.13-16
Equitable Fair-Share Responsibility at Project Driveways

INTERSECTION	PEAK HOUR	PROJECT TRIPS	TRIPS FROM FUTURE DEVELOPMENT THAT SHARE THE DRIVEWAY	TOTAL OF DEVELOPMENT TRIPS	PROJECT'S FAIR SHARE PERCENTAGE
Avenue 17 / Project Driveway #1	AM	580	356	936	62.0%
	PM	677	1,559	2,236	30.3%
Sharon Boulevard / Project Driveway #3	AM	221	89	310	71.3%
	PM	346	345	691	50.1%

Impact #3.13-2 – Conflict with an applicable congestion management program, including LOS standards

Mitigation Measure #3.13-2: Prior to the issuance of grading permits, the Project applicant shall:

Prepare and submit a Construction Traffic Control Plan to City of Madera Community Development Department and the California Department of Transportation offices for District 6, as appropriate for any traffic control in Caltrans right-of-way, for review and approval. The Construction Traffic Control Plan shall be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and shall include, but not be limited to, the following issues:

- Timing of deliveries of heavy equipment and building materials;
- Directing construction traffic with a flag person;
- Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;
- Ensuring access for emergency vehicles to the Project site;
- Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;
- Maintaining access to adjacent property; and

Less than Significant

	<ul style="list-style-type: none"> Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM peak hour, distributing construction traffic flow across alternative routes to access the Project site, and avoiding residential neighborhoods to the maximum extent feasible. <p>Obtain all necessary permits for the work within the road right-of-way or use of oversized/overweight vehicles that will utilize City-maintained roads, which may require California Highway Patrol or a pilot car escort. Copies of the issued permits shall be submitted to the City of Madera Community Development Department.</p>	
Impact #3.13 – 4 – substantially increase hazards due to a design feature	Mitigation Measures: Implement Mitigation Measure #3.13-2; no additional mitigation is required.	Less than Significant
Impact #3.13-5 – Result in inadequate emergency access	Mitigation Measures: Implement Mitigation Measure #3.13-2; no additional mitigation is required.	Less than Significant

Table ES-2
Evaluation of Alternatives
Compared to Proposed Project

Impact Topic	Proposed Project	No Project Alternative	Reduced Traffic Alternative	Reduced Water Demand Alternative
Aesthetics				
3.3-1 - Adverse affect on scenic vista	LTS	LTS/S	LTS/S	LTS/G
3.1-2 - Damage scenic resources	LTS	LTS/S	LTS/S	LTS/G
3.1-3 - Substantial light and glare	LTSM	LTSM/S	LTS/S	LTSM/G
Agricultural and Forestry Resources				
3.2-1 – Convert farmland	LTS	LTS/S	LTS/S	LTS/S
3.2-2 – Conflict with Williamson Act	LTS	LTS/S	LTS/S	LTS/S
3.2-3 – Conflict with forestry zoning	LTS	LTS/S	LTS/S	LTS/S
3.2-4 – Loss of forest land	LTS	LTS/S	LTS/S	LTS/S
3.2-5 – Other agriculture/forestry changes	LTS	LTS/S	LTS/S	LTS/S
Air Quality				
3.3-1 – Conflict with air quality plan	LTS	LTS/L	LTS/L	LTS/L
3.3-2 – Violate air quality plan	LTS	LTS/L	LTS/L	LTS/L
3.3-3 - Cumulatively considerable increase	LTS	LTS/L	LTS/L	LTS/L
3.3-4 – Expose sensitive receptors	LTSM	LTS/L	LTS/L	LTS/L
3.3-5 – Create objectionable odors	LTS	LTS/L	LTS/L	LTS/L
Health Risks	LTSM	LTSM/L	LTS/L	LTSM/S
Biological Resources				
3.4-1 – Adverse effect	LTSM	LTSM/S	LTSM/S	LTSM/S
3.4-2 – Riparian/sensitive habitat impact	N	N/S	N/S	N/S
3.4-3 – Wetlands impact	N	N/S	N/S	N/S
3.3-4 – Migratory fish/wildlife	N	N/S	N/S	N/S
3.3-5 – Local policies/ordinances	N	N/S	N/S	N/S
3.3-6 – Adopted HCP or NCCP	N	N/S	N/S	N/S
3.3-7 – Reduce fish/wildlife habitat	N	N/S	N/S	N/S
3.3-8 - Reduce fish/wildlife populations	N	N/S	N/S	N/S
3.3-9 – Reduce number/range of species	N	N/S	N/S	N/S
Cultural Resources				
3.5-1 – Significant historic resource	LTSM	LTSM/S	LTSM/S	LTSM/S
3.5-2 – Archaeological resource	LTSM	LTSM/S	LTSM/S	LTSM/S
3.5-3 – Paleontological resource	LTSM	LTSM/S	LTSM/S	LTSM/S
3.5-4 – Disturb human remains	LTSM	LTSM/S	LTSM/S	LTSM/S

Geology, Soils, and Seismicity				
3.6-1 – Fault rupture/seismic effects	LTS	LTS/S	LTS/L	LTS/L
3.6-2(a) – Erosion/soil instability onsite	LTSM	LTSM/S	LTSM/L	LTSM/L
3.6-2(b) - Erosion/soil instability offsite	LTSM	LTSM/S	LTSM/L	LTSM/L
3.6-3 – Unstable soil	N	N/S	N/S	N/S
3.6-4 – Affect mineral resource	N	N/S	N/S	N/S
Greenhouse Gases				
3.7-1 – Generate significant GHG	SU	SU/S	SU/L	SU/L
3.7-2 – Conflict with plan, policy, or reg.	LTS	LTS/S	LTS/L	LTS/L
Hazards and Hazardous Materials				
3.8-1 – Transport, use, disposal hazard	LTSM	LTSM/G	LTSM/S	LTSM/S
3.8-2 – Accidental release of materials	LTSM	LTSM/G	LTSM/S	LTSM/S
3.8-3 – Impact on schools	N	N/S	N/S	N/S
3.8-4 – Listed hazardous site	N	LTS/G	LTS/S	LTS/S
3.8-5 – Within two miles of an airport	LTS	LTS/G	LTS/S	LTS/S
3.8-6 – Near a private airstrip	N	N/G	N/S	N/S
3.8-7 – Impair adopted emergency plan	LTS	LTS/G	LTS/S	LTS/S
3.8-8 – Wildland fire	LTS	LTS/G	LTS/S	LTS/S
Hydrology and Water Quality				
3.9-1 – Violate water quality standards	LTSM	LTSM/S	LTSM/L	LTSM/L
3.9-2 – Deplete groundwater supplies	SU	SU/S	SU/L	SU/L
3.9-3 - Alter existing drainage -siltation	LTSM	LTSM/S	LTSM/L	LTSM/L
3.9-4 – Alter existing drainage – flooding	LTSM	LTSM/S	LTSM/L	LTSM/L
3.9-5 – Exceed drainage system capacity	LTSM	LTSM/S	LTSM/L	LTSM/L
3.9-6 – Degrade water quality	LTSM	LTSM/S	LTSM/L	LTSM/L
3.9-7 – Place housing in 100-year flood zone	N	N/S	N/S	N/S
3.9-8 – Structures impede 100-year flood	N	N/S	N/S	N/S
3.9-9 – Exposure to flood hazard	LTS	LTS/S	LTS/S	LTS/S
3.9-10- Contribute to inundation	N	N/S	N/S	N/S
Land Use and Planning				
3.10-1 – Physically divide community	LTS	LTS/S	LTS/S	LTS/S
3.10-2 – Conflict with land use plan	LTS	LTS/S	LTS/S	LTS/S
3.10-3 – Conflict with HCP or NCCP	N	N/S	N/S	N/S
Noise				
3.11-1 – Exposure to excessive noise	LTSM	LTSM/L	LTSM/L	LTSM/L
3.11-2 – Exposure to excessive vibration	LTS	LTS/L	LTS/L	LTS/L
3.11-3 – Permanent increase in noise	LTS	LTS/L	LTS/L	LTS/L
3.11-4 – Temporary or period noise increase	LTS	LTS/L	LTS/L	LTS/L
3.11-5 – Noise impact from airport	LTS	LTS/L	LTS/S	LTS/S
3.11-6 – Noise impact from private airstrip	N	N/L	N/S	N/S
Public Services and Utilities				
3.12-1 - Need for expanded fire services	LTS	LTS/S	LTS/L	LTS/S
3.12-2- Need for expanded police services	LTS	LTS/L	LTS/L	LTS/S

3.12-1 – Increased water demand	SU	SU/G	SU/L	SU/L
3.12-4 – Increased wastewater demand	LTS	LTS/L	LTS/L	LTS/L
3.12-5 – Increased stormwater	LTS	LTS/L	LTS/L	LTS/S
3.12-6 – Increased solid waste	LTS	LTS/L	LTS/L	LTS/L
Transportation and Traffic				
3.13-1 – Conflict with transportation plan	SU	SU/S	SU/L	SU/L
3.13-2 – Conflict with congestion plan	SU	SU/S	SU/L	SU/L
3.13-3 – Change in air traffic patterns	N	N/S	N/S	N/S
3.13-4 – Increase in hazardous design	LTSM	LTSM/S	LTSM/L	LTSM/S
3.13-5 – Inadequate emergency response	LTS	LTS/S	LTS/L	LTS/S
3.13-6 – Alternative transportation conflict	LTS	LTS/S	LTS/L	LTS/S

Acronyms:

N= No impact

LTS = Less than significant

LTSM = Less than significant with mitigation

SU = Significant and unavoidable

S = Similar impact to proposed project

L = Less impact than proposed project

G = Greater impact than proposed project

Construction

The SJVAPCD's attainment strategy as it relates to growth is directly related to their New Source Review (NSR) rule as implementation of NSR ensures that there is no net increase in operational emissions from permitted stationary sources exceeding the District offset thresholds. ~~emissions above specified thresholds from new and modified stationary sources for all nonattainment pollutants and their precursors.~~ The SJVAPCD thresholds of significance for criteria pollutants are applied to evaluate regional impacts of project-specific emissions of air pollutants and their impact on the SJVAPCD's ability to reach attainment.

Operational

State CEQA Guidelines and the FCAA (Sections 176 and 316) contain specific references on the need to evaluate consistencies between a proposed Project and the applicable AQAP for the project sites. To accomplish this, CARB has developed a three-step approach to determine project conformity with the applicable AQAP:

1. Determination that an AQAP is being implemented in the area where the project is being proposed. The SJVAPCD has implemented the current, modified AQAP as approved by CARB. The current AQAP is under review by the EPA.
2. The proposed project must be consistent with the growth assumptions of the applicable AQAP. The growth assumptions used by the SJVAPCD in their attainment demonstration for the 8-hour ozone standard (2007 Ozone Plan) was a 42 percent increase in population in Madera County between 2002 and 2020. For the PM_{2.5} standard attainment demonstration (2012 PM_{2.5} Plan), the growth assumptions were a 21 percent growth in Madera County between 2010 and 2020. Since the proposed Project is a commercial project not specifically designed to attract new permanent residents to the County, and does not contain a residential component, the proposed Project would be considered consistent with the growth assumptions of the applicable AQAPs.
3. The project must contain in its design all reasonably available and feasible air quality control measures. The proposed Project incorporates Regulation VIII dust measures and will comply with the ISR Rule (Rule 9510) along with all applicable Air District regulations and/or rules.

Because no significant growth is anticipated by the proposed Project, conclusions may be drawn from the following criteria:

- The proposed emissions from the project are by definition below the SJVAPCD's established emissions impact thresholds; and
- The primary source of emissions from the project would be traffic from vehicles that are licensed through the State of California and whose emissions are already incorporated into CARB's SJV Emissions Inventory.

Conclusion: Operation of the proposed Project would not exceed any established SJVAPCD thresholds; therefore, implementation of the proposed Project would not obstruct implementation

of an air quality plan during operation. The Project would not conflict with, or obstruct implementation of, the applicable air quality plan, and would therefore result in a *less than significant* impact.

Mitigation Measures: No mitigation measures are necessary.

Impact #3.3-2 - Violate any air quality standard or contribute substantially to an existing or projected air quality violation:

Construction

Construction of the proposed Project would result in emissions of the air pollutants ROG, NO_x, CO, PM₁₀, PM_{2.5}, and SO_x. Emissions from construction would result from fuel combustion and exhaust from construction equipment as well as vehicle traffic, grading, and the use of toxic materials (e.g., paints and lubricants).

Criteria pollutant emissions from off-road construction equipment use were estimated using the CalEEMod Version 2013.2.2 computer model. Since specific construction activity information is not currently available, default length of construction activity and default equipment type and activity levels for each activity phase were used. CalEEMod was designed to assume reasonable default assumptions supported by substantial evidence to the degree available at the time of programming. CalEEMod is based on fully adopted methods and data. CalEEMod estimates that the construction of this site would take 10 days of site preparation, ~~20~~35 days of grading, ~~230~~370 days of building construction, 20 days of paving, and 20 days of architectural coating and that construction would occur 5 days per week. The Project would disturb approximately 3.76 acres for commercial building sites and an additional 20.65 acres of other asphalt surfaces.

Table 3.3-9 presents annual emissions for construction activities related to the proposed Project. As Table 3.3-9 shows, the SJVAPCD thresholds are not exceeded in either construction year. Detailed emissions calculations are included in Appendix B. The Project is required to comply with SJVAPCD construction emission reduction rules as listed above in section 3.3.2 *Regulatory Setting*, as well as applicable SJVAPCD rules and regulations.

