

Chapter 7

Response to Comments

SCH #2007101067

SR 99/Hosking
Commercial Center Project (GPA/ZC 13-0417)
By the City of Bakersfield



City of Bakersfield
Community Development Department
Planning Division
Bakersfield, California

October 2015

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October 1, 2015

File: GPA/ZC 13-0417

Addressee (see Distribution List)

RE: Response to Comments on Draft Environmental Impact Report: SR 99/Hosking Commercial Center Project (GPA/ZC 13-0417) by the City of Bakersfield

Ladies and Gentlemen:

Enclosed is a document titled Chapter 7, *Response to Comments*, for the above-referenced project. Section 15088 of the California Environmental Quality Act Guidelines requires the Lead Agency to evaluate comments on environmental issues received from persons who reviewed the Draft Environmental Impact Report (EIR) and prepare a written response addressing each comment. This document is Chapter 7 of the Final EIR.

A public hearing has been scheduled with the City of Bakersfield Planning Commission to consider this request on October 15, 2015, at 5:30 p.m., in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, 93301.

Thank you for your participation in the environmental process for this project. If you have any questions regarding this letter, please contact Cecelia Griego, Associate Planner II, at (661) 326-3733.

Very truly yours,

Cecelia Griego, Associate Planner II
Planning Division
Community Development Department

COMMENTING AGENCIES AND INTERESTED PERSONS: State Clearinghouse; California Highway Patrol; California Department of Transportation; Kern County Public Works Department; San Joaquin Valley Air Pollution Control District; Kern High School District Superintendent of Schools; Tejon Indian Tribe; Betty Stephens; Public Hearing Comment by Phil Rudnick

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Chapter 7

Response to Comments

SCH #2007101067

SR 99/Hosking
Commercial Center Project (GPA/ZC 13-0417)
By the City of Bakersfield

City of Bakersfield
Community Development Department
Planning Division
Attn: Cecelia Griego, Associate Planner II, or
Jacquelyn Kitchen, Planning Director
1715 Chester Avenue
Bakersfield, CA 93301-2370
(661) 326-3733

Technical Assistance by:
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October 2015

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7-1 Public Comments Received on the Draft EIR7-2

Acronyms and Abbreviations

AAQA	Ambient Air Quality Analysis
Caltrans	California Department of Transportation
CEQA	California Environmental Quality Act
DPM	diesel particulate matter
EIR	Environmental Impact Report
HARP	Hot Spots Analysis and Reporting Program
HRA	Health Risk Assessment
ISR	Indirect Source Review
NOP/IS	notice of preparation/initial study
NO _x	nitrogen oxides
project	State Route 99/Hosking Commercial Center Project
ROG	Reactive Organic Gas
RTIF	Regional Transportation Impact Fee
SCH	State Clearinghouse
SJVAPCD	San Joaquin Valley Air Pollution Control District
SR	State Route
TAC	toxic air contaminant
VERA	Voluntary Emission Reduction Agreement,
VOC	volatile organic compound

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Chapter 7

Response to Comments

7.1 Introduction

7.1.1 Purpose

As defined by Section 15050 of the California Environmental Quality Act (CEQA) Guidelines, the City of Bakersfield is serving as Lead Agency for preparation of the Environmental Impact Report (EIR) for the State Route (SR) 99/Hosking Commercial Center Project (project). The Final EIR presents the environmental information and analyses that have been prepared for the project, including comments received addressing the adequacy of the Draft EIR and responses to those comments. In addition to the responses to comments, clarifications, corrections, or minor revisions have been made to the Draft EIR. The Final EIR—which includes the responses to comments, the Draft EIR, and the Mitigation Monitoring Program—will be used by the Planning Commission, and ultimately the City Council, in the decision-making process for the project.

7.1.2 Environmental Review Process

A Notice of Preparation/Initial Study (NOP/IS) (State Clearinghouse No. 2007101067) was circulated for a 30-day public review period beginning on November 5, 2014, and ending on December 4, 2014. A scoping meeting was noticed and held on November 18, 2014. Eleven comment letters were received and used in preparation of the Draft EIR. The Draft EIR for the project was circulated for a 45-day public review period beginning on June 22, 2015, and ending on August 6, 2015. A total of nine written comment letters were received on the Draft EIR, and public testimony was taken during the Draft EIR Adequacy Hearing held by the Planning Commission on July 16, 2015.

Section 15088 of the State CEQA Guidelines requires that the lead agency evaluate comments on environmental issues received from persons and agencies that reviewed the Draft EIR and prepare a written response addressing each of the comments received. The response to comments is contained in this Volume 3, Chapter 7 of the Draft EIR. Volumes 1 through 3 together compose the Final EIR. A list of agencies, organizations, and interested parties who have commented on the Draft EIR is provided below. A copy of each numbered comment letter and a lettered response to each comment are provided in Section 7.3, *Response to Comments*, of this chapter.

Table 7-1. Public Comments Received on the Draft EIR

Letter No.	Commenter	Commenter Type
1	California Governor's Office of Planning and Research, State Clearinghouse (August 06, 2015)	State
2	California Governor's Office of Planning and Research, State Clearinghouse (August 07, 2015)	State
3	California Highway Patrol (July 16, 2015)	State
4	California Department of Transportation, District 6 (July 30, 2015)	State
5	Kern County Public Works Department (August 12, 2015)	Local
6	San Joaquin Valley Air Pollution Control District (August 10, 2015)	Local
7	Kern County Superintendent of Schools (August 10, 2015)	Local
8	Tejon Indian Tribe (June 18, 2015)	Local
9	Betty Stephens (July 17, 2015)	Resident
10	Public Hearing Transcripts on July 16, 2015, Planning Commission (Phil Rudnick) (July 16, 2015)	Resident

7.2 Revisions to the Project Draft EIR

The following revisions were made to the text of the SR 99/Hosking Commercial Center Draft EIR. Amended text is identified by page number. Clarifications to the Draft EIR text are shown with underlining and text removed from the Draft EIR is shown with ~~strikethrough~~.

The project revisions 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. No new significant environmental impacts would result from the project changes or from a revised or new mitigation measure proposed to be implemented. Therefore, no significant revisions have been made that would require recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5 (Recirculation of an EIR Prior to Certification).

The Lead Agency is of the opinion that no new significant environmental impacts would result from the clarified and revised proposed mitigation measures shown below.

Page 1-22, Table 1-7, Air Quality Impact AQ-2

<p>Impact AQ-2. The proposed project would violate an air quality standard or contribute substantially to an existing or projected air quality violation.</p>	<p>Potentially significant</p>	<p>MM AQ-1. Prior to the issuance of grading permits, the project proponent shall provide evidence to the City of Bakersfield Planning Division to demonstrate compliance with the following:</p> <ul style="list-style-type: none"> (a) Obtain Required Permits. The project shall be required to comply with all applicable rules and regulations as set forth by the San Joaquin Valley Air Pollution Control District (SJVAPCD). To ensure compliance, the project proponent shall obtain all construction permits deemed necessary by the SJVPACD and shall comply with all measures as specified by that agency including, but not limited to: <ul style="list-style-type: none"> (i) Fugitive Dust Control Plan. The project proponent shall develop a Fugitive Dust Control Plan in accordance with SJVAPCD Regulation VIII, Dust Control Requirements to Control Construction Emissions of PM10 (particulate matter 10 microns in diameter or less). The Plan shall include, but is not limited to, the following: A project description, a listing of all anticipated fugitive dust emissions included in the project, and methods for adherence to all regulations related to onsite watering, reduced vehicle speeds, track-out devices, surface stabilization, fugitive dust control practices, free-board limits, mud/dirt accumulation, cease grading during heightened wind speeds. (ii) Indirect Source Review. The project proponent shall provide the City with proof that an Indirect Source Review (ISR) application has been approved by SJVPACD, if deemed necessary by that agency. (iii) Incorporate Measures to Reduce Construction Exhaust Emissions. The project proponent shall require that all construction contractors to utilize Tier 3 engines for all off-road construction equipment over 50 horsepower, unless such an engine is not available for a particular item of equipment. In the event a Tier 3 engine is not available for any off-road engine larger than 100 horsepower, that engine shall be equipped with retrofit controls that would provide nitrogen oxides (NO_x) and particulate matter emissions that are equivalent to a Tier 3 engine. Additionally, all equipment engines shall be maintained in good operating condition and in proposed tune per manufacturers' specifications and shall be turned off when not in use, and idling shall be minimized. All vehicles shall also comply with any measures specified by SJVAPCD related to NO_x emissions from on-road heavy-duty diesel haul vehicles. (b) Valley Fever. The project proponent shall ensure that construction workers are educated regarding the symptoms and potential health effects associated with exposure 	<p>Less than significant</p>
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to *Coccidioides immitis* fungus spores; and that construction workers are provided with personal protective equipment such as respiratory equipment (masks), if requested. This will reduce potential exposure to airborne dust and facilitate recognition of symptoms and earlier treatment of Valley Fever.

- (c) **Reduction of Reactive Organic Gas (ROG) and NO_x Emissions.** The project proponent shall submit evidence, verified by SJVAPCD, that demonstrates that the project's ~~construction and~~ operational-related ~~PM₁₀~~, ROG, and NO_x emissions will be reduced to below SJVAPCD's numeric threshold of ~~15, and~~ 10 tons per year by reducing ROG emissions by 7.17 tons and NO_x emissions by 2.84 tons, respectively. These reductions can be achieved by any combination of project design, ~~compliance with the ISR,~~ and/or via the project proponent entering into a development mitigation contract (i.e., Voluntary Emission Reduction Agreement, or VERA), with SJVAPCD. If a VERA is utilized, a copy of the executed agreement and implementing reports will be provided to the City to demonstrate compliance. Additionally, the project proponent shall supply updated documents if the requirements change as the VERA is reassessed by SJVAPCD at each phase of project development. This requirement will be enforced and verified by SJVAPCD. The current VERA payment fee for ~~construction~~ emissions is ~~\$9,350~~ \$93,500 per ton of NO_x; payment fees vary by year (i.e., future year payment fees for NO_x could be more than the current price of ~~\$9,350~~ \$93,500) and are sensitive to the number of projects requiring emission reductions within the same air basin. ~~At the time of issuance for building permits for each phase of the project, associated fees~~ Fees will be calculated and collected by SJVAPCD and will depend on the emissions required to be mitigated after all selected emission reduction projects are completed. The VERA shall identify the amount of emissions to be reduced, in addition to the amount of funds to be paid to SJVAPCD by the project proponent to implement emission reduction projects required for the project.

MM AQ-2. The project shall continuously comply with the items listed below during all operations of the project and, prior to the issuance of Final Occupancy approval, the project proponent shall provide evidence to the City of Bakersfield Planning Division to demonstrate methods for compliance with the following:

- (a) **Implement Onsite Mitigation to Reduce Operational Emissions.** The project proponents will incorporate the following onsite mitigation into the project design:
- (i) Use low volatile organic compound (VOC) paint (non-residential *interior*).
 - (ii) Use low VOC paint (non-residential *exterior*).
 - (iii) Require the electrification of landscaping equipment, with a minimum of 3% of lawnmowers, leaf blowers, and chainsaws to be electrified.

Page 1-29, Table 1-7, Cultural Resources Impact CR-2

<p>Impact CR-2. The proposed project would cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.</p>	<p>Potentially significant</p>	<p>MM CR-1. The project shall continuously comply with the best management practices items listed below during all construction activities and operations of the project:</p> <p>(a) Stop Work if Cultural Resources Are Encountered. If buried cultural resources, such as chipped or ground stone, historic bottles or ceramics, building foundations, or non-human bone are inadvertently discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures. Treatment measures typically include development of avoidance strategies, capping with fill material, or mitigation of impacts through data recovery programs such as excavation or detailed documentation. Prior to recommencement of any construction activities, the qualified archaeologist shall provide a pre-grading conference that will provide procedures for archaeological resource surveillance and appropriate treatment of cultural resources.</p> <p>(b) Provide Notice if Cultural Resources Are Encountered. If buried cultural resources are discovered that may have relevance to Native Americans, the project proponent shall provide written notice to the City of Bakersfield, <u>Tejon Indian Tribe</u>, and to the Native American Heritage Commission, and any other appropriate individuals, agencies, and/or groups as determined by the qualified archaeologist in consultation with the City of Bakersfield.</p> <p>(c) Cultural Resources Training. <u>Prior to ground disturbance activities associated with this project, personnel associates with the grading effort shall be informed of the importance of the potential cultural and archaeological resources (e.g., archaeological sites, artifacts, features, burials, human remains) that may be encountered during site preparation activities, how to identify those resources in the field, and of the regulatory protections afforded to those resources. This training shall be conducted by representatives from the Tejon Indian Tribe or qualified archaeologist. The personnel shall be informed of procedures relating to the discovery of archaeological remains during grading activities and cautioned to avoid archaeological finds with equipment and not collect artifacts. The applicant/developer of the project site shall submit documentation to the Planning Department that they have met this requirement prior to commencement of ground disturbance activities. This documentation should include information on the date(s) of training activities, the individual(s) that conducted the training, a description of the training, and a list of names of those who were trained. Should cultural remains be uncovered, the on-site supervisor shall immediately notify a</u></p>	<p>Less than significant</p>
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qualified archaeologist and the Tejon Indian Tribe. The developer shall provide the Tejon Indian Tribe information on excavation depth of the construction of the site.

Page 4.2-14, Last Paragraph

SJVAPCD has adopted attainment plans to address O₃, PM, and CO emissions in the SJVAB. The 2007 Ozone Plan contains a comprehensive list of regulatory and incentive-based measures to reduce VOC and NO_x emissions within the SJVAB. In particular, the plan proposes a 75% reduction in NO_x and a 25% reduction in VOC by 2023. SJVAPCD's 2007 PM₁₀ Maintenance Plan and 2008 PM_{2.5} Plan likewise include strategies to reduce PM emissions throughout the air basin. The 2013 Plan for the Revoked 1-hour Zone Standard was prepared for the EPA's revoked 1-hour ozone standard. Although EPA approved the 2004 plan for the 1-hour ozone standard in 2010, EPA withdrew this approval as a result of litigation. The 2013 Plan indicates the SJVAB will attain the revoked 1-hour ozone standard by 2017. The 2012 PM_{2.5} Plan addresses EPA's 24-hour PM_{2.5} standard and indicates the SJVAB will meet the 24-hour PM_{2.5} standard by the 2019 deadline, with most areas seeing attainment well before then. The 2015 Plan for the 1997 PM_{2.5} Standard addresses EPA's annual PM_{2.5} standard and requires attainment no later than December 31, 2020. Finally, the 2004 California State Implementation Plan for Carbon Monoxide addresses CO emissions throughout the state. SJVAPCD's air quality plans are evolving documents that are updated to reflect changing population and economic, land use, and transportation conditions. Local transportation planning agencies (in this area, Kern Council of Governments) and ARB provide the information needed to predict future on-road mobile source emissions that are used in the air quality planning process.

Page 4.2-32, First Paragraph

- (a) **Reduction of Reactive Organic Gas (ROG) and NO_x Emissions.** The project proponent shall submit evidence, verified by SJVAPCD, that demonstrates that the project's ~~construction and~~ operational-related ~~PM₁₀~~, ROG, and NO_x emissions will be reduced to below SJVAPCD's numeric threshold of ~~15 and~~ 10 tons per year by reducing ROG emissions by 7.17 tons and NO_x emissions by 2.84 tons, respectively. These reductions can be achieved by any combination of project design, ~~compliance with the ISR,~~ and/or via the project proponent entering into a development mitigation contract (i.e., Voluntary Emission Reduction Agreement, or VERA), with SJVAPCD.

If a VERA is utilized, a copy of the executed agreement and implementing reports will be provided to the City to demonstrate compliance. Additionally, the project proponent shall supply updated documents if the requirements change as the VERA is reassessed by SJVAPCD at each phase of project development. This requirement will be enforced and verified by SJVAPCD. The current VERA payment fee for ~~construction~~ emissions is ~~\$9,350~~ \$93,500 per ton of NO_x; payment fees vary by year (i.e., future year payment fees for NO_x could be more than the current price of ~~\$9,350~~ \$93,500) and are sensitive to the number of projects requiring emission reductions within the same air basin. ~~At the time of issuance for building permits for each phase of the project, associated fees will be calculated and collected by SJVAPCD and will depend on the emissions required to be mitigated after all selected emission reduction projects are completed. The~~

VERA shall identify the amount of emissions to be reduced, in addition to the amount of funds to be paid to SJVAPCD by the project proponent to implement emission reduction projects required for the project.

Pages 4.2-39 and 4.2-40, Cumulative Impacts

The SJVAPCD has identified project-level thresholds to evaluate impacts to air quality (see Section 4.2.4.2). In developing these thresholds, the air district considered levels at which project emissions would be cumulatively considerable. As noted in the SJVAPCD's 2002 GAMAQI:

“Any proposed project that would individually have a significant air quality impact (see Section 4.3.2 – Thresholds of Significance for Impacts from Project Operations) [Table 3.2-6 of the DEIR] would also be considered to have a significant cumulative air quality impact. Impacts of local pollutants (CO, HAPs) are cumulatively significant when modeling shows that the combined emissions from the project and other existing and planned projects will exceed air quality standards.”

The criteria pollutant thresholds presented in Section 4.2.4.2, therefore, represent the maximum emissions the project may generate before contributing to a cumulative impact on regional air quality as determined by the SJVAPCD. Therefore, exceedances of the project-level thresholds would be cumulatively considerable. As discussed in Impact AQ-2, construction and operational emissions associated with the project are not expected to exceed the SJVAPCD's quantitative thresholds with implementation of Mitigation Measures MM-AQ-1 and MM-AQ-2, while Impact AQ-3 indicates predicted ambient pollutant concentrations and health risks would not exceed SJVAPCD thresholds. Consequently, the project's incremental contribution is not cumulatively considerable.

Page 4.4-11, Third Paragraph

MM CR-1. (b) Provide Notice if Cultural Resources Are Encountered. If buried cultural resources are discovered that may have relevance to Native Americans, the project proponent shall provide written notice to the City of Bakersfield, Tejon Indian Tribe, ~~and to the~~ Native American Heritage Commission, and any other appropriate individuals, agencies, and/or groups as determined by the qualified archaeologist in consultation with the City of Bakersfield.

Page 4.4-11, Fourth Paragraph

MM CR-1. (c) Cultural Resources Training. Prior to ground disturbance activities associated with this project, personnel associates with the grading effort shall be informed of the importance of the potential cultural and archaeological resources (e.g., archaeological sites, artifacts, features, burials, human remains) that may be encountered during site preparation activities, how to identify those resources in the field, and of the regulatory protections afforded to those resources. This

training shall be conducted by representatives from the Tejon Indian Tribe or qualified archaeologist. The personnel shall be informed of procedures relating to the discovery of archaeological remains during grading activities and cautioned to avoid archaeological finds with equipment and not collect artifacts. The applicant/developer of the project site shall submit documentation to the Planning Department that they have met this requirement prior to commencement of ground disturbance activities. This documentation should include information on the date(s) of training activities, the individual(s) that conducted the training, a description of the training, and a list of names of those who were trained. Should cultural remains be uncovered, the on-site supervisor shall immediately notify a qualified archaeologist and the Tejon Indian Tribe. The developer shall provide the Tejon Indian Tribe information on excavation depth of the construction of the site.

Page 4.6-17, Cumulative Impacts

In accordance with scientific consensus regarding the cumulative nature of GHGs, the analysis provides a cumulative evaluation of GHG emissions. Unlike traditional cumulative impact assessments, this analysis is still project-specific in that it only evaluates direct emissions generated by the project; given the global nature of climate change, the analysis does not include emissions from past, present, and reasonably foreseeable projects in the Project Area.

As discussed in Section 4.6.4.2, GHG impacts are inherently cumulative. Accordingly, because implementation of the project would not exceed the San Joaquin Valley Air Pollution Control District's GHG threshold, it would not result in a cumulatively considerable impact on GHGs or climate change. This impact would be less than significant.

Page 4.12-42, First Paragraph

The proposed project would cause an increase in traffic that would have a significant impact on area roadways and intersections in the future. As shown in Table 4.12-7, the completed project is expected to generate ~~26,337~~ 23,775 daily trips on an average weekday and ~~668~~ 611 weekday AM peak hour trips, ~~2,410~~ 2,176 weekday PM peak hour trips, and ~~2,918~~ 3,088 Saturday peak hour trips.

Page 4.12-19, Table 4.12-7

Table 4.12-7. Project Trip Generation Summary

	Daily Trips	Peak Hour Trips					
		AM		PM		Saturday	
		In	Out	In	Out	In	Out
Phase I (2017)							
Hotel (120 rooms)	701	38 (59%)	26 (41%)	37 (51%)	35 (49%)	95 <u>49</u> (56%) <u>(44%)</u>	75 <u>38</u> (44%) <u>(48%)</u>
Shopping Center (300,000 sf)	15,045	204 (62%)	125 (38%)	653 (48%)	707 (52%)	1,007 (52%)	930 (48%)
Anchor ¹ (100,000 sf)	1,333	41 (61%)	26 (39%)	64 (48%)	69 (52%)	128 (48%)	139 (52%)
Pass-by ²	305 <u>-2,562</u>	-12 <u>-42</u>	-8 <u>-27</u>	-15 <u>-113</u>	-16 <u>-122</u>	-170 <u>-178</u>	-160 <u>-166</u>
Capture ³	752 <u>-67</u>	-10 <u>-2</u>	-6 <u>-1</u>	-33 <u>-3</u>	-35 <u>-3</u>	-57 <u>-6</u>	-53 <u>-7</u>
Phase I New Trips	<u>16,022</u> <u>14,450</u>	<u>261</u> <u>239</u>	<u>163</u> <u>149</u>	<u>706</u> <u>638</u>	<u>760</u> <u>686</u>	<u>908</u> <u>1,000</u>	<u>856</u> <u>934</u>
Phase II (2020)							
Hotel (240 rooms)	1,775	75 (59%)	52 (41%)	73 (51%)	71 (49%)	95 (56%)	75 (44%)
Shopping Center (700,000 sf)	24,942	328 (62%)	201 (38%)	1,099 (48%)	1,191 (52%)	1,670 (52%)	1,541 (48%)
Anchor ¹ (100,000 sf)	1,333	41 (61%)	26 (39%)	64 (48%)	69 (52%)	128 (48%)	139 (52%)
Pass-by ²	466 <u>-4,208</u>	-17 <u>-67</u>	-12 <u>-42</u>	-21 <u>-185</u>	-21 <u>-200</u>	-284	-263
Capture ³	1,247 <u>-67</u>	-16 <u>-2</u>	-10 <u>-1</u>	-55 <u>-3</u>	-60 <u>-3</u>	-95 <u>-6</u>	-88 <u>-7</u>
Phases I & II New Trips	<u>26,337</u> <u>23,775</u>	<u>411</u> <u>375</u>	<u>257</u> <u>236</u>	<u>1,160</u> <u>1,048</u>	<u>1,250</u> <u>1,128</u>	<u>1,514</u> <u>1,603</u>	<u>1,404</u> <u>1,485</u>

¹ Anchor Trip Rates determined from actual site surveys.