CalEEMod was also used to estimate the operational emissions for each Project phase. Operational emissions include emissions from mobile sources associated with the facility, natural gas usage, architectural coatings, consumer products, and landscaping equipment.

In addition, the ISR Rule (Rule 9510) requires developers to reduce construction NO_x and PM₁₀ exhaust emissions by 20 percent and 45 percent, respectively, and reduce operational NO_x and PM₁₀ emissions by 33.3 percent and 50 percent, respectively, as compared to the unmitigated baseline. The ISR Rule does not require the reduction of ROG, but concentrates on the ozone precursors of NO_x and PM₁₀, which have the most effect on the air quality in the San Joaquin Valley.

Table 3.3-9
Estimated Unmitigated Annual Construction Emissions

Year—Construction Phase	Criteria Emissions (tons/year)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
2016—Site Preparation	0.026	0.274	0.211	0.000	0.106	0.063
2016—Grading	0.037	0.385	0.269	0.000	0.089	0.054
2016—Building Construction	0.532	3.842	4.040	0.005	0.367	0.257
2016—Paving	0.001	0.011	0.008	0.000	0.001	0.001
2016 Total	0.596	4.513	4.528	0.006	0.562	0.375
2017—Paving	0.019	0.193	0.147	0.000	0.012	0.010
2017—Architectural Coating	1.846	0.023	0.030	0.000	0.004	0.002
2017 Total	1.964	0.216	0.177	0.000	0.016	0.013
SJVAPCD Threshold	10	10	100	27	15	15
Exceed Thresholds any Year?	No	No	No	No	No	No

Note: Some defaults from the California Emissions Estimator Model, 2014 were applied.

Source: OB-1 Air Analyses, 2015.

Table 3.3-9
Estimated Unmitigated Annual Construction Emissions

Year - Construction Phase	Criteria Emissions (tons/year)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
2017 - Site Preparation	0.024	0.259	0.201	0.000	0.106	0.063
2017 - Grading	0.108	1.220	0.837	0.001	0.213	0.117
2017 - Building Construction	0.422	3.207	3.200	0.005	0.293	0.211
2017 Total	0.554	4.686	4.238	0.006	0.611	0.391
2018 - Building Construction	0.262	2.041	2.176	0.003	0.189	0.131
2018 - Paving	0.044	0.172	0.152	0.000	0.011	0.009
2018 - Architectural Coating	1.433	0.021	0.026	0.000	0.003	0.002
2018 Total	1.739	2.234	2.353	0.004	0.202	0.142
<i>SJVAPCD Threshold</i>	<i>10</i>	<i>10</i>	<i>100</i>	<i>27</i>	<i>15</i>	<i>15</i>
<i>Exceed Thresholds any Year?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>

Operational

Emissions for each category are presented in Table 3.3-10, which shows that the Project's unmitigated operational emissions would not exceed any SJVAPCD thresholds. Detailed emissions calculations are included in Appendix B.

Table 3.3-10
Estimated Unmitigated Operational Criteria Emissions

Emission Category	Criteria Emissions (tons/year)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Mobile-Local	1.25	3.50	15.74	0.02	1.14	0.34
Mobile-Diverted	7.21	5.91	80.45	0.01	0.12	0.05
Energy	0.02	0.21	0.18	0.00	0.02	0.02
Area	1.22	0.00	0.00	0.00	0.00	0.00
Operational Total	9.70	9.62	96.37	.003	1.28	0.41
SJVAPCD Threshold	10	10	100	27	15	15
Exceed Thresholds?	No	No	No	No	No	No

Note: Some defaults from the California Emissions Estimator Model, 2014 were applied.

Source: OB-1 Air Analyses, 2015.

Cancer Risk

According to the SJVAPCD Guidance and the SJVAPCD Staff Report, the cancer risk has been calculated through use of ISC-AERMOD View Version 9.1.0 and the input parameters detailed above in Section 4.2 that were utilized to calculate the DPM (diesel truck and TRU emissions), benzene (gas station emissions) and PAHs (restaurant emissions) concentrations created from operation of the proposed project at the nearby homes. The AERMOD output files for DPM is provided in Appendix B, benzene in Appendix C, and PAHs in Appendix D. The TAC concentrations were then entered into the Hotspots Analysis and Reporting Program (HARP) Health Risk Assessment Standalone Tool (RAST) Version 2, in order to determine the cancer risks to the nearby residents. The parameters utilized in the HARP2 program are detailed below and the HARP2 output files are provided in Appendix E for the DPM emissions, Appendix F for the Benzene emissions, and Appendix G for the PAHs emissions.

- Receptor Type: Individual Resident;
- Exposure Duration: 70 years;
- Intake Rate Percentile: OEHHA Derived Method;
- Pathways to Evaluate: Mandatory Minimum Pathways; and
- Fraction at time at home: Apply fraction of time at residences less than 16 years (nearest school is Jack Desmond Middle School approximately 1.4 miles to east and outside of the one mile analysis area), and apply fraction of time at residences greater or equal to 16 years.

The cancer risks were calculated separately for each of the different types of TAC emissions created from the operation of diesel trucks and TRUs (DPM emissions), gas station (benzene emissions) and the restaurants charbroiler and griddle (PAHs emissions). The calculated cancer risk from the proposed project are summarized in **Error! Reference source not found.** and the DPM concentration are shown in Figure 5.

TAC emissions concentrations for two nearby sensitive receptors were found to be above the 20.0 in a million cancer risk threshold. A ***potentially significant impact*** to cancer risk would occur from TAC emissions created from the operation of the proposed Project.

Table 3.3-12 shows the highest concentration of DPM created from the proposed Project is 0.0793 µg per m³ and would occur at Sensitive Receptor 8, which represents the home located near the east side of the Project site and on the west side of Walden Drive. Sensitive Receptors 7 and 8 were found to result in a cancer risk increase in excess of the 20 per million people threshold. This would be considered a significant impact. All TAC emissions concentrations at the other nearby sensitive receptors were found to be below the 20.0-in-one-million cancer risk threshold that has been discussed above.

Table 3.3-12
Diesel Particulate Matter Concentrations and Cancer Risks at
Nearby Homes Prior to Mitigation

Sensitive Receptor	Receptor Description	Receptor Location		Annual PM10 Concentration (µg/m³)				Cancer Risk Per Million People
		X	Y	2017	2018	2021	2034	
1	SFR—Northwest of Project Site	757,480	4,098,686	0.0078	0.0060	0.0026	0.0017	3.6
2	SFR—North of Project Site	757,888	4,098,982	0.0059	0.0045	0.0021	0.0012	2.8
3	SFR—North of Project Site	758,292	4,098,869	0.0057	0.0057	0.0029	0.0020	3.6
4	SFR—Northeast of Project Site	758,782	4,098,850	0.0047	0.0047	0.0024	0.0043	2.9
5	SFR—Northeast of Project Site	758,789	4,098,542	0.0090	0.0090	0.0049	0.0106	5.8
6	SFR—East of Project Site	758,795	4,098,334	0.0258	0.0198	0.0112	0.0160	12.9
7	SFR—East of Project Site	758,787	4,098,187	0.0593	0.0455	0.0243	0.0042	29.2
8	SFR—East of Project Site	758,794	4,098,058	0.0793	0.0604	0.0283	0.0038	37.3
9	SFR—Southeast of Project Site	759,055	4,097,508	0.0194	0.0147	0.0062	0.0009	8.8
10	SFR—South of Project Site	758,586	4,097,692	0.0185	0.0140	0.0063	0.0010	8.5
Threshold of Significance								20
Exceed Threshold?								Yes

Notes:

Source: Calculated from ISC-AERMOD View Version 9.0.0.

Table 3.3-12
Cancer Risks from Project-Related TACs at Nearby Homes Prior to Mitigation

Sensitive Receptor	Receptor Description	Receptor Location		Cancer Risk per Million			
		X	Y	DPM (Trucks & TRUs)	Benzene (Gas Station)	PAHs (Restaurants)	Combined Cancer Risk
1	Northwest of Project Site	757,480	4,098,686	4.173	0.000	0.000	4.2
2	North of Project Site	757,888	4,098,982	3.001	0.000	0.000	3.0
3	North of Project Site	758,292	4,098,869	3.347	0.000	0.000	3.3
4	Northeast of Project Site	758,782	4,098,850	2.753	0.000	0.000	2.8
5	Northeast of Project Site	758,789	4,098,542	4.743	0.001	0.000	4.7
6	East of Project Site	758,795	4,098,334	10.336	0.001	0.634	11.0
7	East of Project Site	758,787	4,098,187	27.173	0.001	1.903	29.1
8	East of Project Site	758,794	4,098,058	40.334	0.001	1.903	42.2
9	Southeast of Project Site	759,055	4,097,508	10.834	0.000	0.634	11.5
10	South of Project Site	758,586	4,097,692	9.430	0.001	0.634	10.1
Threshold of Significance							20
Exceed Threshold?							Yes

Source: Calculated from ISC-AERMOD View Version 9.1.0 and HARP RAST Version 2.

Table 3.3-12 shows that the highest cancer risk created from the proposed project is 42.2 per million and would occur at Sensitive Receptor 8, which represents the home located near the east side of the project site and on the west side of Walden Drive. Sensitive Receptors 7 and 8 were found to result in a cancer risk increase in excess of the SJVAPCD's 20 per million people threshold.

Table 3.3-13
Mitigated Cancer Risks from Project-Related TACs at Nearby Homes

<u>Sensitive</u> <u>Receptor</u>	<u>Receptor Description</u>	<u>Receptor Location</u>		<u>Cancer Risk per Million</u>			
		<u>X</u>	<u>Y</u>	<u>DPM</u> <u>(Trucks &</u> <u>TRUs)</u>	<u>Benzene</u> <u>(Gas</u> <u>Station)</u>	<u>PAHs</u> <u>(Restaurants)</u>	<u>Combined</u> <u>Cancer Risk</u>
<u>1</u>	<u>Northwest of Project Site</u>	<u>757,480</u>	<u>4,098,686</u>	<u>1.260</u>	<u>0.000</u>	<u>0.000</u>	<u>1.3</u>
<u>2</u>	<u>North of Project Site</u>	<u>757,888</u>	<u>4,098,982</u>	<u>0.979</u>	<u>0.000</u>	<u>0.000</u>	<u>1.0</u>
<u>3</u>	<u>North of Project Site</u>	<u>758,292</u>	<u>4,098,869</u>	<u>1.380</u>	<u>0.000</u>	<u>0.000</u>	<u>1.4</u>
<u>4</u>	<u>Northeast of Project Site</u>	<u>758,782</u>	<u>4,098,850</u>	<u>1.091</u>	<u>0.000</u>	<u>0.000</u>	<u>1.1</u>
<u>5</u>	<u>Northeast of Project Site</u>	<u>758,789</u>	<u>4,098,542</u>	<u>2.295</u>	<u>0.001</u>	<u>0.000</u>	<u>2.3</u>
<u>6</u>	<u>East of Project Site</u>	<u>758,795</u>	<u>4,098,334</u>	<u>5.417</u>	<u>0.001</u>	<u>0.634</u>	<u>6.1</u>
<u>7</u>	<u>East of Project Site</u>	<u>758,787</u>	<u>4,098,187</u>	<u>12.278</u>	<u>0.001</u>	<u>1.903</u>	<u>14.2</u>
<u>8</u>	<u>East of Project Site</u>	<u>758,794</u>	<u>4,098,058</u>	<u>13.619</u>	<u>0.001</u>	<u>1.903</u>	<u>15.5</u>
<u>9</u>	<u>Southeast of Project Site</u>	<u>759,055</u>	<u>4,097,508</u>	<u>2.977</u>	<u>0.000</u>	<u>0.634</u>	<u>3.6</u>
<u>10</u>	<u>South of Project Site</u>	<u>758,586</u>	<u>4,097,692</u>	<u>2.921</u>	<u>0.001</u>	<u>0.634</u>	<u>3.6</u>
<u>Threshold of Significance</u>							<u>20</u>
<u>Exceed Threshold?</u>							<u>No</u>

Source: Calculated from ISC-AERMOD View Version 9.1.0 and HARP RAST Version 2.

Table 3.3-13 shows that with implementation of Mitigation Measures, the highest cancer risk created from the proposed project is 15.5 per million and would occur at Sensitive Receptor 8, which represents the home located near the east side of the project site and on the west side of Walden Drive. The calculated cancer risk at the nearby sensitive receptors would be under the 20 per million people threshold. Therefore, with implementation of Mitigation Measures the cancer risk at the nearby sensitive receptors from the proposed project would be reduced to less than significant levels. See below for Mitigation Measures.

Non-cancer Risk

In addition to the cancer risk from exposure to TACs, there is also the potential for TAC to result in adverse health impacts from acute and chronic illnesses, which are detailed below.

Chronic Health Impacts - Chronic health effects are characterized by prolonged or repeated exposure to a TAC over many days, months, or years. Symptoms from chronic health impacts have been calculated through use of the same AERMOD and HARP2 model runs utilized for the cancer risk analysis. The only change was in the HARP RAST model, where the Analysis Type was changed to: Chronic Risk (Non-cancer). The calculated chronic health risks from TAC emissions associated with operation of the proposed project is shown in Table 3.3-14. ~~may not~~

be immediately apparent and are often irreversible. The chronic hazard index is based on the most impacted sensitive receptor from the proposed project and is calculated from the annual average concentrations of PM10.