² Applied to entire project.

³ Applied to anchor for dual trip purposes.
sf = square feet.

7.3 Response to Comments

The comment letters received on the Draft EIR are addressed in their entirety in this section. Each comment contained in the letter has been assigned a reference code. The responses to reference code comments follow each letter.

Comment Letter 1. Governor's Office of Planning and Research, State Clearinghouse (August 6, 2015)

Comment Letter 1



Edmund G. Brown Jr.
Governor

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



RECEIVED Ken Alex
Director

AUG 10 2015

CITY OF BAKERSFIELD
PLANNING DEPARTMENT

August 6, 2015

Cecelia Griego
City of Bakersfield
1715 Chester Avenue
Bakersfield, CA 93301

Subject: SR 99/Hosking Commercial Center Project (GPA/ZC 13-0417)
SCH#: 2007101067

Dear Cecelia Griego:

1-A

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on August 5, 2015, and no state agencies submitted comments by that date. 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 call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report
State Clearinghouse Data Base**

SCH# 2007101067
Project Title SR 99/Hosking Commercial Center Project (GPA/ZC 13-0417)
Lead Agency Bakersfield, City of

Type EIR Draft EIR
Description The proposed commercial development would consist of approximately 800,000 sf of leasable retail space, 240 hotel rooms, 4,472 surface parking spaces along with internal drives, and landscaping. The commercial center would contain approximately 18 buildings in one- and two-story structures - including two anchor buildings, a cinema (60,000 sf), and 11 restaurants (45,000 sf total). In addition, a hotel spread over two separate facilities with approximately 240 rooms may also be a part of the proposed project. The floor area ratio would be approximately 0.25 and previous/landscaped areas would make up about 5% of the site.

Lead Agency Contact

Name Cecelia Griego
Agency City of Bakersfield
Phone (661) 326-3733 **Fax**
email
Address 1715 Chester Avenue
City Bakersfield **State** CA **Zip** 93301

Project Location

County Kern
City
Region
Lat / Long 35° 17' 4.08" N / 119° 01' 27.54" W
Cross Streets East of SR-99, West of South H Street, South of Berkshire, North of Hosking
Parcel No. Various
Township 30S **Range** 27E **Section** 25 **Base** MDB&M

Proximity to:

Highways SR 99
Airports Cortiseran Farms
Railways
Waterways Kern Island Canal
Schools Granite Pointe ES, Horizon
Land Use Low-Density Residential (LR), Low Medium-Density Residential (LMR), and High Medium-Density Residential (HMR) (low to high residential); GC (general commercial). Existing Zoning: R1 (one-family dwelling) and C2 (reg commercial)

Project Issues Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Fiscal Impacts; Noise; Public Services; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Wildlife; Landuse; Cumulative Effects; Aesthetic/Visual; Agricultural Land; Air Quality; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Population/Housing Balance; Recreation/Parks; Schools/Universities; Vegetation; Wetland/Riparian; Growth Inducing

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 6; Department of Housing and Community Development; Air Resources Board; Regional Water Quality Control Bd., Region 5 (Fresno); Department of Toxic Substances Control; Native American Heritage Commission

Date Received 06/22/2015 **Start of Review** 06/22/2015 **End of Review** 08/05/2015

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

Response to Comment Letter 1. Governor's Office of Planning and Research, State Clearinghouse (August 6, 2015)

- 1-A. Thank you for your comments. The participation of the State Clearinghouse (SCH) in the public review of this document is appreciated. The SCH coordinates the state-level review of environmental documents that are prepared pursuant to CEQA. The commenter states that the SCH submitted the Draft EIR to selected state agencies for review and comment in compliance with SCH review requirements for draft environmental documents and pursuant to CEQA.

No state agencies submitted comments by the close of the public comment period.

The commenter also states that the Lead Agency has complied with the SCH review requirements for draft environmental documents pursuant to CEQA.

These comments have been noted for the record and have been provided to the City of Bakersfield for consideration.

Comment Letter 2. Governor's Office of Planning and Research, State Clearinghouse (August 7, 2015)

Comment Letter 2



Edmund G. Brown Jr.
Governor

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



Ken Alex
Director

August 7, 2015

RECEIVED

AUG 12 2015

CITY OF BAKERSFIELD
PLANNING DEPARTMENT

Cecelia Griego
City of Bakersfield
1715 Chester Avenue
Bakersfield, CA 93301

Subject: SR 99/Hosking Commercial Center Project (GPA/ZC 13-0417)
SCH#: 2007101067

Dear Cecelia Griego:

2-A

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on August 5, 2015. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2007101067) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Response to Comment Letter 2. Governor's Office of Planning and Research, State Clearinghouse (August 7, 2015)

- 2-A. The commenter forwarded comments that were received after the public comment period. These comments were recommended to be incorporated into the Final EIR and to be considered before taking final action on the proposed project. However, noted in the letter is the statement that CEQA does not require lead agencies to respond to late comments.

These comments are incorporated in the Final EIR as comment Letter 3, from the California Highway Patrol. Responses are provided separately following this letter.

These comments have been noted for the record and have been provided to the City of Bakersfield for consideration.

Comment Letter 3. California Highway Patrol (July 16, 2015)

Comment Letter 3

State of California—Transportation Agency

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

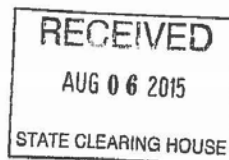
4040 Buck Owens Boulevard
Bakersfield, CA 93308
(661) 864-4444
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)

LATE
8-5-15
E



July 30, 2015

File No.: 420.12586.12904



State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814


To whom it may concern:

3-A

The Bakersfield Area of the California Highway Patrol received a "Notice of Completion" of the environmental document for the State Route (SR) 99/Hosking Avenue Commercial Center Project, State Clearinghouse #2007101067. The proposal concerns a placement of a regional retail commercial center to the east of State Route 99 and north of Hosking Avenue. This area is located entirely within the limits of the City of Bakersfield.

After review, we have determined there will be no impact on operations in the Bakersfield Area and there will be no long term adverse impact on departmental operations.

Sincerely,


P. MEDEIROS, Captain
Commander
Bakersfield Area

cc: Central Division
Special Projects Section

Safety, Service, and Security



An Internationally Accredited Agency

State of California

Transportation Agency

M e m o r a n d u m

Date: July 16, 2015

To: Bakersfield Area (420)

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Special Projects Section

File No.: 063.A04575.A14630.Noc.Doc

Subject: ENVIRONMENTAL DOCUMENT REVIEW AND RESPONSE
SCH# 2007101067

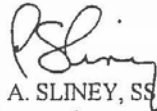
3-B

Special Projects Section (SPS) recently received a "Notice of Completion" environmental document from the State Clearinghouse outlining the information contained in the attached profile.

After a preliminary review, we believe this project will not have a significant impact on statewide departmental operations. However, because of your geographical proximity to the site, you are in a better position to provide a more accurate assessment of any traffic-related matters that may affect your local Area operations. Information and procedures outlined in Highway Patrol Manual 41.1, Transportation Planning Manual, Chapter 6, Environmental Impact Documents, should serve as a guideline when reviewing transportation-related documents.

If you determine departmental input is advisable, please provide your written comments referencing the above SCH number to the State Clearinghouse, 1400 Tenth Street, Room 121, Sacramento, CA 95814. Your comments must be received no later than August 5, 2015. Please forward a copy of your written comments to SPS. If you determine there is "no impact," please notify SPS by electronic mail (e-mail) to the analyst listed below, or by memorandum.

If you have any questions, please call Associate Governmental Program Analyst Leah Mora at (916) 843-3365, or e-mail at lemora@chp.ca.gov.



P. A. SLONEY, SSM III
Commander

Attachment

cc: Central Division
Assistant Commissioner, Field

Safety, Service, and Security



An Internationally Accredited Agency

Print Form Appendix C

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2007101067

Project Title: SR 99/Hosking Commercial Center Project (GPA/ZC 13-0417)
 Lead Agency: City of Bakersfield Contact Person: Cecelia Griego
 Mailing Address: 1715 Chester Avenue Phone: 661-326-3733
 City: Bakersfield, CA Zip: 93301 County: Kern
 Project Location: County: Kern City/Nearest Community: Bakersfield
 Cross Streets: East of SR-99, West of South H Street, South of Berkshire, North of Hosking Zip Code: 93313
 Longitude/Latitude (degrees, minutes and seconds): 35 ° 17 ' 4.08 " N / 119 ° 1 ' 27.54 " W Total Acres: 85
 Assessor's Parcel No: 51502030, 51502007, 51502008, 51 Section: 25 Twp. 30 Range: 27E Base: Mt. Diablo
 Within 2 Miles: State Hwy #: SR 99 Waterways: Kern Island Canal
 Airports: Cortezan Farms Railways: N/A Schools: Granite Pointe ES, Horip

Document Type:
 CEQA: NOP Draft EIR NEPA: NOI Other: Joint Document
 Early Cons Supplemental/Subsequent EIR EA Final Document
 Neg Dec (Prior SCH No.) Draft EIS Other
 Mit Neg Dec Other: STATE CLEARINGHOUSE FONSI

Local Action Type:
 General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other

Development Type:
 Residential: Units _____ Acres _____ Transportation: Type _____
 Office: Sq.ft. _____ Acres _____ Employees _____ Mining: Mineral _____
 Commercial: Sq.ft. 800,000 Acres _____ Employees _____ Power: Type _____ MW
 Industrial: Sq.ft. _____ Acres _____ Employees _____ Waste Treatment: Type _____ MGD
 Educational: _____ Recreational: _____ Hazardous Waste Type _____
 Water Facilities: Type _____ MGD Other: 240 Room Hotel

Project Issues Discussed in Document:
 Aesthetics/Visual Fiscal Recreation/Parks Vegetation
 Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
 Air Quality Forest Land/Fire Hazard Sewer Capacity Water Supply/Groundwater
 Archeological/Historical Geologic/Seismic Wetland/Riparian
 Biological Resources Minerals Soil Erosion/Compaction/Grading Growth Inducement
 Coastal Zone Noise Solid Waste Land Use
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Cumulative Effects
 Economic/Job Public Services/Facilities Traffic/Circulation Other

Present Land Use/Zoning/General Plan Designation:
 LR (Low-Density Residential), LMR (Low-Medium-Density Residential), and HMR (High-Medium-Density Residential)/R-1 (One-Family Residential)
 Project Description: (please use a separate page if necessary)
 The proposed commercial development would consist of approximately 800,000 square feet of leasable retail space, 240 hotel rooms, 4,472 surface parking spaces along with internal drives, and landscaping. The commercial center would contain approximately 18 buildings in one- and two-story structures—including two anchor buildings, a cinema (60,000 square feet), and 11 restaurants (45,000 square feet total). In addition, a hotel spread over two separate facilities with approximately 240 rooms may also be a part of the proposed project. The floor area ratio would be approximately 0.25 and pervious/landscaped areas would make up about 5% of the site.