The criterion for significance is a Chronic Hazard Index increase of 1.0 or greater. The on-going operations of the proposed Project would result in a *less than significant* impact due to the non-cancer chronic health risk from TAC emissions created by the proposed Project.

Table 3.3-14
Chronic Health Risks from Project-Related TACs at Nearby Homes

<u>Sensitive Receptor</u>	<u>Receptor Description</u>	<u>Receptor Location</u>		<u>Chronic Health Risks</u>			
		<u>X</u>	<u>Y</u>	<u>DPM (Trucks & TRUs)</u>	<u>Benzene (Gas Station)</u>	<u>PAHs (Restaurants)</u>	<u>Combined Chronic Health Risks</u>
<u>1</u>	<u>Northwest of Project Site</u>	<u>757,480</u>	<u>4,098,686</u>	<u>0.001</u>	<u>0.000</u>	<u>0.000</u>	<u>0.001</u>
<u>2</u>	<u>North of Project Site</u>	<u>757,888</u>	<u>4,098,982</u>	<u>0.001</u>	<u>0.000</u>	<u>0.000</u>	<u>0.001</u>
<u>3</u>	<u>North of Project Site</u>	<u>758,292</u>	<u>4,098,869</u>	<u>0.001</u>	<u>0.000</u>	<u>0.000</u>	<u>0.001</u>
<u>4</u>	<u>Northeast of Project Site</u>	<u>758,782</u>	<u>4,098,850</u>	<u>0.001</u>	<u>0.000</u>	<u>0.000</u>	<u>0.001</u>
<u>5</u>	<u>Northeast of Project Site</u>	<u>758,789</u>	<u>4,098,542</u>	<u>0.001</u>	<u>0.000</u>	<u>0.000</u>	<u>0.001</u>
<u>6</u>	<u>East of Project Site</u>	<u>758,795</u>	<u>4,098,334</u>	<u>0.003</u>	<u>0.000</u>	<u>0.000</u>	<u>0.003</u>
<u>7</u>	<u>East of Project Site</u>	<u>758,787</u>	<u>4,098,187</u>	<u>0.007</u>	<u>0.000</u>	<u>0.000</u>	<u>0.007</u>
<u>8</u>	<u>East of Project Site</u>	<u>758,794</u>	<u>4,098,058</u>	<u>0.010</u>	<u>0.000</u>	<u>0.000</u>	<u>0.010</u>
<u>9</u>	<u>Southeast of Project Site</u>	<u>759,055</u>	<u>4,097,508</u>	<u>0.003</u>	<u>0.000</u>	<u>0.000</u>	<u>0.003</u>
<u>10</u>	<u>South of Project Site</u>	<u>758,586</u>	<u>4,097,692</u>	<u>0.002</u>	<u>0.000</u>	<u>0.000</u>	<u>0.002</u>
<u>Threshold of Significance</u>							<u>1.0</u>
<u>Exceed Threshold?</u>							<u>No</u>

Source: Calculated from ISC-AERMOD View Version 9.1.0 and HARP RAST Version 2.

Table 3.3-14 shows that the greatest chronic risk from TAC emissions associated with operation of the proposed project would be 0.01 and would occur at Sensitive Receptor 8, which represents the home located near the east side of the project site and on the west side of Walden Drive. The criterion for significance is a Chronic Hazard Index increase of 1.0 or greater, which is detailed above in Section 5.1. Therefore, the on-going operations of the proposed project would result in a less than significant impact due to the non-cancer chronic health risk from TAC emissions created by the proposed project.

Acute Health Impacts – Acute health effects are characterized by sudden and severe exposure and rapid absorption of a TAC. Normally, a single large exposure is involved. Acute health effects are often treatable and reversible. According to the California Office of Environmental Health Hazard Assessment (OEHHA), no acute risk has been found to be directly created from dimethyl phthalate (DPM). It should also be noted that the TAC pollutants created from operation of the proposed restaurants would be limited to naphthalene and PAH without naphthalene, both of which do not create an acute risk according to the OEHHA. However, the gasoline dispensing facility associated with the proposed Project would emit benzene, which is a TAC that has an acute risk associated with it by the OEHHA.

~~Benzene is emitted at a rate of 0.44 percent of the rate of DPM in diesel exhaust. Therefore, since benzene would be emitted by both the proposed gas station and from diesel emissions, the acute health impacts from the proposed project have been calculated through use of a benzene equivalent emission factor.~~

In order to account for the acute health impacts created from diesel emissions, the TAC pollutants that are emitted as part of diesel emissions were converted to a benzene equivalent weighting, through multiplying the percentage of DPM emissions of each TAC to its corresponding acute REL and then dividing by the benzene Acute REL of 27.

The criterion for significance is an Acute Hazard Index increase of 1.0 or greater. The greatest acute risk from TAC emissions associated with operation of the proposed project would be 0.00012 and would occur at Sensitive Receptor 6, which represents a home located near the east side of the project site, on the west side of Walden Drive, and near the south side of Avenue 17 ~~The calculation $AHI_{Benzene} = 8.805 / 27$ (full calculation analysis described in attached Health Risk Assessment) shows that the calculated Acute Hazard Index would be 0.326.~~ Therefore, the on-going operations of the proposed Project would result in a *less than significant* impact due to the non-cancer acute health risk from TAC emissions created by the proposed Project.

ESTIMATION OF HEALTH RISKS ASSOCIATED WITH LOCAL CONCENTRATION OF CRITERIA POLLUTANTS

As detailed above, this analysis is limited to the nonattainment criteria pollutants as well as the proposed Project's operational criteria pollutants that would exceed the SJVAPCD thresholds of significance as detailed in the Air Quality Report (see Appendix B). Thus, the analysis considered ROG and NO_x, (which are the precursor pollutants of ozone), PM₁₀, PM_{2.5}, and CO.

Ozone Precursors (NO_x and ROG) – The NO_x and ROG concentrations from operation of the proposed Project have been calculated through use of the AERMOD model and the input parameters detailed above. A summary of the NO_x and ROG concentrations at the same nearby sensitive receptors analyzed above in the TAC analysis are shown in Table 3.3-13 of the attached HRA. The AERMOD input and output files for the NO_x calculations are provided in Appendix G and for the ROG calculations are provided in Appendix H of the HRA.

Table 3.3-~~13~~15 shows that the calculated project plus existing ambient level of NO_x would be as high as 60.15 ppb at the most impacted sensitive receptor. A concentration of 60.15 ppb would be below the Federal 1-Hour standard of 100 ppb as well as below the State 1-Hour standard of 180 ppb. Table 3.3-~~13~~15 also shows that operation of the proposed Project would increase NO_x emissions by as much as 0.27 percent at most impacted sensitive receptor. Since there is neither state nor federal ambient air quality standard for ROG, the SJVAPCD does not monitor ambient ROG levels and therefore it is not possible to make a similar comparison of the ROG impacts from operation of the proposed Project.

Table 3.3-1315
NOx and ROG Concentrations at Nearby Sensitive Receptors

Sensitive Receptor	1-Hour NOx				1-Hour ROG	
	Project Only ($\mu\text{g}/\text{m}^3$)	Project Only ¹ (ppb)	Project + Ambient (ppb)	Percent Increase	Project Only ($\mu\text{g}/\text{m}^3$)	Project Only ² (ppm)
1	174.56	0.097	60.10	0.161%	12.39	0.017
2	84.23	0.047	60.05	0.08%	6.23	0.008
3	142.15	0.079	60.08	0.13%	10.27	0.014
4	76.63	0.042	60.04	0.07%	5.64	0.008
5	214.30	0.119	60.12	0.20%	15.92	0.021
6	295.97	0.164	60.16	0.27%	22.04	0.030
7	264.84	0.146	60.15	0.24%	19.43	0.026
8	272.64	0.151	60.15	0.25%	19.86	0.027
9	140.01	0.077	60.08	0.13%	8.60	0.012
10	243.76	0.135	60.13	0.22%	17.17	0.023
Federal Standard			100			--
State Standard			180			--

Notes:

¹ A conversion factor of 1,808 was used to convert $\mu\text{g}/\text{m}^3$ to ppm and is based on a standard temperature of 25 degrees centigrade and a standard atmospheric pressure of 760 millibars.

² A conversion factor of 747 was used to convert $\mu\text{g}/\text{m}^3$ to ppm and was calculated from the ROG conversion factor for #2 Oil provided at <http://www.johnsonburners.com/resourceeng/Emission%20Conversion%20Factors.pdf>

Source: Calculated from ISC-AERMOD View Version 9.0.0.

The EPA's Proposal to Update the Air Quality Standards for Ground-Level Ozone by The Numbers, November 25, 2014 (which became a rule on October 1, 2015), details various health improvements that would occur from reducing ground-level ozone. The same health improvement ratios utilized in this report have been utilized to determine the anticipated health impacts created by the proposed Project's NOx and ROG emissions. Based on the most impacted sensitive receptor that would experience a 0.27 percent increase to ozone emissions, which is based on 100 percent of NOx emissions converting to ozone, this would result in a 0.0000001 percent increase in premature deaths, a 0.0003 percent increase in asthma attacks among children, a 0.0001 percent increase in days that children will miss school, a 0.0000003 percent increase in asthma-related emergency room visits, and a 0.0000002 percent increase in acute bronchitis among children. Due to the nominal ozone precursor (NOx and ROG) emissions and associated health impacts anticipated to be created from operation of the proposed Project, it can be reasonably concluded that the proposed Project would create a *less than significant* impact from ozone precursors.

Particulate Matter (PM10 and PM 2.5) The PM10 and PM2.5 concentrations from operation of the proposed Project have been calculated through use of the AERMOD model and the input parameters detailed above. A summary of the PM10 and PM2.5 concentrations at the same nearby sensitive receptors analyzed above in the TAC analysis are shown in Table 3.3-1315 for PM10 concentrations and Table 3.3-1416 for PM2.5 concentrations. The AERMOD input and

output files for the PM10 calculations are provided in Appendix I and for the PM2.5 calculations are provided in Appendix J of the Project's HRA.

Table 3.3-14-16
PM10 Concentrations at Nearby Sensitive Receptors

Sensitive Receptor	24-Hour PM10 ($\mu\text{g}/\text{m}^3$)			Annual PM10 ($\mu\text{g}/\text{m}^3$)		
	Project Only	Project + Ambient	Percent Increase	Project Only	Project + Ambient	Percent Increase
1	1.84	120.64	1.53%	0.259	37.66	0.69%
2	0.60	119.40	0.50%	0.085	37.49	0.23%
3	0.70	119.50	0.59%	0.091	37.49	0.24%
4	0.44	119.24	0.37%	0.059	37.46	0.16%
5	1.07	119.87	0.89%	0.126	37.53	0.33%
6	1.49	120.29	1.24%	0.266	37.67	0.71%
7	1.30	120.10	1.08%	0.312	37.71	0.83%
8	1.08	119.88	0.90%	0.307	37.71	0.81%
9	1.39	120.19	1.16%	0.325	37.73	0.86%
10	2.36	121.16	1.95%	0.385	37.79	1.02%
Federal Standard		150			50	
State Standard		50			20	

Source: Calculated from ISC-AERMOD View Version 9.0.0.

Table 3.3-14-16 shows that the calculated ambient plus project levels of PM10 would be as high as 121.16 $\mu\text{g}/\text{m}^3$ averaged over 24 hours. This would exceed the state 24-hour ambient air quality standards (AAQS) for PM10 of 50 $\mu\text{g}/\text{m}^3$ and would be within the federal AAQS of 150 $\mu\text{g}/\text{m}^3$. The Project only contribution to the 24-hour standard at the most impacted sensitive receptor would be 2.36 $\mu\text{g}/\text{m}^3$, which is below the 2.5 $\mu\text{g}/\text{m}^3$ increase threshold of significance.

Table 3.3-14-16 also shows that the calculated ambient plus project levels of annual PM10 would be as high as 37.79 $\mu\text{g}/\text{m}^3$ averaged over a year. This would exceed the state AAQS for PM10 of 20 $\mu\text{g}/\text{m}^3$ and would be within the federal AAQS of 50 $\mu\text{g}/\text{m}^3$. The Project only contribution to the annual PM10 standard at the most impacted sensitive receptor would be 0.385 $\mu\text{g}/\text{m}^3$, which is below the 1.0 $\mu\text{g}/\text{m}^3$ increase threshold of significance.

Table 3.3-15-17 shows that the calculated ambient plus project levels of PM2.5 would be as high as 88.69 $\mu\text{g}/\text{m}^3$ averaged over 24 hours. This would exceed the federal 24-hour AAQS for PM2.5 of 35 $\mu\text{g}/\text{m}^3$. The Project contribution to the 24-hour standard at the most impacted sensitive receptor would be 1.19 $\mu\text{g}/\text{m}^3$, which is below the 2.5 $\mu\text{g}/\text{m}^3$ increase threshold of significance. Table 3.3-15-17 also shows that the calculated ambient plus project levels of PM2.5 would be as high as 20.59 $\mu\text{g}/\text{m}^3$ averaged over a year. This would exceed the state and federal annual AAQS for PM2.5 of 12 $\mu\text{g}/\text{m}^3$. The Project contribution to the annual PM2.5 standard at the most impacted home would be 0.193 $\mu\text{g}/\text{m}^3$, which is below the 1.0 $\mu\text{g}/\text{m}^3$ increase threshold of significance.

Table 3.3-1517
PM_{2.5} Concentrations at Nearby Sensitive Receptors

Sensitive Receptor	24-Hour PM _{2.5} (µg/m ³)			Annual PM _{2.5} (µg/m ³)		
	Project Only	Project + Ambient	Percent Increase	Project Only	Project + Ambient	Percent Increase
1	0.95	88.45	1.07%	0.128	20.53	0.62%
2	0.32	87.82	0.37%	0.045	20.44	0.22%
3	0.42	87.92	0.48%	0.049	20.45	0.24%
4	0.25	87.75	0.29%	0.032	20.43	0.16%
5	0.56	88.06	0.64%	0.068	20.47	0.33%
6	0.82	88.32	0.92%	0.145	20.55	0.71%
7	0.76	88.26	0.86%	0.183	20.58	0.89%
8	0.65	88.15	0.74%	0.189	20.59	0.92%
9	0.66	88.16	0.75%	0.164	20.56	0.80%
10	1.19	88.69	1.34%	0.193	20.59	0.94%
Federal Threshold		35			12	
State Threshold		--			12	

Source: Calculated from ISC-AERMOD View Version 9.0.0.

The *Quantitative Health Risk Assessment for Particulate Matter* (EPA PM Report), prepared by EPA, June 2010, quantifies the potential reduction in health impacts from reducing the federal AAQS for PM_{2.5}. The same health improvement ratios utilized in this report have been utilized to determine the anticipated health impacts created by the proposed project's PM₁₀ and PM_{2.5} emissions. Based on the most impacted sensitive receptor that would experience a 1.34 percent increase of 24-hour PM_{2.5} concentrations, this would result in a 0.00003 percent increase in mortalities from the long-term exposure to PM_{2.5} and a 0.00003 percent increase in mortalities from short-term exposure to PM_{2.5}.

Based on the annual concentrations, where the most impacted sensitive receptor would experience a 0.94 percent increase, this would result in a 0.00002 percent increase in mortalities from long-term exposure to PM_{2.5} and a 0.00001 percent increase in mortalities from short-term exposure to PM_{2.5}. Due to the nominal increase in PM₁₀ and PM_{2.5} concentrations and associated health impacts anticipated to be created from operation of the proposed Project, it can be reasonably concluded that the proposed Project would create a *less than significant* impact from PM₁₀ and PM_{2.5} concentrations.

Carbon Monoxide (CO) - The CO concentrations from operation of the proposed Project have been calculated through use of the AERMOD model and the input parameters detailed in Section 4.3 of the HRA. A summary of the CO concentrations at the same nearby sensitive receptors analyzed above in the TAC analysis are shown in ~~Error! Reference source not found.~~ Table 3.3-18. The AERMOD input and output files for the CO calculations are provided in Appendix K of the HRA.

Table 3.3-1618
CO Concentrations at Nearby Sensitive Receptors

Sensitive Receptor	1-Hour CO				8-Hour CO			
	Project Only ($\mu\text{g}/\text{m}^3$)	Project Only ¹ (ppm)	Project + Ambient (ppm)	Percent Increase	Project Only ($\mu\text{g}/\text{m}^3$)	Project Only ¹ (ppm)	Project + Ambient (ppm)	Percent Increase
1	202.49	0.1772	2.28	7.78%	56.712	0.0496	1.63	3.05%
2	86.64	0.0758	2.18	3.48%	22.103	0.0193	1.60	1.21%
3	101.53	0.0889	2.19	4.06%	24.677	0.0216	1.60	1.35%
4	78.02	0.0683	2.17	3.15%	16.766	0.0147	1.59	0.92%
5	262.95	0.2301	2.33	9.88%	51.015	0.0446	1.62	2.75%
6	299.16	0.2618	2.36	11.09%	61.043	0.0534	1.63	3.27%
7	211.16	0.1848	2.28	8.09%	56.208	0.0492	1.63	3.02%
8	191.34	0.1675	2.27	7.39%	47.134	0.0413	1.62	2.54%
9	180.42	0.1579	2.26	6.99%	49.935	0.0437	1.62	2.69%
10	171.01	0.1497	2.25	6.65%	57.061	0.0499	1.63	3.06%
Federal Threshold			20					9
State Threshold			20					9

Notes:

¹ A conversion factor of 1,143 was used to convert $\mu\text{g}/\text{m}^3$ to ppm and was calculated from the CO conversion factors utilized by CARB for calculating the AAQS at: <http://www.arb.ca.gov/research/aaqs/aaqs2.pdf>

Source: Calculated from ISC-AERMOD View Version 9.0.0.

Table 3.3-15-18 shows that ambient plus Project levels of CO would be as high as 2.36 $\mu\text{g}/\text{m}^3$ averaged over 1 hour. This would be within both the federal and state 1-hour AAQS for CO of 20 ppm. The calculated ambient plus Project levels of CO would be as high as 1.634 $\mu\text{g}/\text{m}^3$ averaged over 8 hours. This would be within both the federal and State 8-hour AAQS for CO of 9 ppm. Since the proposed Project's CO emissions would not result in an exceedance of the AAQS for CO, a *less than significant* impact would occur from CO concentrations.

Conclusion: Sensitive Receptors 7 and 8 were found to result in a cancer risk increase in excess of the 20 per million people threshold as seen in Table 3.3-1315. Therefore, impacts would be *potentially significant without mitigation*.

Mitigation Measures #3.3-1: The Project Applicant shall install auxiliary power hookups in the truck parking area that are capable of providing power to a minimum of 12 trucks TRUs or auxiliary cab power. The Project Applicant shall also install signage in the truck parking areas that restrict the use of diesel powered auxiliary power units (APU).

Mitigation Measure #3.3-2: The Project Applicant shall install an approximately 2'x3' sign near the diesel parking area on the property stating that no truck idling is allowed on the premises.

Mitigation Measure #3.3-3: The Project Applicant shall plant a row of trees along the eastern and southern edges of the travel stop. The tree species utilized shall be selected to exhibit many of the qualities highlighted in the UC Davis – Caltrans Air Quality Project paper “Practical

Mitigation Measures for Diesel Particulate Matter: Near-Road Vegetation Barriers”, as being effective at removing very fine particulate matter. These trees could include, but are not limited to, species from the *Pinus* (Pine), *Quercus* (Oak) and *Ulmus* (Elm and Hackberry) families.”

Effectiveness of Mitigation: Incorporation of the above mitigation measures would result in Sensitive Receptors 7 and 8 falling below the Cancer Risk threshold. With mitigation, the cancer risk would decrease to 19.3 and 18.9 per million persons, respectively, for Sensitive Receptor 7 and 8 (see Table M in the attached HRA). Therefore, with implementation of the above-described mitigation measures, the proposed Project would result in a *less than significant* impact on health risks associated with TEC emissions.

Impact #3.3-5 – Create objectionable odors affecting a substantial number of people:

The *CEQA Guidelines* indicate that a significant impact would occur if a project would create objectionable odors affecting a substantial number of people. While offensive odors rarely cause any physical harm, they can be very unpleasant, leading to considerable distress among the public and often generating citizen complaints to local governments and the SJVAPCD. Because offensive odors rarely cause any physical harm and no requirements for their control are included in State or federal air quality regulations, the SJVAPCD has no rules or standards related to odor emissions, other than its nuisance rule.

Due to the subjective nature of odor impacts, the number of variables that can influence the potential for an odor impact, and the variety of odor sources, there are no quantitative or formulaic methodologies to determine the presence of a significant odor impact. The intensity of an odor source’s operations and its proximity to sensitive receptors influences the potential significance of odor emissions. The proposed Project is not one of the common facilities that have been known to produce odors listed in the GAMAQI. However, the SJVAPCD suggests that evaluation of facilities not included in their list of common facilities may be warranted by local conditions or special circumstances, and recommends that “odor analyses strive to fully disclose all pertinent information.” (GAMAQI) Such unlisted facilities could logically include a truck stop with a significant quantity of diesel traffic, numerous fueling stations, and fast food restaurants which occasionally have charbroiling emissions. But, the proposed Project is designed to provide an approximate 500-foot buffer between the Project and the nearest residence, and any odors are not expected to reach nearby sensitive receptors because of this distance.

The GAMAQI also suggests contacting the SJVAPCD for information regarding specific facilities and associated complaint records. A review of the complaints database in the SJVAPCD Northern Office revealed¹ that no complaints were filed related to the Love’s Travel Center in Ripon. This was considered to be a comparable project, as there are sensitive receptors in the form of single-family residences located north of that project, and east of this proposed Project site. The Ripon travel center was selected as representative of the air emissions due to the similar types of activities at this site, including similar odor types. However, it should be noted

¹ Personal communication. San Joaquin Valley Air Pollution Control District. April 21, 2015.

that there will be an approximately 500-foot buffer between the proposed Project and the nearest residence. Therefore, the proposed Project would not result in a significant odor impact.

Conclusion: The proposed Project would not create objectionable odors affecting a substantial number of people. Therefore, impacts would be *less than significant*.

Mitigation Measures: No mitigation measures are necessary.

Design features presented in the Project Description of the EIR are considered to be beneficial to air quality. These features will reduce air pollutant emissions by design and are included as part of the Project. Included is:

The applicant is proposing to have all proposed outdoor lighting fixtures to be energy efficient LED. In addition, signage for the travel stop, hotel, and restaurant, and the monument sign at Avenue 17 entrance and directional signs throughout the project site is proposed to be internally LED illuminated.

The Project will be subject to SJVAPCD Rule 9510 – Indirect Source Review. Rule 9510 requires development projects to reduce project construction NO_x emissions by 20 percent and PM₁₀ emissions by 45 percent. Rule 9510 requires operational NO_x emissions to be reduced by 33 percent and PM₁₀ emissions to be reduced by 50 percent using onsite measures and offsite mitigation fees. Compliance with this rule will provide additional reductions not accounted for in the modeling results presented in Tables 3.3-9 and 3.3-10.

In summary, construction and operational activities of the proposed Project would have a less-than-significant impact with respect to a violation of air quality standards or contributing substantially to an existing or projected air quality violation.

Conclusion: The proposed Project would not violate air quality standards or contribute to an existing or projected air quality violation, therefore it would result in a *less-than-significant* impact.

Mitigation Measures: No mitigation measures are necessary.

Impact #3.3-3 – Result in cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard.

In accordance with *CEQA Guidelines* 15130(b), this analysis of cumulative impacts incorporates a summary of projections. The following three-tiered approach is to assess cumulative air quality impacts:

- Consistency with the SJVAPCD project specific thresholds for construction and operation;
- Project consistency with existing air quality plans; and
- Assessment of the cumulative health effects of the pollutants.

Project Specific Thresholds

If a project is significant based on the thresholds of significance for criteria pollutants, then it is also cumulatively significant. This does not imply that if the project is below all such significance thresholds, it cannot be cumulatively significant. A Lead Agency should consider the cumulative impact of multiple simultaneously proposed projects, located within the same

area. If the combined impacts of such projects cause or worsen an exceedance of the concentration standards, the project would have a cumulatively significant impact under CEQA.

Conclusion: The cumulative construction and operational incremental contribution to cumulative air quality impacts of the Project, even together with other foreseeable regional developments shown in Table 5-1, would be *less than cumulatively considerable*.

Mitigation Measures: No mitigation measures are necessary.

Impact #3.3-4 - Expose sensitive receptors to substantial pollutant concentrations:

Sensitive receptors are defined as land uses where sensitive population groups are likely to be located (e.g., children, the elderly, the acutely ill, and the chronically ill). These land uses include residences, schools, childcare centers, retirement homes, convalescent homes, medical care facilities, and recreational facilities. Sensitive receptors that may be adversely affected by the proposed Project include the surrounding residential land uses.

Localized Dust

Impacts to sensitive receptors, particularly from dust, would vary depending on the level and type of activity, the silt content of the soil, and prevailing weather. The Project is located along State Highway 99 on a site that was previously used as a holding facility for large storage containers and earth moving equipment such as bulldozers, loaders, backhoes, graders, forklifts, scrapers, and farm equipment. Additionally, the Project site is surrounded by Avenue 17, undeveloped land, and an abandoned dairy facility to the north; residential units to the east, undeveloped land to the south; and SR 99, Union Pacific Railroad tracks, and undeveloped land to the west. Other land uses in the area include light industrial parks and the Madera Municipal Airport west of SR 99.

Even though the proposed Project has some residences east of the property boundary, the physical proximity to any construction activity is not adjacent. The development will occur only on the western half of the property, with the eastern half remaining vacant, serving as a buffer between the built project and the existing residences. It is important to note that distances to potential receptors are measured from the exterior boundary of the project and not from the individual construction project areas within the interior of the site. The proposed Project's compliance with Regulation VIII and mitigations required due to the ISR Rule will prevent the residences exposure to substantial pollutant concentrations.

CO Hotspot

Localized high levels of CO are associated with traffic congestion and idling or slow-moving vehicles. To provide a worst-case scenario, CO concentrations are estimated at the most project-impacted intersections, where the concentrations would be the greatest. Intersections with the highest potential for CO hotspots were selected based on their average delay, traffic volumes (obtained from the Traffic Impact Study (TIS)). This analysis follows guidelines recommended by the Transportation Project-Level Carbon Monoxide Protocol (CO Protocol)¹.

¹ Transportation Project-Level Carbon Monoxide Protocol (CO Protocol). Garza, V.J., Graney, P., Sperling, D. University of California Davis, Institute of Transportation Studies. 1997.

Also, the potential impact of the proposed Project on mineral resources is not analyzed because the previous EIR prepared and certified for the Gateway Galleria Project on this site in 2007 concluded that no mineral resources are present (Quad Knopf 2007a, page 3-71).