State Clearinghouse Contact: (916) 445-8613 JH
 State Review Began: 6 - 22 - 2015
 SCH COMPLIANCE 6 - 5 - 2015
 Please note State Clearinghouse Number (SCH#) on all Comments
 SCH#: 2007101067
 Please forward late comments directly to the Lead Agency
 AQMD APCD 11

Project Sent to the following State Agencies

<input checked="" type="checkbox"/> Resources	<input type="checkbox"/> State/Consumer Svcs
<input type="checkbox"/> Boating & Waterways	<input type="checkbox"/> General Services
<input type="checkbox"/> Coastal Comm	<input type="checkbox"/> Cal EPA
<input type="checkbox"/> Colorado Rvr Bd	<input checked="" type="checkbox"/> ARB: ALL Other Projects
<input type="checkbox"/> Conservation	<input type="checkbox"/> ARB: Transportation Projects
<input checked="" type="checkbox"/> CDFW # 4	<input type="checkbox"/> ARB: Major Industrial/Energy
<input type="checkbox"/> Delta Protection Comm	<input type="checkbox"/> SWRCB: Div. of Drinking Water
<input type="checkbox"/> Cal Fire	<input type="checkbox"/> SWRCB: Div. Financial Assist.
<input checked="" type="checkbox"/> Historic Preservation	<input type="checkbox"/> SWRCB: Wtr Quality
<input checked="" type="checkbox"/> Parks & Rec	<input type="checkbox"/> SWRCB: Wtr Rights
<input type="checkbox"/> Central Valley Flood Prot.	<input checked="" type="checkbox"/> Reg. WQCB # 5F
<input type="checkbox"/> Bay Cons & Dev Comm	<input checked="" type="checkbox"/> Toxic: Sub Ctl-CTC
<input checked="" type="checkbox"/> DWR	<input type="checkbox"/> Ytb/Adm Corrections
<input type="checkbox"/> OES	<input type="checkbox"/> Corrections
<input type="checkbox"/> Resources, Recycling and Recovery	
<input type="checkbox"/> CalSTA	<input type="checkbox"/> Independent Comm
<input type="checkbox"/> Aeronautics	<input type="checkbox"/> Energy Commission
<input checked="" type="checkbox"/> CHP	<input checked="" type="checkbox"/> NAHC
<input checked="" type="checkbox"/> Caltrans # 6	<input type="checkbox"/> Public Utilities Comm
<input type="checkbox"/> Trans Planning	<input type="checkbox"/> State Lands Comm
<input type="checkbox"/> Other	<input type="checkbox"/> Tahoe Rgl Plan Agency
<input type="checkbox"/> HCD	
	<input type="checkbox"/> Conservancy

Print Form Appendix C

Notice of Completion & Environmental Document Transmittal
 Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2007101067

Project Title: SR 99/Hosking Commercial Center Project (GPA/ZC 13-0417)
 Lead Agency: City of Bakersfield Contact Person: Cecilia Griepo
 Mailing Address: 1715 Chester Avenue Phone: 681-326-3733
 City: Bakersfield, CA Zip: 93301 County: Kern

Project Location: County: Kern City/Nearest Community: Bakersfield
 Cross Street: East of SR-99, West of South H Street, South of Berkshire, North of Hosking Zip Code: 93313
 Longitude/Latitude (degrees, minutes and seconds): 35 ° 17 ' 4.08 " N / 119 ° 1 ' 27.54 " W Total Acres: 85
 Assessor's Parcel No.: 51502030, 51502007, 51502008, 51502009 Section: 25 Twp: 30 Range: 27E Base: Mt. Diablo
 Within 2 Miles: State Hwy #: SR 99 Waterways: Kern Island Canal
 Airports: Cortisaran Farms Railway: N/A Schools: Granite Pointe ES, Horby

Document Type:
 CEQA: NOP Draft EIR NEPA NOI Other: Joint Document
 Early Cons Supplemental/ Subsequent EIR EA Final Document
 Neg Dec (Prior SCH No.) Draft EIS Other
 Mit Neg Dec Other: STATE GOVERNMENT HOUSE FONSI

Local Action Type:
 General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other

Development Type:
 Residential: Units _____ Acres _____ Employees _____
 Office: Sq. Ft. _____ Acres _____ Employees _____
 Commercial: Sq. Ft. 800,000 Acres _____ Employees _____
 Industrial: Sq. Ft. _____ Acres _____ Employees _____
 Educational _____
 Recreational _____
 Water Facilities: Type _____ MGD _____
 Transportation: Type _____
 Mining: Mineral _____
 Power: Type _____ MW _____
 Waste Treatment: Type _____ MGD _____
 Hazardous Waste: Type _____
 Other: 240 Room Hotel

Project Issues Discussed in Document:
 Aesthetic/Visual Fiscal Recreation/Parks Vegetation
 Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
 Air Quality Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Archaeological/Historical Geologic/Seismic Sewer Capacity Wetland/Riparian
 Biological Resources Minerals Soil Erosion/Compaction/Grading Growth Inducement
 Coastal Zone Noise Solid Waste Land Use
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Cumulative Effects
 Economic/Job Public Services/Facilities Traffic/Circulation Other

Present Land Use/Zoning/General Plan Designation:
 LR (Low-Density Residential), LMR (Low Medium-Density Residential), and HMR (High Medium-Density Residential)/ R-1 (One Unit)
 Project Description: (please use a separate page if necessary)
 The proposed commercial development would consist of approximately 800,000 square feet of leasable retail space, 240 hotel rooms, 4,472 surface parking spaces along with internal drives, and landscaping. The commercial center would contain approximately 18 buildings in one- and two-story structures—including two anchor buildings, a cinema (60,000 square feet), and 11 restaurants (45,000 square feet total). In addition, a hotel spread over two separate facilities with approximately 240 rooms may also be a part of the proposed project. The floor area ratio would be approximately 0.25 and pervious/landscaped areas would make up about 5% of the site.

State Clearinghouse Contact: (916) 445-0613 JH

State Review Began: 6-22-2015

SCH COMPLIANCE 9-5-2015

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: 2007101067

Please forward late comments directly to the Lead Agency

Project Sent to the following State Agencies

<input checked="" type="checkbox"/> Resources	State/Consumer Svcs
<input type="checkbox"/> Boating & Waterways	General Services
<input type="checkbox"/> Coastal Comm	Cal EPA
<input type="checkbox"/> Colorado Rvr Bd	<input checked="" type="checkbox"/> ARB: ALL Other Projects
<input type="checkbox"/> Conservation	<input type="checkbox"/> ARB: Transportation Projects
<input checked="" type="checkbox"/> CDFW # <u>4</u>	<input type="checkbox"/> ARB: Major Industrial/Energy
<input type="checkbox"/> Delta Protection Comm	<input type="checkbox"/> SWRCB: Div. of Drinking Water
<input type="checkbox"/> Cal Fire	<input type="checkbox"/> SWRCB: Div. Financial Assist.
<input checked="" type="checkbox"/> Historic Preservation	<input type="checkbox"/> SWRCB: Wtr Quality
<input checked="" type="checkbox"/> Parks & Rec	<input type="checkbox"/> SWRCB: Wtr Rights
<input type="checkbox"/> Central Valley Flood Prot.	<input checked="" type="checkbox"/> Reg. WQCB # <u>5F</u>
<input type="checkbox"/> Bay Cons & Dev Comm	<input checked="" type="checkbox"/> Toxic Sub Ctl-CTC
<input checked="" type="checkbox"/> DWR	Yth/Adlt Corrections
<input type="checkbox"/> OES	Corrections
<input type="checkbox"/> Resources, Recycling and Recovery	
CalSTA	Independent Comm
<input type="checkbox"/> Aeronautics	Energy Commission
<input checked="" type="checkbox"/> CHP	<input checked="" type="checkbox"/> NAHC
<input checked="" type="checkbox"/> Caltrans # <u>6</u>	Public Utilities Comm
<input type="checkbox"/> Trans Planning	State Lands Comm
Other	Tahoe Rgl Plan Agency
<input checked="" type="checkbox"/> HCD	Conservancy

AQMD/APCD 11

Response to Comment Letter 3. California Highway Patrol (July 16, 2015)

- 3-A. Thank you for your comments. The California Highway Patrol's participation in the public review of this document is appreciated. Comment 3-A notes receipt of the Notice of Completion and summarizes the proposed project, noting the project and location. The commenter states that the project will not have a significant impact on statewide departmental operations. No further response or changes to the Draft EIR are necessary.
- 3-B. The commenter states that from preliminary review, the project will not have a significant impact on statewide departmental operations. However, due to the project proponent's geographical proximity, the commenter requests a review of transportation-related impacts and suggests the Highway Patrol Manual 41.1 Transportation Planning Manual, Chapter 6, Environmental Impact Documents, as a guideline for such review.

This request is addressed with Section 4.12, *Transportation and Traffic*, of the Draft EIR. The analysis concludes that implementation of Mitigation Measures MM TR-1 through MM TR-3 would reduce impacts to less-than-significant levels for their respective locations, with the exception of one unsignalized intersection, seven signalized intersections, and one roadway segment.

The comments have been noted for the record and will be provided to the City of Bakersfield for consideration. The Lead Agency thanks the commenter for taking the time to comment on the EIR and to provide expertise, guidance, and recommendations regarding transportation and traffic.

Comment Letter 4. California Department of Transportation, District 6 (July 30, 2015)

Comment Letter 4

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) 488-4325
 FAX (559) 445-5875
 TTY 711
 www.dot.ca.gov

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 JUL 24 2015
 CITY OF BAKERSFIELD
 PLANNING DEPARTMENT



*Serious drought.
 Help save water!*

July 21, 2015

2135-IGR/CEQA
 06-KER-99-19.511
 NOP DEIR
 SR 99/Hosking Commercial Center Project
 GPA/ZC No. 13-0417

Ms. Cecelia Griego, Associate Planner II
 Community Development Department
 Planning Division
 1715 Chester Avenue
 Bakersfield, CA 93301

Dear Ms. Griego:

Thank you for the opportunity to review a Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the State Route (SR) 99 – Hosking Avenue Commercial Center Project. The proposal includes a General Plan Amendment (GPA) from various residential designations to the General Commercial (GC) designation, and a Zone Change (ZC) from the One Family Dwelling (R-1) zone classification to the Regional Commercial/Planned Commercial Development (C-2/PCD) classification. The proposed commercial center would consist of approximately 800,000 square feet of leasable retail space and 240 hotel rooms to be constructed over two phases. The project site is located on the east side of SR 99 between Hosking Avenue and Berkshire Road in the City of Bakersfield.