3.6.4 IMPACTS AND MITIGATION MEASURES

Impact #3.6-1 - Exposure of people or structures to potential substantial adverse effects from fault rupture and seismic-related ground failure:

The nearest active faults that are expected to be the sources of future major earthquakes are the San Andreas and Owens Valley faults, which are 50 or more miles distant. No earthquakes of magnitude 5.5 or greater have ever been recorded in the Madera area, nor have there been reports of damage in the area from earthquakes of such magnitude outside Madera County. The proposed Project site is not located on or in close proximity to an active fault or special studies earthquake fault zone, and is not located within an Alquist-Priolo earthquake hazard zone. The site has low potential for any seismic-related ground failure, including liquefaction, landslides, or expansive soils. There is a potential for moderate ground shaking on the proposed Project site from an event along one of the regionally active, distant faults. All new construction will conform to seismic requirements of the Uniform and California building codes as a minimum standard.

Conclusion: This impact is considered *less than significant*.

Mitigation Measures: No mitigation measures are required.

Impact #3.6-2(a) - Proposed project will result in substantial soil erosion or soil instability on-site:

Although the proposed Project site is relatively flat, grading of 33.4 acres of the 50-acre site will be required prior to construction. Motor graders scraping, lifting, transporting and spreading the surface soils of the site will result in loosened, exposed soils that can lead to soil erosion and/or soil instability.

Conclusion: This impact is ~~potentially significant~~.

Mitigation Measure #3.6-2a: Implement Mitigation Measure #3.6-1.

Effectiveness of Mitigation: ~~Implementation of Mitigation Measure #3.6-1 will reduce this impact to a level of less than significant.~~

Impact #3.6-2(b) – Proposed project will result in substantial soil erosion or soil instability related to off-site infrastructure extension:

Construction activities related to off-site infrastructure resulting in ground disturbance (topographic alteration) could create a potential for ground instability and soil erosion. In addition, impacts related to ground disturbance that could result from trench/pipeline

construction within the off-site utility corridors could potentially occur. However, trenching and pipeline construction are temporary in nature. Once the utility is installed the surface is typically returned to its original condition. Most off-site utility lines will be placed in already disturbed roadway easements, and BMPs shall be applied during construction to minimize erosion and sedimentation.

Conclusion: This impact is *potentially significant*.

Mitigation Measure #3.6-2b: Prior to issuance of grading permits, an erosion control plan shall be submitted and approved by the City of Madera that reduces erosion and water quality degradation. The erosion control plan shall indicate the proper control of erosion, sedimentation, siltation and other pollutants will be implemented to meet NPDES permit requirements and City standards (see Section 3.9 of this EIR). The plan shall address storm drainage during construction and set forth BMPs that shall be carried out during construction to minimize erosion, sedimentation and water quality degradation. BMPs selected shall be in accordance with the California Stormwater Quality Association Stormwater Best Management Practices Handbook, and will include: vegetated swales; bioretention areas; and a flow-based, storm water treatment device.

The plan shall require that all drainage facilities shall be constructed to the City of Madera specifications. The plan shall indicate whether grading will occur in the winter months.

The plan shall also require that:

- Drainage facilities shall be protected as necessary to prevent erosion of onsite soils immediately following grading activities;
- Cut slopes and drainage ways within native material shall be protected from direct exposure to water runoff immediately following grading activities;
- The design for collected run-off shall dissipate immediately following grading activities;
- Cut and fill embankment slopes shall be protected from sheet, rill, and gully erosion; and
- Where soil stockpiling or borrow areas are to remain for more than one construction season, proper erosion control measures shall be applied as specified in the improvement plans/grading plans.

Effectiveness of Mitigation: Implementation of Mitigation Measure #3.6-12 will reduce this impact to a level of *less than significant*.

pounds of hazardous material of the type requiring placards. Transport of hazardous materials as a result of Project operations would also have to adhere to the State's Hazardous Materials Transportation Regulations (CCR 26).

Finally, the USTs as a result of the Project would also be regulated by the SWRCB under the UST Program as Health and Safety Code, Division 20, Miscellaneous Health and Safety Provisions, Chapter 6.7 (Sections 25280-25299.8). In Madera County, the SWRCB has given to Madera CUPA the authority to issue permits for the operation of USTs in the County and oversees their installation, operation, and removal. In the absence of mitigation, impacts would be *potentially significant*.

Conclusion: This impact is considered *potentially significant*.

Mitigation Measure #3.8-1a: The Project proponent shall prepare a Hazardous Materials Business Plan and submit it to the Madera Certified Unified Program Agency (CUPA) for review and approval. The Hazardous Materials Business Plan shall include, at a minimum, floor plans of the facility and business conducted at the site; an inventory of hazardous materials that are handled or stored on site; an emergency response plan; and a safety and emergency response training program for new employees with annual refresher courses. A copy of the approved plan shall be provided to the City of Madera Planning Department prior to the issuance of ~~grading permits~~ certificate of occupancy.

Mitigation Measure #3.8-1b: The Project proponent shall obtain the appropriate underground storage tank permit, as required under the State Health and Safety Code, as previously referenced, from the Madera County Environmental Health Department for the installation of such tanks as a result of the Project. A copy of the approved underground storage tank permit shall be provided to the City of Madera Planning Department prior to the issuance of grading permits.

Effectiveness of Mitigation: Implementation of the above mitigation measures would ensure that appropriate compliance measures will be taken to reduce any potential impacts to the public or to the environment regarding hazardous materials to a *less-than-significant* level.

Impact #3.8-2 - 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:

Construction

As discussed above in Section 3.8.1, *Environmental Setting*, the Project site contains three RECs, namely:

1. The limited knowledge of the previous operations, equipment maintenance/repair operations, storage, and chemical handling practices of the used equipment sales yard and National Hardware Supply historic use, the used equipment sales and truck yard and septic system;

Conclusion: As noted in Section 3.12, due to the overdraft condition of the regional groundwater basin, this impact is *significant*.

Mitigation Measures: Implement Mitigation Measure #3.12-13.

Effectiveness of Mitigation: Even with mitigation, the potential impact remains *significant and unavoidable*.

Impact #3.9-3 - Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on site or off site:

The rate and amount of surface runoff is determined by multiple factors, including the following: topography, the amount and intensity of precipitation, the amount of evaporation that occurs in the watershed, and the amount of precipitation and water that infiltrates to the groundwater. The Project would alter the existing drainage pattern of the site, which would have the potential to result in erosion or siltation on or offsite. The disturbance of soils onsite during construction could cause erosion, resulting in temporary construction impacts. In addition, the placement of permanent structures onsite could affect drainage in the long-term. Impacts from construction and operation are discussed below.

As discussed in Impact #3.9-1, potential impacts on water quality arising from erosion and sedimentation are expected to be localized and temporary during construction. Construction-related erosion and sedimentation impacts as a result of soil disturbance would be less than significant after implementation of an SWPPP (see Mitigation Measure #3.9-1a). No drainages or other water bodies are present on the Project site and therefore, the Project would not change the course of any such drainage. However, erosion may occur onsite during rain events or high winds.

Grading activities would occur on 33.4 acres, including offsite improvements, to construct building foundations and to improve associated infrastructure systems (e.g. water and wastewater systems, site access). Such activities have the potential to result in erosion or sedimentation and/or discharge of construction debris from the site. The Project would not require grading on steep slopes, which are typically prone to erosion, as the Project site is flat. However, other earthmoving activities (e.g., excavation, creating building pads, grading for the road realignment, etc.) would have the potential to loosen soil, and the removal of any onsite vegetation could contribute to future soil loss and erosion by wind and stormwater runoff. The clearing of vegetation and grading activities, for example, could lead to exposed or stockpiled soils, which are susceptible to peak stormwater runoff flows and wind forces. In addition, the presence of large amounts of raw materials for construction may lead to stormwater runoff contamination.

The Project proponent would be required to obtain coverage under the NPDES General Permit, Order No. 2009-0009-DWQ, because the proposed Project would result in one or more acres of land disturbance. To conform to the requirements of the NPDES General Permit, a SWPPP would need to be prepared (see Mitigation Measure #3.9-1a). The SWPPP would specify BMPs

Without Mitigation

Implementation of the proposed Project will result in an increase in traffic that would exceed the target LOS standards as identified in the General Plan for various scenarios at multiple intersections. Intersections Projected to operate below or have movements Projected to operate below the adopted LOS standard are shown in Table 3.13-11.

**Table 3.13-11
Intersection Operations**

INTERSECTION	TARGET LOS	PEAK HOUR	EXISTING PLUS PROJECT		NEAR-TERM (YEAR 2016) NO PROJECT		NEAR-TERM (YEAR 2016) PLUS PROJECT		CUMULATIVE YEAR 2036 NO PROJECT		CUMULATIVE YEAR 2036 PLUS PROJECT	
			DELAY	LOS	DELAY	LOS	DELAY	LOS	DELAY	LOS	DELAY	LOS
1. Avenue 17 / Airport Drive-Golden State Boulevard	C	AM	17.6	C	17.5	C	18.8	C	11.8	B	11.9	B
		PM	15.4	C	16.3	C	17.7	C	22.2	C	22.8	C
2. Avenue 17 / SR 99 SB Off Ramp	C	AM	20.7	C	13.9	B	23.0	C	4.1	A	5.1	A
		PM	24.5	C	15.8	C	31.4	D*	5.7	A	7.4	A
3. Avenue 17 (EB & WB) / SR 99 SB On-Ramp	C	AM	--	A	--	A	--	A	--	A	--	A
		PM	--	A	--	A	--	A	--	A	--	A
4. Avenue 17 / SR 99 NB Ramps	C	AM	>50.0	F*	36.7	E*	>50.0	F*	14.2	B	17.0	B
		PM	>50.0	F*	21.8	C	>50.0	F*	45.2	D	71.3	E
5. Avenue 17 / Walden Drive	C	AM	31.6	D*	32.2	D*	34.7	D*	>50.0	F*	>50.0	F*
		PM	26.0	F*	22.0	E*	12.1	F*	50.0	F*	20.0	F*
6. Avenue 17 / Project Driveway #1	C	AM	6.6	A			6.7	A	7.8	A	17.3	B
		PM	5.2	A			5.3	A	35.9	D	66.4	E
7. Avenue 17 / Project Driveway #2	C	AM	9.6	A			9.7	A			13.8	B
		PM	11.4	B			11.7	B			32.0	D*
8. Avenue 17 / Sharon Boulevard	C	AM	33.1	D*			36.4	E*	24.9	C	29.0	C
		PM	>50.0	F*			>50.0	F*	30.1	C	50.1	D
9. Sharon Boulevard / Project Driveway #3	C	AM	9.3	A			9.3	A			17.1	C
		PM	10.0	B			10.0	B			28.0	D*
10. Sharon Boulevard / Project Driveway #4	C	AM	--	A			--	A			--	A
		PM	--	A			--	A			--	A
11. Avenue 17 / Yeager Drive (Future Intersection)	C	AM							>50.0	F*	>50.0	F*
		PM							>50.0	F*	>50.0	F*

DELAY is measured in seconds

LOS = Level of Service / **BOLD** denotes LOS standard has been exceeded

For signalized and all-way stop controlled intersections, delay results show the

average for the entire intersection. For one-way and two-way stop controlled

+ Meets peak hour signal warrants.

* Traffic signal not warranted.

Note: Shaded cells signify intersection does not exist during analysis scenario.

Table 3.13-11
Intersection Operations

INTERSECTION	TARGET LOS	PEAK HOUR	EXISTING PLUS PROJECT		NEAR-TERM (YEAR 2016) NO PROJECT		NEAR-TERM (YEAR 2016) PLUS PROJECT		CUMULATIVE YEAR 2036 NO PROJECT		CUMULATIVE YEAR 2036 PLUS PROJECT	
			DELAY	LOS	DELAY	LOS	DELAY	LOS	DELAY	LOS	DELAY	LOS
1. Avenue 17 / Airport Drive-Golden State Boulevard	C	AM	17.6	C	17.5	C	18.8	C	11.8	B	11.9	B
		PM	15.4	C	16.3	C	17.7	C	22.2	C	22.8	C
2. Avenue 17 / SR 99 SB Off Ramp	C	AM	20.7	C	13.9	B	23.0	C	4.1	A	5.1	A
		PM	24.5	C	15.8	C	31.4	D*	5.7	A	7.4	A
3. Avenue 17 (EB & WB) / SR 99 SB On-Ramp	C	AM	--	A	--	A	--	A	--	A	--	A
		PM	--	A	--	A	--	A	--	A	--	A
4. Avenue 17 / SR 99 NB Ramps	C	AM	>50.0	F*	36.7	E*	>50.0	F*	14.2	B	17.0	B
		PM	>50.0	F*	21.8	C	>50.0	F*	45.2	D	71.3	E
5. Avenue 17 / Walden Drive	C	AM	31.6	D*	32.2	D*	34.7	D*	>50.0	F*	>50.0	F*
		PM	36.9	E*	39.0	E*	42.1	E*	>50.0	F*	>50.0	F*
6. Avenue 17 / Project Driveway #1	C	AM	6.6	A			6.7	A	7.8	A	17.3	B
		PM	5.2	A			5.3	A	35.9	D	66.4	E
7. Avenue 17 / Project Driveway #2	C	AM	9.6	A			9.7	A			13.8	B
		PM	11.4	B			11.7	B			32.0	D*
8. Avenue 17 / Sharon Boulevard	C	AM	33.1	D*			36.4	E*	24.9	C	29.0	C
		PM	>50.0	F*			>50.0	F*	30.1	C	50.1	D
9. Sharon Boulevard / Project Driveway #3	C	AM	9.3	A			9.3	A			17.1	C
		PM	10.0	B			10.0	B			28.0	D*
10. Sharon Boulevard / Project Driveway #4	C	AM	--	A			--	A			--	A
		PM	--	A			--	A			--	A
11. Avenue 17 / Yeager Drive (Future Intersection)	C	AM							>50.0	F*	>50.0	F*
		PM							>50.0	F*	>50.0	F*
DELAY is measured in seconds												
LOS = Level of Service / BOLD denotes LOS standard has been exceeded												
For signalized and all-way stop controlled intersections, delay results show the average for the entire intersection. For one-way and two-way stop controlled intersections, delay results show the delay for the worst movement.												
+ Meets peak hour signal warrants.												
* Traffic signal not warranted.												
Note: Shaded cells signify intersection does not exist during analysis scenario.												

Traffic conditions without the Project in the Year 2016 (Project Opening Day) were estimated by interpolating between the existing traffic volumes and the Cumulative Year 2036 No Project traffic volumes developed for this Project. However, improvements are planned at two intersections that improve the LOS in 2036. The following improvements at the Avenue 17 and SR 99 Interchange and the Avenue 17 at Sharon Boulevard intersection were assumed in accordance with the Project Study Report (PSR) prepared by Caltrans and the Sharon Boulevard infrastructure study.

Recommended Roadway Improvements

INTERSECTIONS

Avenue 17 at SR 99 SB Off Ramp

- Existing Plus Project and Near-Term (Year 2016) Plus Project scenarios:
 - No improvements are recommended to achieve acceptable levels of service

This intersection is forecasted to operate at unacceptable LOS ‘DF’ under ‘Existing Plus Project’ and ‘Near-Term (Year 2016) Plus Project’ conditions; however, this intersection does not meet the peak hour traffic signal warrant because the minor approach does not carry enough traffic to justify signalization. Therefore, no improvements are recommended for the Project’s contribution to traffic at the intersection.

Avenue 17 at SR 99 NB Ramps

- Existing Plus Project scenario:
 - No improvements are recommended to achieve acceptable levels of service
- Near-Term (Year 2016) Plus Project scenario:
 - No improvements are recommended to achieve acceptable levels of service
- Cumulative Year 2036 Plus Project scenario:
 - Widen the northbound approach to two left turn lanes and three right turn lanes (adding one right turn lane)
 - Signal Coordination along Avenue 17 at the intersections of the SR 99 SB Off-Ramp, SR 99 NB Off-Ramp, Project Driveway #1, and Sharon Boulevard

This intersection is forecasted to operate at unacceptable LOS ‘F’ under ‘Existing Plus Project’ and ‘Near-Term (Year 2016) Plus Project’ conditions; however, this intersection does not meet the peak hour traffic signal warrant because the minor approach does not carry enough traffic to justify signalization. Therefore, no improvements are recommended for the Project’s contribution to traffic at the intersection. Nevertheless, the proposed Project will impact the northbound right-turn movement since queuing operations show that the northbound right-turn movement is projected to be approximately 528 and 680 feet for the Existing plus Project and Near-Term (Year 2016) Plus Project scenarios, respectively. As a result, a dedicated right-turn lane is recommended for the Existing plus Project and the Near-Term (Year 2016) Plus Project scenarios.

The improvements identified for the Cumulative Year 2036 No Project and Plus Project scenarios are sufficient to meet Caltrans' acceptable LOS standard of 'C', with the exception of the PM peak hour for the 'Cumulative Year 2036 Plus Project' scenario. The improvements identified above will achieve an unacceptable LOS of 'D' during the PM peak hour for the Plus Project scenario. Though the improvement does not achieve Caltrans' acceptable LOS standard, it should be noted that the average delay in the PM peak hour for the Cumulative Year 2036 Plus Project scenario is 37.6 seconds, which is 2.6 seconds above the LOS 'C' threshold. An additional right turn lane would be needed to achieve an acceptable LOS. However, four (4) right turn lanes is not feasible since Avenue 17 (eastbound) to the east of the interchange would need

to be widened to four (4) travel lanes to accommodate the additional right turn lane. It is not anticipated that Avenue 17 would be widened beyond six (6) lanes according to the Project Study Report (PSR) prepared for the SR 99 at Avenue 17 interchange and various traffic impact studies.

Avenue 17 at Walden Drive (within Madera County jurisdiction)

- Existing Plus Project scenario:
 - No improvements are recommended to achieve acceptable levels of service
- Near-Term (Year 2016) Plus Project scenario:
 - No improvements are recommended to achieve acceptable levels of service
- Cumulative Year 2036 No Project and Plus Project scenarios:
 - Install Traffic Signal

The improvements identified above for the Cumulative Year 2036 No Project and Plus Project scenarios are sufficient to meet the City of Madera’s acceptable LOS standard of ‘C’.

This intersection is forecasted to operate at unacceptable LOS ‘D’ (AM) and ‘E’ (PM) under ‘Existing Plus Project’ and ‘Near-Term (Year 2016) Plus Project’ conditions; however, this intersection does not meet the peak hour traffic signal warrant because the minor approaches do not carry enough traffic to justify signalization. Therefore, no improvements are recommended for the Project’s contribution to traffic at the intersection for the ‘Existing Plus Project’ and ‘Near-Term (Year 2016) Plus Project’ condition.

Avenue 17 at Yeager Drive (future intersection)

- Cumulative Year 2036 No Project and Plus Project scenarios:
 - Install Traffic Signal

Because Avenue 17 at Yeager Drive is a future intersection, there is no existing or near-term analysis. The improvements identified above for the Cumulative Year 2036 No Project and Plus Project scenarios are sufficient to meet the City of Madera’s acceptable LOS standard of ‘C.’

Avenue 17 at Project Driveway #1

- Cumulative Year 2036 Plus Project scenario:
 - Widen the southbound approach to one left turn lane, one through lane, and one right turn lane with overlap phasing (adding one right turn lane and overlap phasing)

- Signal Coordination along Avenue 17 at the intersections of the SR 99 SB Off-Ramp, SR 99 NB Off-Ramp, Project Driveway #1, and Sharon Boulevard

~~This intersection at Avenue 17 and Project Driveway #1 was assumed to be signalized as described in the TIS, and was therefore initially analyzed with a signal.~~ The improvements identified above for the Cumulative Year 2036 No Project and Plus Project scenarios are sufficient to meet the City of Madera's acceptable LOS standard of 'C.'

Avenue 17 at Project Driveway #2

No improvements are recommended to achieve acceptable levels of service.

This intersection is forecasted to operate at unacceptable LOS 'D' (PM) under the 'Cumulative Year 2036 Plus Project' condition; however, this intersection does not meet the peak hour traffic signal warrant because the minor approach does not carry enough traffic to justify signalization. It should be noted that the mirror approach at this intersection is on private property, so that any LOS deficiency will not occur on the public street. Therefore, no improvements are recommended for the Project's contribution to traffic at the intersection. The LOS deficiency is experienced in the northbound right movement (25 PM Peak hour vehicles exiting the development).

Avenue 17 at Sharon Boulevard

- Near-Term (Year 2016) Plus Project scenario:
 - Install Traffic Signal
- Cumulative Year 2036 Plus Project scenario:
 - Install an eastbound right turn overlap phase
 - Install a southbound right turn overlap phase
 - Signal Coordination along Avenue 17 at the intersections of the SR 99 SB Off-Ramp, SR 99 NB Off-Ramp, Project Driveway #1, and Sharon Boulevard

The improvements identified above for the Near-Term (Year 2016) Plus Project and Cumulative Year 2036 Plus Project scenario are sufficient to meet the City of Madera's acceptable LOS standard of 'C.'

This intersection is forecasted to operate at unacceptable LOS 'D' (AM) and 'F' (PM) for the 'Existing Plus Project' condition; however, this intersection does not meet the peak hour traffic signal warrant because the minor approach does not carry enough traffic to justify signalization. Therefore, no improvements are recommended for the Project's contribution to traffic at the intersection for the 'Existing Plus Project' condition. The intersection, however, does meet the peak hour traffic signal warrant for the 'Near-Term (Year 2016) Plus Project' condition, and accordingly, improvements are recommended as noted above.

Sharon Boulevard at Project Driveway #3

- Cumulative Year 2036 Plus Project scenario:
 - Install Traffic Signal

The improvements identified above for the Cumulative Year 2036 Plus Project scenario are sufficient to meet the City of Madera’s acceptable LOS standard of ‘C.’

Sharon Boulevard at Project Driveway #3 will also provide access to a future commercial development located east of Sharon Boulevard. As a result, the storage length for the southbound left movement of the future commercial development was evaluated. It was estimated that the future commercial development would include approximately 300,000 square feet of building space. Utilizing Land Use Code 820 (Shopping Center) from the ITE Trip Generation Manual, it was determined that the future commercial development would generate approximately 288 AM Peak hour trips and 1,113 PM Peak hour trips. It was further estimated that approximately 21%~~percent~~ of traffic generated from the future development would access the site via the southbound left turn movement at Sharon Boulevard and Project Driveway #3. As a result, it is estimated that approximately 38 AM Peak hour trips and 112 PM peak hour trips would utilize the southbound left movement. Utilizing the storage length methodology contained in Chapter 400 of Caltrans’ Highway Design Manual, the southbound left storage length should be approximately 150-200 feet.

ROADWAY SEGMENTS

Avenue 17

- Cumulative Year 2036 No Project and Plus Project scenarios:

Sharon Boulevard to Walden Drive

Widen the westbound segment to two travel lanes (adding one travel lane)

The improvements identified above for the Cumulative Year 2036 No Project and Plus Project scenarios are sufficient to meet the City of Madera’s acceptable LOS standard of ‘C.’

SR 99 FREEWAY AND RAMPS

SR 99 SB Loop On-Ramp

- Cumulative Year 2036 No Project and Plus Project scenarios:
 - Widen the ramp to accommodate two ramp lanes (adding one lane)
 - Widen the SR 99 mainline to three travel lanes in the southbound movement (adding one travel lane)

The improvements identified above for the Cumulative Year 2036 No Project and Plus Project scenarios are sufficient to meet Caltrans' acceptable LOS standard of 'C.'

SR 99 NB Off-Ramp

- Cumulative Year 2036 No Project and Plus Project scenarios:
 - Widen the northbound off-ramp to provide for a two-lane exit ramp with an auxiliary lane

The improvements identified above for the Cumulative Year 2036 No Project and Plus Project scenarios are not required for level of service purposes. However, Caltrans' Highway Design Manual states that a two-lane exit ramp with an auxiliary lane should be provided when the off-ramp traffic volume exceeds 1,500 passenger cars per hour. As shown in Tables 3-8 and 3-9 of the revised TIS (Appendix I.1), there are greater than 1,500 passenger cars per hour on the northbound off-ramp for the Cumulative Year 2036 No Project and Plus Project Scenarios.

SR 99 NB On-Ramp

- Cumulative Year 2036 No Project and Plus Project scenarios:
 - Widen the ramp to accommodate two ramp lanes (adding one lane)

The improvements identified above for the Cumulative Year 2036 No Project and Plus Project scenarios are sufficient to meet Caltrans' acceptable LOS standard of 'C.'

SR 99 SB Off-Ramp

- Cumulative Year 2036 No Project and Plus Project scenarios:
 - Widen the ramp to accommodate two ramp lanes (adding one lane)

The improvements identified above for the Cumulative Year 2036 No Project and Plus Project scenarios are sufficient to meet Caltrans' acceptable LOS standard of 'C.'

SR 99 SB On-Ramp

- Cumulative Year 2036 No Project and Plus Project scenarios:
 - Widen the SR 99 mainline to three travel lanes in the southbound movement (adding one travel lane)

The improvements identified above for the Cumulative Year 2036 No Project and Plus Project scenarios are sufficient to meet Caltrans' acceptable LOS standard of 'C.'

Table 3.13-13 illustrates the 2036 LOS for intersection operations. Table 3.13-14 shows the 2036 LOS for road segment operations for which implementation of the recommended roadway improvements and mitigation measures apply.

Table 3.13-13
Intersection Operation with Mitigation

INTERSECTION	TARGET LOS	PEAK HOUR	NEAR-TERM (YEAR 2016) PLUS PROJECT		CUMULATIVE YEAR 2036 NO PROJECT		CUMULATIVE YEAR 2036 PLUS PROJECT	
			DELAY	LOS	DELAY	LOS	DELAY	LOS
Avenue 17 / SR 99 NB Ramps	C	AM			12.8	B	14.5	B
		PM			27.6	C	37.6	D*
Avenue 17 / Walden Drive	C	AM			31.4	C	33.1	C
		PM			21.4	C	22.7	C
Avenue 17 / Project Driveway #1	C	AM			7.4	A	15.8	B
		PM			24.2	C	21.4	C
Avenue 17 / Sharon Boulevard	C	AM	7.7	A			24.3	C
		PM	7.7	A			29.2	C
Sharon Boulevard / Project Driveway #3	C	AM					4.7	A
		PM					6.2	A
Avenue 17 / Yeager Drive (Future Intersection)	C	AM			18.6	B	18.7	B
		PM			31.7	C	32.0	C

DELAY is measured in seconds

LOS = Level of Service / **BOLD** denotes LOS standard has been exceeded

For signalized and all-way stop controlled intersections, delay results show the average for the entire intersection. For one-way and two-way stop controlled intersections, delay results show the delay for the worst movement.