4-A | The comments in Caltrans' previous letter of December 4, 2014 (copy enclosed), continue to be valid, *with the exception of the first bullet point requesting a traffic impact study (TIS)*. In addition, Caltrans has the following comments:

4-B | • Table 3 of the TIS assumes that 33% of the project trips are from the northern direction. This assumption appears low considering 90% of the Bakersfield metropolitan area is located to the north.

4-C | • Queuing analyses are required for state highway and adjacent intersections with potential impacts. Those intersections include but are not limited to Intersections 3-5, 20-23, 43, 46, 55-61, 64, and 74. Mitigation measures should be provided for all deficiencies found as a result of this project.

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

Ms. Cecelia Griego
July 21, 2015
Page 2

- 4-D
- As a clarification to the final bullet point of the December 4, 2014 letter, please be advised that for the City of Bakersfield, mitigation is required if the addition of project traffic creates an additional intersection delay of more than 5 seconds per vehicle. However, for state facilities, the project's proportional share responsibility for the cost of mitigation improvements should be calculated for any project trips added to state highway intersections identified in the study. Please refer to page 68 of the TIS for additional information.

If you have any questions regarding the above comments, please contact Alec Kimmel at (559) 488-4325.

Sincerely,



for: Sandra Scherr, Senior Transportation Planner
Planning South Branch

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to enhance California's economy and livability"*

DEPARTMENT OF TRANSPORTATION

1352 WEST OLIVE AVENUE
 P.O. BOX 12616
 FRESNO, CA 93778-2616
 PHONE (559) 488-4325
 FAX (559) 445-5875
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 www.dot.ca.gov



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 Help save water!*

RECEIVED
 JUL 24 2015

CITY OF BAKERSFIELD
 PLANNING DEPARTMENT

December 4, 2014

2135-IGR/CEQA
 06-KER 99-19.511
 NOP DEIR
 SR 99/Hosking Commercial Center Project
 GPA/ZC 13-0417

SR 99/Hosking Commercial Center Project

Ms. Cecelia Griego, Associate Planner II
 Community Development Department
 Planning Division
 1715 Chester Avenue
 Bakersfield, CA 93301

Dear Ms. Griego:

Thank you for the opportunity to review a Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the State Route (SR) 99 – Hosking Avenue Commercial Center Project. The proposal includes a General Plan Amendment (GPA) from various residential designations to the General Commercial (GC) designation, and a Zone Change (ZC) from the One Family Dwelling (R-1) zone classification to the Regional Commercial/Planned Commercial Development (C-2/PCD) classification. The proposed commercial center would consist of approximately 800,000 square feet of leasable retail space and 240 hotel rooms to be constructed over two phases. The project site is located on the east side of SR 99 between Hosking Avenue and Berkshire Road in the City of Bakersfield.

Based on the information provided, Caltrans has the following comments:

4-A

- Based on the information as submitted in the Notice of Preparation, this project could have significant impacts to the SR 99/Panama Lane Interchange. A Traffic Impact Study (TIS) is needed to assess the project-related impacts to the State Highway system and appropriate mitigation measures. Please have the preparer of the traffic study reference the Caltrans Guide for the Preparation of Traffic Impact Studies, dated December 2002, and send the scope of the TIS to Caltrans before the traffic study is conducted. The Caltrans Guide, while advisory, contains Best Practices and gives insight into Caltrans' expectations when reviewing a traffic study. If the traffic consultant has any issues or concerns regarding the use of the Guide or its interpretation, please contact us so resolution can be reached.
- Please be advised that Caltrans currently has two projects under construction along SR 99 in the vicinity of the proposed project. Caltrans is currently constructing interchange improvements within a mile north and south of the SR 99 / Hosking Road Interchange. Caltrans is also widening the off-ramps at the Panama Lane overcrossing in addition to providing an auxiliary lane along SR 99 in the vicinity of the overcrossing. These projects may affect, or be affected by the proposed project.

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 to enhance California's economy and livability"*

Ms. Cecelia Griego
 December 4, 2014
 Page 2

4-A

- The project site is adjacent to access control right of way. Access from the State right of way is prohibited. Access to the site from a local street or road is required.
- The right of way fence shall remain unmodified and undisturbed. An encroachment permit is required to repair the fence if damaged or modified. The fence shall be repaired in accordance with State standards.
- An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications, at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English Units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations." Encroachment permits do not run with the land. A change of ownership requires a new permit application. Only the legal property owner or his/her authorized agent can pursue obtaining an encroachment permit. Please call the Caltrans Encroachment Permit Office - District 6: 1352 W. Olive, Fresno, CA 93778, at (559) 488-4058.
- The highway drainage shall not be modified. Site runoff is not allowed into the State right of way without approval from the Department.
- Any future improvements should account for future utility placements whether underground or above ground.
- Any work within the existing or proposed State right of way shall comply with State Standard Plans, Specifications and Special Provisions.
- Work within State Highway right-of-way shall be conducted in compliance with all applicable requirements of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Department of Transportation (Department), to govern the discharge of storm water and non-storm water from its properties. Compliance with the Departments NPDES permit requires amongst other things, the preparation and submission of a Storm Water Pollution Protection Plan (SWPPP), or a Water Pollution Control Program (WPCP), and the approval of same by the appropriate reviewing authority prior to the issuance of an encroachment permit.
- If right of way is dedicated to the State because of the project or the work proposed in the State right of way, it will need to be dedicated and conveyed to the State (in a form approved by the State) before an encroachment permit is issued for any work in the State right of way.

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 to enhance California's economy and livability"*

Ms. Cecelia Griego
December 4, 2014
Page 3

4-A

- No advertising signs are allowed in or over the State right of way. A sign permit may be required for advertising signs adjacent to and visible from the State highway right of way.
- Landscape and irrigation should be kept outside of the State right of way. If not, a landscape and maintenance agreement is required between the Department and the local jurisdiction for the landscape and irrigation proposed before an encroachment permit is issued.
- Caltrans recommends that the project proponent contribute toward the City of Bakersfield Metropolitan Transportation Impact Fee Program to provide a funding source for future improvements to State facilities.

If you have any questions, please contact me at (559) 488-4325.

Sincerely,



ALEC KIMMEL, Transportation Planner
Planning South Branch

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

Response to Comment Letter 4. California Department of Transportation, District 6 (July 30, 2015)

- 4-A. Thank you for your comment. The participation of the California Department of Transportation (Caltrans), District 6 in the public review of this document is appreciated. Caltrans indicated that the comments provided in its previous letter from December 4, 2014, continue to be valid, with the exception of the first bullet requesting a traffic impact study.

Commenter references a letter sent to the City related to the Notice of Preparation of the EIR. The letter indicates that the applicant should prepare a traffic impact study referencing the Caltrans Guide for the Preparation of Traffic Impact Studies; advises on two current Caltrans projects along SR99; notes that the project site is adjacent to an access control right of way; notes that an encroachment permit is required for activities that would occur with the State right-of-way and provides specific guidance on development within the right of way; and recommends that the project contribute to the City of Bakersfield Metropolitan Transportation Impact Fee Program.

The City appreciates Caltrans comments provided during the EIR scoping period. Caltrans comments were reviewed and considered during the preparation of the EIR. Please see the Traffic Study (Attachment 1) and related Section 4.12, *Transportation*, of the EIR. In addition, responses and revisions are provided in the Final EIR based on comments received from Caltrans in the July 21, 2015 letter that addressed specific comments related to the analysis presented in the Draft EIR.

The City appreciates Caltrans interest in the project and your agencies expertise in transportation planning and related issues. These comments and the corresponding responses will be provided to the City of Bakersfield for consideration.

- 4-B. Table 3 shows general assumptions for the distribution percentages. While 33% is listed for northern trips, a number of the east and west trips may be considered north of the project, but generally also traveled east or west. Additionally, the trip distribution was based on a select link analysis by the Kern Council of Governments' model and therefore includes a future year build in which the prevailing direction of development is to the south. The Kern Council of Governments is the regional transportation agency for the project area; hence, Kern Council of Governments maintains the transportation model for the City of Bakersfield and surrounding area.
- 4-C. Queuing analysis was prepared for the state intersections, and intersections adjacent to state facilities, which a queue could affect. The results are shown in the table below). It was determined that there are no project impacts that are not mitigated through improvements listed in Table 8 of the Traffic Study. Additionally, there are no queue lengths on the ramps that would affect through traffic on SR 99.

- 4-D. Pursuant to the project's Traffic Engineer's (Mr. Ian J. Parks) phone call with Caltrans (Mr. Alec Kimmel) on August 26, 2015, and subsequent correspondence, the comment is a general clarification of Caltrans' understanding of the City of Bakersfield's 5-second rule, and its application. Table 8 of the Traffic Study shows percent share calculations for facilities that are not included in the facilities list in the Regional Transportation Impact Fee (RTIF) Program. It was confirmed with Caltrans that facilities included in the RTIF Program do not need a fair share calculation due to the developer paying into the RTIF Program.