* With all reasonable improvements considered, the intersection does not meet the target LOS.

Table 3.13-13
Intersection Operation with Mitigation

INTERSECTION	TARGET LOS	PEAK HOUR	NEAR-TERM (YEAR 2016) PLUS PROJECT		CUMULATIVE YEAR 2036 NO PROJECT		CUMULATIVE YEAR 2036 PLUS PROJECT	
			DELAY	LOS	DELAY	LOS	DELAY	LOS
Avenue 17 / SR 99 NB Ramps	C	AM			19.6	B	16.3	B
		PM			22.8	C	37.7	D*
Avenue 17 / Walden Drive	C	AM			31.4	C	33.1	C
		PM			21.4	C	22.7	C
Avenue 17 / Project Driveway #1	C	AM			8.2	A	26.8	C
		PM			24.2	C	25.4	C
Avenue 17 / Sharon Boulevard	C	AM	7.7	A			24.4	C
		PM	7.7	A			24.8	C
Sharon Boulevard / Project Driveway #3	C	AM					4.7	A
		PM					6.2	A
Avenue 17 / Yeager Drive (Future Intersection)	C	AM			18.6	B	18.7	B
		PM			31.7	C	32.0	C

DELAY is measured in seconds

LOS = Level of Service / **BOLD** denotes LOS standard has been exceeded

For signalized and all-way stop controlled intersections, delay results show the average for the entire intersection. For one-way and two-way stop controlled intersections, delay results show the delay for the worst movement.

* With all reasonable Improvements considered, the intersection does not meet the target LOS.

Table 3.13-14
Segment Operations with Mitigation

STREET SEGMENT	DIRECTION	TARGET LOS	PEAK HOUR	CUMULATIVE YEAR 2036 NO PROJECT		CUMULATIVE YEAR 2036 PLUS PROJECT	
				VOLUME	LOS	VOLUME	LOS
Avenue 17							
Sharon Boulevard to Walden Drive	EB	C	AM				
			PM				
	WB		AM	1,356	C	1,372	C
			PM	1,108	C	1,126	C

LOS = Level of Service / **BOLD** denotes LOS standard has been exceeded

In order to reduce the proposed Project's contribution to cumulative impacts to traffic, it is recommended that the Project contribute traffic impact fees, as determined by the City of Madera and Caltrans policy for the Cumulative Year 2036 scenarios. The payment of these fair-share fees would be used to help fund the applicant's fair-share percentage of the improvements discussed below to mitigate the proposed Project's contribution to cumulative traffic impacts to less-than-significant levels. Table 3.13-15 illustrates the equitable share responsibility for LOS improvements related to roadway capacity to the City of Madera and Caltrans facilities as described above. Table 3.13-16 illustrates the Project's contribution for the two Project driveways #1 and #3, which were determined by the City of Madera to be the sole responsibility of the proposed Project and the planned future development on the other side of the street.

Table 3.13-15
Equitable Fair-Share Responsibility

INTERSECTION	PEAK HOUR	EXISTING	PROJECT TRIPS	CUMULATIVE YEAR 2036 PLUS PROJECT	FAIR SHARE PERCENTAGE
Avenue 17 / SR 99 SB Off Ramp	AM	484	175	1,583	15.9%
	PM	598	198	2,523	10.3%
Avenue 17 / SR 99 NB Ramps	AM	1,050	545	3,393	23.3%
	PM	1,044	644	5,125	15.8%
Avenue 17 / Walden Drive	AM	943	30	2,009	2.8%
	PM	937	36	2,811	1.9%
Avenue 17 / Sharon Boulevard	AM	933	252	3,021	12.1%
	PM	933	369	4,561	10.2%
Avenue 17 / Yeager Drive	AM	156	31	1,265	2.8%
	PM	156	36	1,858	2.1%
ROADWAY SEGMENTS					
Avenue 17					
Sharon Boulevard to Walden Drive	AM	692	16	1,372	2.4%
	PM	358	18	1,126	2.3%
SR 99 FREEWAY AND RAMPS					
Avenue 17					
SR 99 SB Loop On-Ramp	AM	498	128	1,153	19.5%
	PM	190	160	1,153	16.6%
SR 99 NB On-Ramp	AM	116	114	310	58.8%
	PM	85	142	430	41.2%
SR 99 SB Off-Ramp	AM	101	144	325	64.3%
	PM	172	162	536	44.5%
SR 99 SB On-Ramp	AM	95	0	249	0.0%
	PM	120	0	390	0.0%

Table 3.13-15
Equitable Fair-Share Responsibility

INTERSECTION	PEAK HOUR	EXISTING	PROJECT TRIPS	CUMULATIVE YEAR 2036 PLUS PROJECT	FAIR SHARE PERCENTAGE
Avenue 17 / SR 99 SB Off Ramp	AM	484	175	1,583	15.9%
	PM	598	198	2,523	10.3%
Avenue 17 / SR 99 NB Ramps	AM	1,050	545	3,393	23.3%
	PM	1,044	644	5,125	15.8%
Avenue 17 / Walden Drive	AM	943	30	2,009	2.8%
	PM	937	36	2,811	1.9%
Avenue 17 / Sharon Boulevard	AM	933	252	3,021	12.1%
	PM	933	369	4,561	10.2%
Avenue 17 / Yeager Drive	AM	156	31	1,265	2.8%
	PM	156	36	1,858	2.1%
ROADWAY SEGMENTS					
Avenue 17					
Sharon Boulevard to Walden Drive	AM	692	16	1,372	2.4%
	PM	358	18	1,126	2.3%
SR 99 FREEWAY AND RAMPS					
Avenue 17					
SR 99 SB Loop On-Ramp	AM	498	128	1,153	19.5%
	PM	190	160	1,153	16.6%
SR 99 NB Off-Ramp	AM	230	128	1,001	16.6%
	PM	440	144	1,892	9.9%
SR 99 NB On-Ramp	AM	116	114	310	58.8%
	PM	85	142	430	41.2%
SR 99 SB Off-Ramp	AM	101	144	325	64.3%
	PM	172	162	536	44.5%
SR 99 SB On-Ramp	AM	95	0	249	0.0%
	PM	120	0	390	0.0%

Table 3.13-16
Equitable Fair-Share Responsibility at Project Driveways

INTERSECTION	PEAK HOUR	PROJECT TRIPS	TRIPS FROM FUTURE DEVELOPMENT THAT SHARE THE DRIVEWAY	TOTAL OF DEVELOPMENT TRIPS	PROJECT'S FAIR SHARE PERCENTAGE
Avenue 17 / Project Driveway #1	AM	580	356	936	62.0%
	PM	677	1,559	2,236	30.3%
Sharon Boulevard / Project Driveway #3	AM	221	89	310	71.3%
	PM	346	345	691	50.1%

Based on this analysis of traffic impacts related to the development of the Project site, it is anticipated that implementation of the proposed Project would exceed the acceptable LOS at several identified roadways operations. Mitigation Measures #3.13-1 through #3.13-3 are required to reduce impacts of the proposed Project. In some instances, with implementation of these measures, traffic would be reduced to acceptable LOS and, therefore, impacts would be reduced to a less than significant level. However, results of this analysis also indicate that because of design constraints at several intersections, implementation of traffic improvements in those locations would be infeasible and impacts from the projected future traffic growth plus Project traffic cannot be reduced to acceptable LOS. Therefore, implementation of the proposed Project is anticipated to reduce the effectiveness of the performance of the circulation system at those identified intersections.

It should also be noted that the improvements identified in the PSR for the Avenue 17 and SR 99 Interchange are, in large part, capacity increasing improvements. As identified in Section 3.5 of the TIS, there are several large developments that are approved or are pending in close proximity to the interchange which have yet to be constructed. These projects are projected to generate approximately 47,571 daily trips in addition to the underlying traffic growth in the Project area and the trips generated by the Project. In the absence of those developments, major improvements to the interchange would not be necessary. If funding through federal, state, or local taxes, fees assessments is not available when fees are assessed for these projects, all of the future development impacting the interchange would be responsible for constructing the improvements. Each development project would be required to contribute a fair-share towards the costs of improvements identified in the PSR. The City would calculate and assess a fair-share for each subsequent project based on the specific characteristics of that property. Alternatively, though no program currently exists, the City may choose to include the improvements in a broader fee program applied to new development.

Conclusion: This impact is *significant*.

Mitigation Measure #3.13-1a: Prior to the occupancy, the Project applicant shall provide evidence to the Madera Community Development Department that the following road improvements have been completed to address Project-related traffic impacts during Existing Plus Project and Near-Term (Year 2016) Plus Project scenarios as follows:

Avenue 17 at Sharon Boulevard

- Near-Term (Year 2016) Plus Project scenario:
 - Install Traffic Signal

SR 99 NB Off-Ramp

- Near-Term (Year 2016) Plus Project scenario:
 - Install Separate Right-turn Lane

Mitigation Measure #3.13-1b: Prior to the issuance of ~~building permits~~ certificates of occupancy for each structure, the Project applicant shall provide the proposed Project's pro rata funding toward the affected roadways and intersections as required by the City of Madera, the County of Madera, and Caltrans. The proposed Project's proportionate share responsibility for the cost of the installation of all required road improvements in the year 2036 is calculated as follows:

$$\text{Equitable Share} = (\text{Project Trips}) / (\text{Cumulative Year 2036 Plus Project Traffic} - \text{Existing Traffic})$$

Pro rata funding shall be paid to the City of Madera Engineering Department for implementation in the City Development Impact Fees Program of the County, as appropriate. A copy of the payment receipts shall be provided to the City of Madera Community Development Department.

Table 3.13-15 shows the equitable share responsibility for improvements to City of Madera and Caltrans facilities as described above. The equitable share responsibility shown in Table 3.13-15 is the result of LOS enhancements related to capacity. Avenue 17 at Sharon Boulevard is the only study intersection that is included within the City of Madera's fee program.

Traffic signals and other related improvements identified for the Avenue 17 at Project Driveway #1 and Sharon Boulevard at Project Driveway #3 intersections are only necessary to accommodate Project site access to the adjacent roadway network. There is planned future development on the other side of Avenue 17 and Sharon Boulevard that will also be served by the improvements identified at Project Driveway #1 and #3. City of Madera staff has indicated that the traffic signals and other related improvements at Project Driveway #1 and #3 shall be the sole responsibility of the proposed Project and the planned future development on the other side of each street. As a result, Table 3.13-16 has been prepared for the purpose of identifying the proposed Project's fair-share of improvements identified at Project Driveway #1 and #3.

Effectiveness of Mitigation: Implementation of the above mitigation measures will reduce impacts as the measures are completed. Because some traffic signal warrants will not be met under the 2016 scenario, these intersections may not meet the LOS of 'C' in that year, but would improve with implementation of mitigation measures. However, as shown in Table 3.13-13, one intersection will exceed applicable standards even after mitigation and no feasible improvements are available to reduce the traffic at that intersection to acceptable LOS. Moreover, except for the Avenue 17 at Sharon Boulevard intersection, which is included within the City of Madera's fee program, the additional improvements necessary to mitigate the Project's contributions to cumulative impacts at the locations identified in Table 3.13-15 for which the Project would pay its fair-share are either (1) not programmed into the City traffic impact fee program or any other funding program and therefore would rely on funding from sources other than the project applicant that have yet to be identified in order to be constructed, or (2) the intersections/roadways are under the jurisdiction of Caltrans, and the City of Madera cannot assure that necessary improvements would be installed as contemplated. Therefore, it cannot be assured that these impacts would be fully mitigated. This impact will remain *significant and unavoidable*.

Impact #3.13-2 - Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other

standards established by the County congestion management agency for designated roads or highways:

Construction

During temporary construction activities, it is estimated that the proposed Project would require a maximum of nine off-road equipment trips, approximately 148 worker trips, and 26 vendor delivery trips (including heavy trucks), per day (VRPA, pers. comm., 2015). It is not anticipated that the construction-related traffic would exceed capacity of the existing roadways; however, there is the potential to disrupt roadway services with the additional vehicles as well as slow-moving trucks delivering heavy equipment, especially during detention personnel shift changes. This is a potentially significant impact.

Operations

As noted in Impact 3.13-1 Table 3.13-10, illustrates that once operational the proposed Project would generate approximately 3,942 car trips and 1,689 truck trips on a daily basis. The additional proposed Project components (i.e., a fast food restaurant, truck tire shop and an RV/Boat storage facility) would generate an estimated 2,922 car trips and 60 truck trips daily. The total number of trips estimated with the implementation of the Project is anticipated to exceed the capacity of the identified circulation system even when the roadways are built to the identified standards. Mitigation Measures #3.13-1a, and #3.13-1b have been recommended to reduce Project-related operational traffic impacts. However, even with the implementation of the identified mitigation the impact remains significant.

Conclusion: The long-term operational impact is *significant*.

Mitigation Measure #3.13-2: Prior to the issuance of grading permits, the Project applicant shall:

Prepare and submit a Construction Traffic Control Plan to City of Madera Community Development Department and the California Department of Transportation offices for District 6, as appropriate for any traffic control in Caltrans right-of-way, for review and approval. The Construction Traffic Control Plan shall be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and shall include, but not be limited to, the following issues:

- Timing of deliveries of heavy equipment and building materials;
- Directing construction traffic with a flag person;
- Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;
- Ensuring access for emergency vehicles to the Project site;

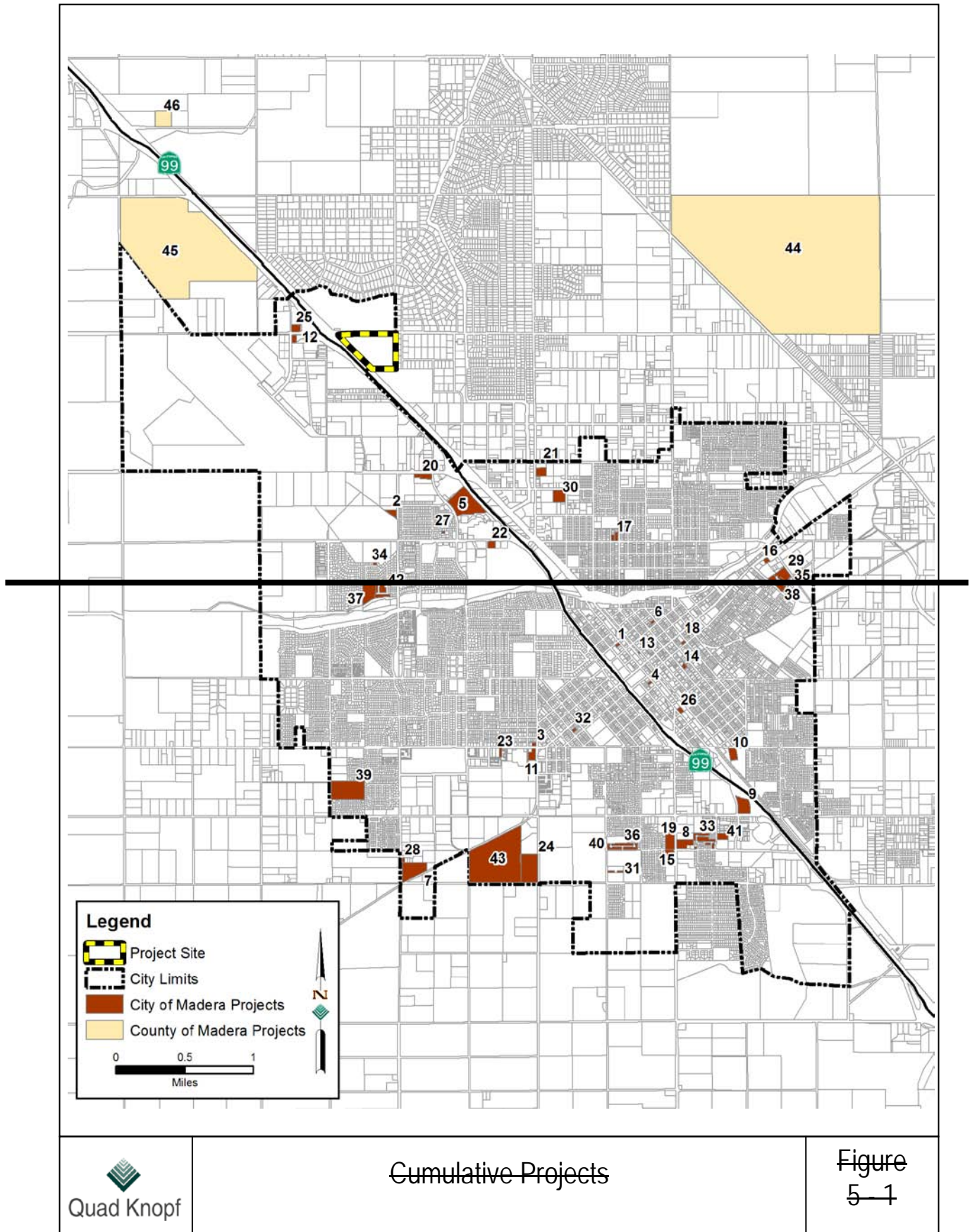
Table 5-1
List of Past, Present, and Probable Future Projects

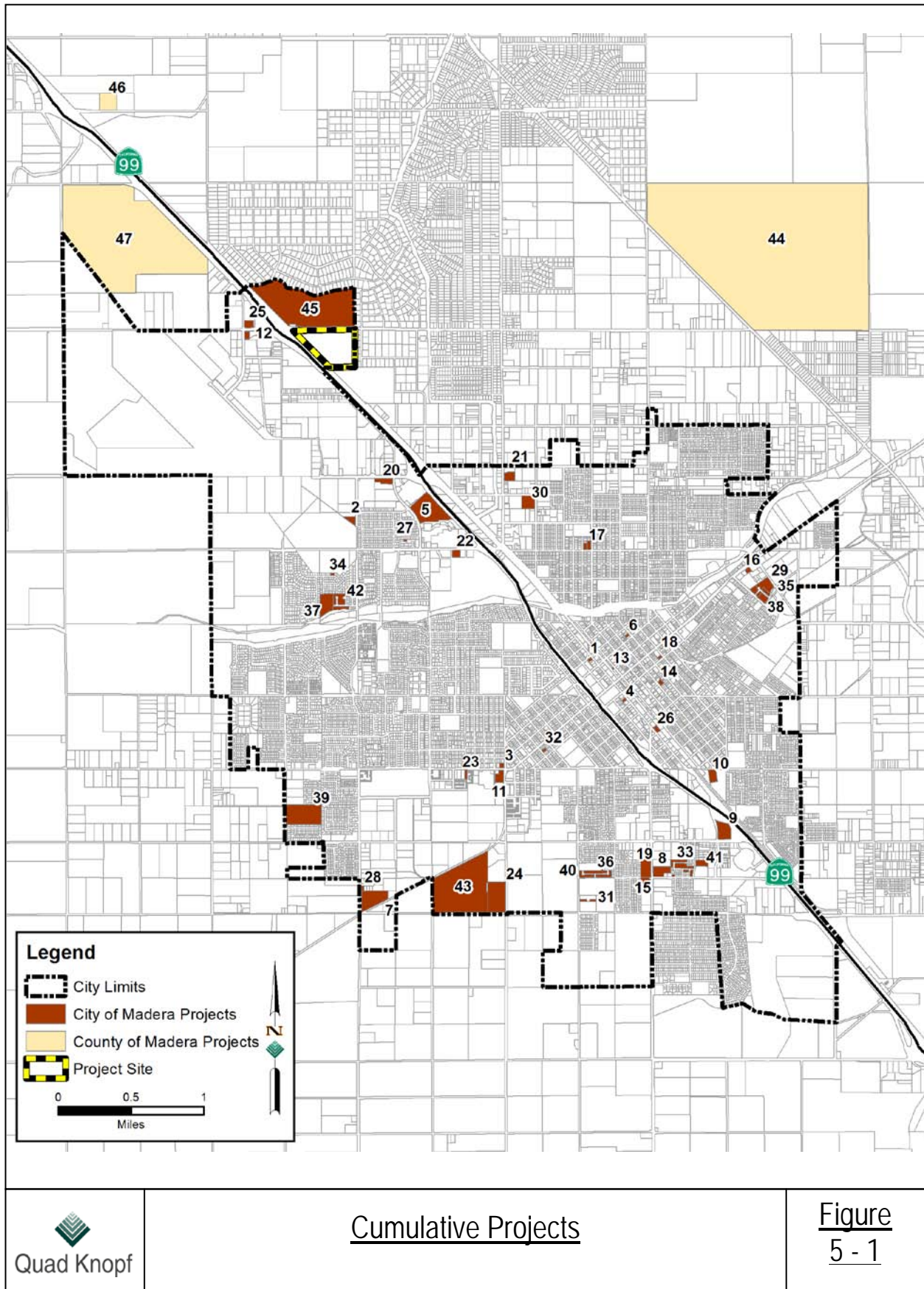
Map #	Project Description	Street	Status	Final Approval Date	Year Built	Comments
1	Gateway Retail Center	Gateway Drive & 3 rd Street	Completed	3/24/09	2011	2000 sf
2	VFW Hall	Granada Drive	Completed	5/12/09	2010	8,000 sf
3	Singh/Sekhon Commercial Development	NWC of Howard Road & Pine Street	Approved by PC	3/13/10	2014	6600 sf
4	Taqueria Mexico	Gateway Drive	Completed	11/2/09	2011	4,500 sf
5	Schnoor & Foxglove Retail Center	Schnoor Street		2012	Not Built	191,000 sf
6	RDA/DMP B Street Apartments	B Street			2010	6,000 sf
7	Color Box Addition	NEC of Road 25 and Pecan Avenue				7000 s.f. Covered storage
8	Madera County Office of Education Admin Center	Gary Lane & Hwy 145			2012	47,500 sf
9	Pistoresi Shopping Center	Gateway Drive & Almond Avenue			Pending	20,000 sf
10	A&S Metal Recycling	Olive Avenue			2012	12,000 sf Bldg & Yard
11	CVS Pharmacy	SWC of Pine Street & Howard Road	Completed		2014	15,000 sf
12	Singh Convenience Store, fuel islands, carwash	Airport Drive	Completed		Not Built	4,000 sf
13	Ochoa Transmission Repair	E Street	Completed	12/14/11		No new construction
14	Super Auto Sales Off-Site Service/Detail Garage	C Street	Completed	12/2/11		No new construction

Map #	Project Description	Street	Status	Final Approval Date	Year Built	Comments
15	Dollar General	SWC of Madera Avenue and Gary Lane	Completed	4/13/12	2012	14,000 sf
16	Family Dollar	Yosemite Avenue	Completed		2013	10,000 sf
17	Food Fair Market Site Expansion	D Street	Completed	10/9/12	2014	9000 sf
18	Camarena Health Centers - New Construction	A Street	Completed		2013	16,000 sf
19	Gill Cadillac Buick GMC Showroom	Madera Avenue	Completed	7/9/13	2014	6000 sf
20	Les Schwab Tire Company	Kennedy Avenue	Completed	9/10/13	2014	12,000 sf
21	Tractor Supply Company	SEC Adell Street and Country Club Drive	Completed	2/11/14	2014	20,000 sf
22	Grocery Outlet Grocery Store	Cleveland Avenue	Completed	6/14/14	2014	12,000 sf
23	Jack in the Box	Howard Road	Completed	7/8/14	2015	3,000 sf
24	Deerpoint Group - Ag Nutrient/Industrial	Wiil Gill Industrial, NWC South Pine Street and West Pecan Avenue	Completed	8/12/14	Pending	62,000 sf
25	17/99 Subway Restaurant (Addition to C Store)	Golden State Boulevard	Completed	9/13/14	2015	1000 sf
26	Napa Auto Parts	Gateway Drive	Completed	11/18/14	Pending	7000 sf
27	W. Cleveland Professional Office	Cleveland Avenue	Completed	10/23/14	Pending	5000 sf
28	Braga Organic Farms	Mitchell Court	Completed	2/10/15	Pending	4500 sf
29	Freedman 72 Unit Apartment Complex	NWC of Clinton Street & Tozer Street	Approved	08/31/07	Pending	72 units
30	Arborpoint Apartment Development	SWC of Owens Street & Clark Street	Approved	10/23/07	2010	65 units
31	Corporation for Better Housing Apartments	East side of Stadium, North of Pecan Avenue	Approved	08/31/10	2012	72 units

Map #	Project Description	Street	Status	Final Approval Date	Year Built	Comments
32	Poythress Multiple Family 6-plex	O street	Approved	12/14/10	2011	6 Units - 6,000 sf
33	Tierra Vista Estates - Kemp Land Co. / North Star Eng.	NWC of Gary Lane and Emily Way	Approved	11/12/13	2015	48 lots SFR
34	Cottonwood Estates II	Last 2 lots in Cottonwood II (Ph. 3)	Approved	11/12/13	2014	2 lots SFR
35	Sugar Pine Village Single Family	4 lot amendment	Approved	01/14/14	2014	4 lots SFR
36	Chateau at the Vineyards	2 lot amendment	Approved	01/14/14	2014	2 lots SFR
37	Cottonwood Estates II	74 remaining lots in Phases 4 and 5	Approved	03/14/14	2015	74 lots SFR
38	Sugar Pine Village Single Family	19 remaining lots	Approved	04/08/14	2015	19 lots SFR
39	Capistrano 16	19.79 ac. N of Almond, E of Westberry	Approved		2015	103 lots SFR
40	Chateau at the Vineyards	35 remaining lots	Approved		2015	35 lots SFR
41	Emily Way Apartments	Emily Way at Joya Drive	Approved	2/18/2015	Pending	54 units
42	Cottonwood Estates II	74 remaining lots in Phases 4 and 5	Approved	01/13/15	Pending	74 lots SFR
43	Will Gill Industrial Subdivision	NWC of South Pine Street and Pecan Avenue (Avenue 13)		01/28/14	2015	17 Lot Industrial Park
44	Commons at Madera Fair <u>Castellina Specific Plan (Madera County Project)</u>	Cleveland Avenue @ Fairgrounds <u>SEC of Avenue 18 and Road 27</u>	Completed <u>In Progress</u>	08/1/07 <u>N/A</u>	2008 <u>N/A</u>	300L sf, retail. Lowes anchored. <u>2,984 du, 21 ac of commercial/MU, 20 ac employment park, 137 ac of parks</u> 795K sf, retail
45	Madera Town Center (Madera County Project)	Avenue 17 @ SR 99	EIR Certified			

Map #	Project Description	Street	Status	Final Approval Date	Year Built	Comments
46	Equipment Yard (<i>Madera County Project</i>)	Avenue 18 ½, east of SR 99				
<u>47</u>	<u>North Fork Casino Project</u>	<u>SEC of Avenue 18 and Road 23</u>		<u>June 2013</u>	<u>N/A</u>	





CHAPTER FIVE

REFERENCES

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