Queue Length Table (95th Percentile) For Proposed Commercial Land Development at South H Street and Hosking Avenue

		3				4				5				21				22				23				44				45			
		White Ln & Wible Rd				White Ln & SB 99 Off Ramp				White Ln & NB 99 Off Ramp				Panama Ln & SB 99 Off Ramp				Panama Ln & NB 99 Off Ramp				Panama Ln & Colony St				Hosking Ave & SB SR 99 Off Ramp				Hosking Ave & NB SR 99 Off Ramp			
		Storage	AM	PM	SAT	Storage	AM	PM	SAT	Storage	AM	PM	SAT	Storage	AM	PM	SAT	Storage	AM	PM	SAT	Storage	AM	PM	SAT	Storage	AM	PM	SAT	Storage	AM	PM	SAT
2014	EBL	204	68	98	70	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	292	43	108	93	-	-	-	-	-	-	-	-	
	EBR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	119	0	34	4	-	-	-	-	-	-	-	
	WBL	187	129	220	116	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	143	14	19	45	-	-	-	-	-	-	-	
	WBR	175	14	32	17	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	135	0	13	17	-	-	-	-	-	-	-	
	NBL	178	50	132	69	-	-	-	-	900	173	163	128	-	-	-	-	900	258	234	192	-	164	87	135	-	-	-	-	-	-	-	
	NBR	102	84	39	66	-	-	-	-	900	79	122	148	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	SBR	238	33	61	33	-	317	510	203	-	-	-	-	1000	159	270	227	-	-	-	-	121	36	24	104	-	-	-	-	-	-	-	
2017	EBL	204	79	117	84	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	292	81	120	110	-	-	-	-	-	-	-	-	
	EBR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	119	35	11	26	-	-	-	-	-	-	-	
	WBL	187	149	243	136	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	143	16	24	56	-	-	-	-	-	-	-	
	WBR	175	10	55	29	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	135	4	15	18	-	-	-	-	-	-	-	
	NBL	178	50	151	55	-	-	-	-	900	218	201	155	-	-	-	-	900	316	288	246	-	192	98	152	-	-	-	-	-	-	-	
	NBR	102	91	51	32	-	-	-	-	900	91	148	196	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	SBR	238	37	70	43	-	95	189	144	-	-	-	-	1000	184	330	273	-	-	-	-	121	58	26	114	-	-	-	-	-	-	-	
2017+ Project	EBL	204	76	118	86	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	292	67	125	125	-	-	-	-	-	-	-	-	
	EBR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	119	169	54	60	-	-	-	-	-	-	-	
	WBL	187	144	246	137	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	143	18	28	47	-	-	-	-	-	-	-	
	WBR	175	9	57	24	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	135	6	27	5	-	-	-	-	-	-	-	
	NBL	178	59	143	73	-	-	-	-	900	216	216	176	-	-	-	-	900	311	293	253	-	202	118	188	-	-	-	-	151	148	153	
	NBR	102	114	41	89	-	-	-	-	900	93	158	203	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	195	193	196	
	SBR	238	36	71	38	-	373	593	248	-	-	-	-	1000	125	402	305	-	-	-	-	125	48	50	69	-	200	197	201	-	-	-	
2017+ Project With Mitigation	EBL	204	64	107	61	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	292	77	108	111	-	-	-	-	-	-	-	-	
	EBR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	119	51	18	38	-	-	-	-	-	-	-	
	WBL	187	130	233	123	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	143	17	19	66	-	-	-	-	-	-	-	
	WBR	175	7	39	17	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	135	23	4	24	-	-	-	-	-	-	-	
	NBL	178	41	142	61	-	-	-	-	900	149	91	118	-	-	-	-	900	137	261	141	-	180	111	152	-	-	-	-	-	-	-	
	NBR	102	91	46	86	-	-	-	-	900	74	69	142	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	SBR	238	29	63	31	-	70	176	90	-	-	-	-	1000	78	329	160	-	-	-	-	121	35	24	85	-	-	-	-	-	-	-	
2020	EBL	204	73	118	81	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	292	73	113	95	-	-	-	-	-	-	-	-	
	EBR	-	-	-	50	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	119	92	20	15	-	-	-	-	-	-	-	
	WBL	187	131	244	130	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	143	15	24	38	-	-	-	-	-	-	-	
	WBR	175	7	63	39	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	135	44	25	13	-	-	-	-	-	-	-	
	NBL	178	47	146	67	-	-	-	-	900	210	207	151	-	-	-	-	900	290	294	258	-	176	100	142	-	-	-	-	-	-	-	
	NBR	102	73	50	102	-	-	-	-	900	112	151	201	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	SBR	238	35	64	38	-	90	188	129	-	-	-	-	1000	158	363	269	-	-	-	-	121	59	24	108	-	-	-	-	-	-	-	

Queue Length Table (95th Percentile) For Proposed Commercial Land Development at South H Street and Hosking Avenue

		3				4				5				21				22				23				44				45					
		White Ln & Wible Rd				White Ln & SB 99 Off Ramp				White Ln & NB 99 Off Ramp				Panama Ln & SB 99 Off Ramp				Panama Ln & NB 99 Off Ramp				Panama Ln & Colony St				Hosking Ave & SB SR 99 Off Ramp				Hosking Ave & NB SR 99 Off Ramp					
		Storage	AM	PM	SAT	Storage	AM	PM	SAT	Storage	AM	PM	SAT	Storage	AM	PM	SAT	Storage	AM	PM	SAT	Storage	AM	PM	SAT	Storage	AM	PM	SAT	Storage	AM	PM	SAT	Storage	AM
2020 + Project	EBL	204	68	130	81	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	292	44	129	90	-	-	-	-	-	-	-	-		
	EBR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	119	1	20	14	-	-	-	-	-	-	-	-		
	WBL	187	126	254	139	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	143	13	29	46	-	-	-	-	-	-	-	-		
	WBR	175	13	55	21	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	135	2	16	7	-	-	-	-	-	-	-	-		
	NBL	178	49	153	62	-	-	-	-	900	174	250	175	-	-	-	-	900	258	340	287	-	191	146	177	-	-	-	-	-	-	-	-		
	NBR	102	71	60	89	-	-	-	-	900	85	178	208	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
	SBL	188	110	129	149	-	87	207	128	-	-	-	-	1000	160	455	310	-	-	-	-	121	35	27	110	-	0	0	-	-	-	-	-		
SBR	238	33	75	38	-	313	628	228	-	-	-	-	1000	104	507	332	-	-	-	-	125	38	52	68	-	219	215	-	-	-	-	-			
2020 + Project With Mitigation	EBL	204	68	115	77	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	292	78	103	94	-	-	-	-	-	-	-	-		
	EBR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	119	145	55	17	-	-	-	-	-	-	-	-		
	WBL	187	134	237	132	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	143	27	25	114	-	-	-	-	-	-	-	-		
	WBR	175	13	56	21	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	135	67	17	28	-	-	-	-	-	-	-	-		
	NBL	178	37	151	79	-	-	-	-	900	208	220	178	-	-	-	-	900	281	301	267	-	206	130	175	-	-	-	-	-	-	-	-		
	NBR	102	70	34	63	-	-	-	-	900	68	158	185	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
	SBL	188	176	121	225	-	85	184	125	-	-	-	-	1000	168	398	266	-	-	-	-	121	50	24	98	-	-	-	-	-	-	-	-		
SBR	238	39	63	41	-	336	568	230	-	-	-	-	1000	174	475	286	-	-	-	-	125	48	47	61	-	-	-	-	-	-	-	-			
2035	EBL	204	117	198	157	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	292	88	54	95	-	-	-	-	-	-	-	-		
	EBR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	119	17	14	1	-	-	-	-	-	-	-	-		
	WBL	187	189	258	276	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	143	18	34	69	-	-	-	-	-	-	-	-		
	WBR	175	20	37	81	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	135	77	14	5	-	-	-	-	-	-	-	-		
	NBL	178	68	241	115	-	-	-	-	900	471	496	290	-	-	-	-	900	580	844	1087	-	272	155	216	-	-	-	-	-	161	35	-		
	NBR	102	202	76	106	-	-	-	-	900	288	277	448	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	98	12	-		
	SBL	188	219	190	288	-	144	257	214	-	-	-	-	1000	245	955	841	-	-	-	-	121	151	26	158	-	140	197	-	-	-	-	-		
SBR	238	47	108	56	-	490	729	395	-	-	-	-	1000	230	993	990	-	-	-	-	125	250	51	129	-	368	21	-	-	-	-	-			
2035 + Project	EBL	204	91	198	169	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	292	106	53	67	-	-	-	-	-	-	-	-		
	EBR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	119	71	19	1	-	-	-	-	-	-	-	-		
	WBL	187	158	255	257	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	143	19	34	71	-	-	-	-	-	-	-	-		
	WBR	175	12	37	61	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	135	8	13	8	-	-	-	-	-	-	-	-		
	NBL	178	87	241	101	-	-	-	-	900	344	529	289	-	-	-	-	900	595	830	1018	-	324	185	264	-	-	-	-	-	201	46	158		
	NBR	102	216	76	43	-	-	-	-	900	214	291	413	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	169	34	199		
	SBL	188	200	193	275	-	113	257	195	-	-	-	-	1000	251	941	859	-	-	-	-	121	156	25	168	-	170	235	259	-	-	-	-		
SBR	238	43	108	52	-	432	730	363	-	-	-	-	1000	240	978	937	-	-	-	-	125	285	50	114	-	371	25	24	-	-	-	-			
2035 + Project with Mitigation	EBL	204	96	206	144	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	292	66	54	141	-	-	-	-	-	-	-	-		
	EBR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	119	9	0	85	-	-	-	-	-	-	-	-		
	WBL	187	163	239	201	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	143	15	28	123	-	-	-	-	-	-	-	-		
	WBR	175	13	19	39	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	135	1	13	55	-	-	-	-	-	-	-	-		
	NBL	178	87	209	147	-	-	-	-	900	208	607	157	-	-	-	-	900	558	816	905	-	231	262	213	-	-	-	-	-	174	67	67		
	NBR	102	72	95	153	-	-	-	-	900	132	375	210	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	182	98	98		
	SBL	188	206	179	280	-	123	257	150	-	-	-	-	1000	203	918	698	-	-	-	-	121	128	24	137	-	124	270	241	-	-	-	-		
SBR	238	46	130	48	-	457	728	283	-	-	-	-	1000	202	956	780	-	-	-	-	125	318	49	132	-	291	90	80	-	-	-	-			

Queue Length Table (95th Percentile) For Proposed Commercial Land Development at South H Street and Hosking Avenue

		55				56				57				58				59				60				64			
		Taft Hwy (SR 119) & Stine Rd				Taft Hwy (SR 119) & Akers Rd				Taft Hwy (SR 119) & Wible Rd				Taft Hwy (SR 119) & Hughes Ln				Taft Hwy (SR 119) & SB 99 Off-Ramp				Taft Hwy (SR 119) & S H St				NB 99 Off Ramp & S H St			
		Storage	AM	PM	SAT	Storage	AM	PM	SAT	Storage	AM	PM	SAT	Storage	AM	PM	SAT	Storage	AM	PM	SAT	Storage	AM	PM	SAT	Storage	AM	PM	SAT
2014	EBL	185				-				126	49	115	75	-							100	92	190	83	1000	4	17	9	
	EBR	90				-				35				-				241	0	5	28	-			1000				
	WBL	209	1	14	6	-	2	5		120	19	9	30	-				152	65	105	174	136	6						
	WBR	100				-				152	11	21	40	-				-	4	4		136	15	15	19	-			
	NBL	-	18	30	21	-	3	114	1	-				-		3	1	-	35	53	36	87	88	128	85	-			
	NBR	-				-				-				-				56	46	56	57	87	10	26	15	-			
	SBL	-				-				-				-				1400	166	227	212	152	32	87	45	-			
	SBR	-				-				-				-				1400	41	337	38	78	57	63	45	-			
2017	EBL	185	37	93	75	-	14	5	19	126	58	167	71	-	2	18	10	-			100	131	237	60	1000	5	19	11	
	EBR	90				-				35				-				241	1	8	2	-			93	1000			
	WBL	209	30	95	13	-	16	5	1	120	27	10	35	-				152	80	138	200	136	3	44	-				
	WBR	100				-				152	18	41	32	-				-	5	6		136	8	25	17	-			
	NBL	-				-				-				-		9		-	44	63	45	87	104	140	4	-			
	NBR	-				-				-				-	59			56	50	61	61	87	15	28	100	-			
	SBL	-				-		189	179	-				-	56		107	1400	194	259	234	152	51	106	18	-			
	SBR	-				-				-				-				1400	46	498	40	78	64	38	59	-			
2017+ Project	EBL	185	38	98	67	-	14	5	24	126	59	135	74	-	2	19	11	-			100	166	262	117	1000	5	20	12	
	EBR	90				-				35				-				241	1	26	4	-			1000				
	WBL	209	31	85	17	-	16	5	2	120	28	12	42	-	0	0	0	152	79	150	226	136	6	49	18	-			
	WBR	100				-				152	20	26	0	-				-	4	5		136	22	36	6	-			
	NBL	-				-				-				-	62		10	-	45	63	44	87	106	143	101	-			
	NBR	-				-				-				-				56	51	61	61	87	18	28	17	-			
	SBL	-				-		201		-				-	61		146	1400	196	259	250	152	48	127	79	-			
	SBR	-				-				-				-				1400	46	521	43	78	66	49	57	-			
2017+ Project With Mitigation	EBL	185	46	82	88	-	153	61	183	126	26	102	36	-	12	79	38	-			100	105	145	125	1000	5	20	12	
	EBR	90				-	15	17	5	35				-	1	1	1	241	1	46	4	-			1000				
	WBL	209	7	60	6	-	140	22	11	120	14	7	10	-	4	2	5	152	33	81	201	136	1	33	16	-			
	WBR	100				-	1	0	0	152	0	0	0	-	16	7	15	-	0	2		136	0	26	0	-			
	NBL	-				-	15	180	88	-				-	27	8	31	-	28	35	33	87	72	166	73	-			
	NBR	-				-	32	46	12	-				-	35	6	8	56	37	39	49	87	13	20	14	-			
	SBL	-				-	49	50	66	-				-	46	132	84	1400	197	282	200	152	32	93	57	-			
	SBR	-				-	42	24	26	-				-	29	20	19	1400	48	379	32	78	47	30	46	-			
2020	EBL	185	36	90	117	-	18	6	133	126	68	149	79	-	13	21	35	-			100	141	212	119	1000	93	22	143	
	EBR	90				-				35				-				241	0	8	1	-			1000				
	WBL	209	30	82	25	-	19	6	20	120	19	9	42	-	26		7	152	85	151	262	136	6	42	31	-			
	WBR	100				-				152	10	26	24	-				-	2	4		136	22	23	24	-			
	NBL	-				-				-				-				-	49	60	51	87	108	132	107	-			
	NBR	-				-				-				-				56	50	59	59	87	19	27	19	-			
	SBL	-				-				-				-				1400	236	248	239	152	52	104	69	-			
	SBR	-				-				-				-				1400	63	549	40	78	64	37	49	-			

Queue Length Table (95th Percentile) For Proposed Commercial Land Development at South H Street and Hosking Avenue

		55				56				57				58				59				60				64			
		Taft Hwy (SR 119) & Stine Rd				Taft Hwy (SR 119) & Akers Rd				Taft Hwy (SR 119) & Wible Rd				Taft Hwy (SR 119) & Hughes Ln				Taft Hwy (SR 119) & SB 99 Off-Ramp				Taft Hwy (SR 119) & S H St				NB 99 Off Ramp & S H St			
		Storage	AM	PM	SAT	Storage	AM	PM	SAT	Storage	AM	PM	SAT	Storage	AM	PM	SAT	Storage	AM	PM	SAT	Storage	AM	PM	SAT	Storage	AM	PM	SAT
2020 + Project	EBL	185	22	102	45	-	18	6	24	126	45	163	68	-	3	22	13	-	-	-	-	100	114	240	131	1000	7	24	17
	EBR	90				-				35				-				241	0	6	5	-				1000			
	WBL	209	2	101	21	-	19	6	2	120	19	12	37	-	1	0	0	152	64	152	276	136	3	42	15	-			
	WBR	100				-				152	14	25	1	-				-	4	0		136	8	30	17	-			
	NBL	-				-	-	-	-	-				-	134	-	17	-	35	60	50	87	88	137	102	-			
	NBR	-				-	-	-	-	-				-				56	46	59	58	87	10	27	19	-			
	SBL	-				-	-	-	-	-				-	110	-	307	1400	166	283	262	152	37	134	97	-			
SBR	-				-	-	-	-	-				-				1400	40	582	40	78	58	52	60	-				
2020 + Project With Mitigation	EBL	185	60	91	161	-	217	51	225	126	52		79	-	36	140	119	-	-	-	-	100	150	232	178	1000	7	24	17
	EBR	90				-	37	15	19	35				-	17	8	8	241	19	44	25	-				1000			
	WBL	209	19	66	30	-	165	33	34	120	36		47	-	18	11	13	152	73	152	389	136	1	34	12	-			
	WBR	100				-	31	7	34	152	23		42	-	47	24	27	-	1	0		136	1	5	0	-			
	NBL	-				-	21	151	97	-				-	36	11	36	-	49	60	50	87	103	137	100	-			
	NBR	-				-	43	61	19	-				-	39	11	13	56	50	59	58	87	19	27	19	-			
	SBL	-				-	55	73	95	-				-	58	164	107	1400	187	283	245	152	55	134	95	-			
SBR	-				-	48	38	46	-				-	29	25	22	1400	65	582	39	78	66	52	60	-				
2035	EBL	185	169	168	413	-	118	11		126	506	227	252	-	13	43		-	-	-	-	100	296	229	112	1000	93	52	
	EBR	90				-				35				-				241	53	21	80	-				1000			
	WBL	209	55	58	247	-	49	9		120	127	8	185	-	26			152	178	193	711	136	5	69	33	-			
	WBR	100				-				152	100	21	113	-				-	1	6		136	90	33	32	-			
	NBL	-				-	-	-		-				-	-	-		-	221	81	234	87	336	201	314	-			
	NBR	-				-	-	-		-				-	-	-		56	101	83	80	87	39	33	46	-			
	SBL	-				-	-	-		-				-	-	-		1400	515	325	613	152	388	211	413	-			
SBR	-				-	-	-		-				-	-	-		1400	531	1086	68	78	302	46	97	-				
2035 + Project	EBL	185	174	180	235	-	120	11	144	126	502	229	219	-	13	46	38	-	-	-	-	100	317	269	149	1000	98	56	165
	EBR	90				-				35				-				241	54	70	80	-				1000			
	WBL	209	58	57	234	-	50	10	22	120	133	34	180	-	27	0	7	152	178	202	714	136	5	75	77	-			
	WBR	100				-				152	98	83	100	-				-	1	8		136	89	41	205	-			
	NBL	-				-	-	-	-	-				-	-	-	-	-	221	87	234	87	347	230	303	-			
	NBR	-				-	-	-	-	-				-	-	-	-	56	103	99	80	87	39	35	46	-			
	SBL	-				-	-	-	-	-				-	-	-	-	1400	515	341	624	152	402	267	449	-			
SBR	-				-	-	-	-	-				-	-	-	-	1400	533	1197	108	78	321	60	123	-				
2035 + Project with Mitigation	EBL	185	48	62	105	-	137	23	103	126	167	78	84	-	65	184	308	-	-	-	-	100	143	160	95	1000	48	61	77
	EBR	90	9	14	10	-	23	2	5	35	21	0	2	-	47	13	4	241	1	12	11	-	1	10	2	1000	2	10	9
	WBL	209	9	35	26	-	111	42	48	120	44	8	43	-	133	6	156	152	97	61	268	136	1	26	18	-			
	WBR	100	38	11	0	-	38	1	2	152	52	0	0	-	114	10	53	-	1	1		136	3	53	247	-			
	NBL	-	137	14	128	-	12	101	58	-	17	19	28	-	61	18	52	-	165	85	167	87	72	90	88	-			
	NBR	-	30	24	53	-	58	76	48	-	30	30	28	-	62	13	33	56	63	66	66	87	39	35	39	-			
	SBL	-	80	41	87	-	38	44	55	-	170	101	92	-	84	222	177	1400	370	324	436	152	107	89	120	-			
SBR	-	110	60	118	-	70	39	41	-	41	41	17	-	48	26	26	1400	146	336	26	78	79	58	72	-				

Comment Letter 5. Kern County Public Works Department (August 12, 2015)

Comment Letter 5

**KERN COUNTY
PUBLIC WORKS DEPARTMENT
CRAIG M. POPE, P.E., DIRECTOR**



**2700 "M" STREET
BAKERSFIELD, CA 93301-2370**

ADMINISTRATION & ACCOUNTING
OPERATIONS & MAINTENANCE
BUILDING & DEVELOPMENT
ENGINEERING

Phone: (661) 862-8850
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Toll Free: (800) 552-5376 Option 5
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August 12, 2015

Ref: 8-4.2 TIS GPA/ZC No. 13-0417
SR 99/Hosking Commercial Center Project

Ms. Cecelia Griego, Associate Planner II
City of Bakersfield
Community Development Department
1715 Chester Avenue
Bakersfield, CA 93301-5210

Subject: Notice of Availability of a Draft Environmental Impact Report (DEIR)

Dear: Ms. Griego,

- 5-A [This Department has reviewed section 4.12 Transportation and Traffic for the subject project and the traffic study by Ruettggers & Schuler Civil Engineers (dated March 2015). We concur with mitigation measures, MM TR-1, MM TR-2 and MM TR-3 but have the following comments:
- 5-B [1. The traffic study does not reference any traffic counts taken and there is no traffic count data in the appendix. Please explain.
- 5-C [2. Page 14, Table 2a: Phase I Project Trip Generation; Saturday Peak Hour Trips for Hotel is not complete. Please revise.
- 5-D [3. Page 14 and 15, Table 2a and Table 2b: Phase (I & II) Project Trip Generation; pass-by is unclear. Paragraph 2 states a pass-by rate was applied to the entire project. Yet the numbers shown in the AM and PM Peak only apply to the Hotel and Bass Pro Shop, except on Saturday Peak Hour, all three projects are included. Please reevaluate. This data is also transferred to page 4.12-19 of the DEIR.
- 5-E [4. Page 14 and 15, Table 2a and Table 2b: Phase (I & II) Project Trip Generation; please check footnotes. Revise accordingly. This data also transferred to page 4.12-19 of the DEIR.
- 5-F [5. Page 66, the fair share equation shows the baseline of 2010 traffic being subtracted from future plus project. If this is the case, the baseline is outdated and needs to be updated to current conditions. Please explain.
- 5-G [6. Please submit a Final signed and stamped traffic study by Ruettggers & Schuler Civil Engineers.

Thank you for the opportunity to comment on this DEIR. Please submit the final EIR once complete to this Department. If you have any questions on the comments above, please contact me at (661) 862-8869.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul Candelaria".

Paul Candelaria
Engineer

Response to Comment Letter 5. Kern County Public Works Department (August 12, 2015)

- 5-A. Thank you for your comment. The participation of the Kern County Public Works Department in the public review of this document is appreciated. The Lead Agency acknowledges that the commenter reviewed DEIR Section 4.12, *Transportation and Traffic*, and the Traffic Study for the proposed project and concurs with Mitigation Measures MM TR-1, MM TR-2, and MM TR-3; and that the commenter provided further Comments 5-B through 5-G.
- 5-B. The referenced traffic counts describing the time frame of activity are referenced on page 16, second paragraph, of the Traffic Study, which was reviewed by the commenter per Comment 5-A. The reference traffic count data has been added to the appendix of the Traffic Study; which has been attached to this document as Attachment 1.
- 5-C. The Phase I Trip Generation table has been revised for the Saturday peak hour Hotel trips. (See Attachment 1)
- 5-D. The pass-by rate has been corrected to apply to all land use types for the tables listed. The result was a reduction in trips. (See Attachment 1)
- 5-E. Footnote 2 for Table 2a and Table 2b has been corrected to read, “Applied to entire project.” (See Attachment 1)
- 5-F. The percent share calculation was applied correctly in the mitigation table and there were no changes made to the fair share percentages. The equation in the report text on page 66 has been corrected to read “Existing Traffic” instead of “2010.” (See Attachment 1)
- 5-G. A finalized and signed report is included as part of this response letter. The revised Traffic Study is provided in its entirety as a revised appendix to this Final EIR. (See Attachment 1)

The comments have been noted for the record and will be provided to the City of Bakersfield for consideration. The Lead Agency thanks the commenter for taking the time to comment on the EIR and to provide expertise, guidance, and recommendations regarding transportation and traffic.

Comment Letter 6. San Joaquin Valley Air Pollution Control District (August 10, 2015)

Comment Letter 6



August 10, 2015

Cecelia Griego
 City of Bakersfield
 Community Development Department
 1715 Chester Avenue
 Bakersfield, CA 93301

Project: Draft Environmental Impact Report “SR 99/Hosking Commercial Center Project” (GPA/ZC 13-0417)

District CEQA Reference No: 20150558

Dear Ms. Griego:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (Draft EIR) “*SR 99/Hosking Commercial Center Project*” (GPA/ZC 13-0417). The Draft EIR, prepared by the City of Bakersfield (City), evaluates the impacts of a new commercial development consisting of approximately 800,000 square feet of leasable retail space, 240 hotel rooms, and 4,472 surface parking spaces along with internal drives and landscaping.

The District offers the following comments:

1. District Attainment Plans

The Draft EIR should be revised to include a discussion of all adopted District attainment plans.

6-A

On Page 4.2-14, the Draft EIR discusses the following District attainment plans: *2007 Ozone Plan, 2007 PM10 Plan, and 2008 PM2.5 Plan*. In addition to the plans discussed in the Draft EIR, the District has adopted the following attainment plans: *2012 PM2.5 Plan, 2013 Plan for the Revoked 1-hour Zone Standard, and 2015 Plan for the 1997 PM2.5 Standard*. The District recommends that the Draft EIR be revised to include a discussion of the adopted District attainment plans not discussed in the Draft EIR.

Sayed Sadredin
 Executive Director/Air Pollution Control Officer

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

Central Region (Main Office)
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 Bakersfield, CA 93308-9725
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2. Voluntary Emission Reduction Agreement (VERA)

The District recommends that Mitigation Measure MM AQ-1(c) be revised based on the following comments:

Mitigation Measure MM AQ-1(c) requires a VERA to reduce project related construction and operation ROG, NO_x, and PM₁₀ emissions to below the District's threshold of significance. The District recommends that this mitigation measure be revised based on the following comments:

- The District relies on the EIR and how the mitigation measure is phrased (i.e. what exactly is to be mitigated and to what level). Therefore, it is important that the mitigation measure is clear on the level of mitigation or tons to be reduced.
- Based on the emissions analysis in the EIR, PM₁₀ emissions will not exceed the District's threshold of significance. However, the mitigation measure requires mitigation of PM₁₀. The mitigation measure should be clarified if PM₁₀ emissions still need to be mitigated or need to be quantified at a later date and mitigated.
- Based on the emissions analysis in the EIR, construction emissions will not exceed the District's thresholds of significance. Therefore, the mitigation measure should be clarified if construction emissions still need to be mitigated or need to be quantified at a later date and mitigated.
- The District recommends removing Rule 9510 language in Mitigation Measure MM AQ-1(c) since it's already imposed as Mitigation Measure MM AQ-1(a)(ii). The District is recommending removing text regarding ISR and project design to eliminate confusion. This mitigation measure should focus on the requirement of the VERA only.
- The District would like to clarify that the project emissions would not be reassessed at each phase of project development if mitigating only project operational emissions. The emissions to be mitigated under the VERA would be based on the required estimated operational emissions identified to be reduced in the EIR.
- The current estimated cost for operational emissions is \$93,500 per ton of NO_x/ROG emissions. The cost per-ton is not a guarantee and only an estimate.
- District Rule 9510 (ISR) is a regulatory requirement while a VERA is a potentially feasible mitigation measure for projects subject to CEQA requirements. Rule 9510 may substantially reduce project specific impacts on

6-B

6-B
Cont.

air quality; however, it may not be sufficient to reduce project specific emissions to less than significant levels under CEQA.

In contrast, VERAs provide emission reductions that can be used to satisfy both ISR and CEQA requirements. Entering into a VERA does not exempt a project from ISR requirements, but the emission reductions achieved under a VERA can be applied towards satisfying ISR emission reduction requirements.

- The District encourages the project proponent to contact the District at (559) 230-6000 to discuss and start the VERA process, especially prior to certification of the environmental document to ensure the VERA and environmental document are consistent.

3. Health Risk Assessment (HRA) and Ambient Air Quality Analysis (AAQA)

In order to determine if the cancer risk will exceed the District's significance threshold of or if there will be a violation of the ambient air quality standards, the Draft EIR should be revised to address the following comments.

A Health Risk Assessment (HRA) and Ambient Air Quality Analysis (AAQA) were performed for the project. Based on the analyses, the District is unable to determine if the cancer risk will exceed the District's significance threshold or if there will be a violation of an ambient air quality standard. Therefore, the District recommends that the Draft EIR be revised to address the following comments:

6-C

- If a new HRA is being done, the District recommends that the latest threshold of significance of 20 in a million for cancer risk be used along with the latest methodology.
- The current versions of the AERMOD model and San Joaquin meteorological data were not used in the analyses. Therefore, the District recommends that the current versions of the AERMOD model and San Joaquin Valley meteorological data be used in the analyses.
- Pathways other than inhalation were not enabled in the Hot Spots Analysis and Reporting Program (HARP). This is not a problem if only diesel particulate matter (DPM) is modeled. However, there is space in the development for a considerable number of restaurants. Had the restaurants been included in the HRA, toxins other than DPM would have been modeled. For those pollutants, enabling other pathways would have been important. The District recommends establishing the travel paths for each store with deliveries and the number of trucks per store.
- DPM emissions were not properly calculated. An assumption was made that all trucks would travel the entire length of a roadway that encircled the entire

6-C
Cont.

development. There was no differentiation between the large anchor stores and other sites that would have fewer deliveries. The same assumption was made for idling. Therefore, the emissions were overestimated.

- Toxic air contaminant (TAC) emissions from restaurants were not modeled in the HRA although there are 10 spaces in the development for restaurants. Therefore, the District recommends that TAC emissions from restaurants be modeled in the HRA.
- In the AAQA, all emissions were modeled using a single large area source that encompassed the entire 80-acre site. Using such a large area source would dilute the emissions and reduce predicted impacts. Therefore, the District recommends that the criteria pollutants should be model using the same sources that is used for toxics.

The District appreciates the opportunity to comment on the Draft EIR. If you have any questions or require further information, please call Sharla Yang at (559) 230- 5934.

Sincerely,

Arnaud Marjollet
Director of Permit Services



For Chay Thao
Program Manager

AM: sy

Response to Comment Letter 6. San Joaquin Valley Air Pollution Control District (August 10, 2015)

- 6-A. Thank you for your comment. The commenter recommends additional language be included to discuss attainment plans not discussed in the Draft EIR. Text has been added to Chapter 4.2, *Air Quality*, to include attainment plans not discussed in the Draft EIR.
- 6-B. Thank you for your comment. The commenter acknowledges that Mitigation Measure MM AQ-1(c) requires a Voluntary Emission Reduction Agreement (VERA) to reduce project-related construction and operation ROG, NO_x, and PM₁₀ emissions to below the District's threshold of significance; and the commenter recommends that the MM be revised as follows:
- a. Commenter recommends specification of the level of mitigation or amount tons to be reduced.
 - b. Commenter notes that the EIR finds that the level of PM₁₀ emissions will not exceed District thresholds for significance and recommends clarification if PM₁₀ emissions still need to be mitigated or need to be quantified at a later date and mitigated.
 - c. Commenter notes that the EIR finds that the level of construction emissions will not exceed District thresholds for significance and recommends clarification if construction emissions still need to be mitigated or need to be quantified at a later date and mitigated.
 - d. Commenter recommends removing Rule 9510 and project design language from Mitigation Measure MM AQ-1(c) since it is already imposed as Mitigation Measure MM AQ-1(a)(ii) and to eliminate confusion.
 - e. Commenter clarifies that the project emissions would not be reassessed at each phase of project development if mitigating only project operational emissions. The emissions to be mitigated under the VERA would be based on the required estimated operational emissions identified to be reduced in the EIR.
 - f. Commenter notes that the current estimated cost for operational emissions is \$93,500 per ton of NO_x/ROG emissions. The cost per-ton is not a guarantee and only an estimate.
 - g. Commenter notes that Rule 9510 (ISR) is a regulatory requirement while a VERA is a potentially feasible mitigation measure for projects subject to CEQA requirements. Rule 9510 may substantially reduce project-specific impacts on air quality; however, it may not be sufficient to reduce project specific emissions to less-than-significant levels under CEQA. VERAs provide emission reductions that can be used to satisfy both ISR and CEQA requirements. Entering into a VERA does not exempt a project from ISR requirements, but the emission reductions achieved under a VERA can be applied towards satisfying ISR emission reduction requirements.

The following responses have been prepared in response to the comments above:

- a. Mitigation Measure MM AQ-1(c) indicates the following regarding the level of mitigation that is required:
“...the project’s operational-related ROG and NO_x emissions will be reduced to below SJVAPCD’s numeric threshold of 10 tons per year by reducing ROG emissions by 7.17 tons and NO_x emissions by 2.84 tons.”
 - b. Text has been revised in Chapter 4.2, *Air Quality*, and in the MM, to remove the PM10 requirement from Mitigation Measure MM AQ-1(c).
 - c. Text has been revised in Chapter 4.2, *Air Quality*, and in the MM, to remove the construction requirement from Mitigation Measure MM AQ-1(c).
 - d. Text has been revised in Chapter 4.2, *Air Quality*, and in the MM, to remove the Rule 9510 (ISR) discussion from Mitigation Measure MM AQ-1(c). However, as the mitigation requirement in Mitigation Measure MM AQ-1(c) is to reduce ROG and NO_x emissions, rather than just incorporate a VERA, the project design language has not been removed.
 - e. Text has been revised in Chapter 4.2, *Air Quality*, and in the MM, to remove the language indicating that emissions are reassessed at each phase of the project development.
 - f. Text has been revised in Chapter 4.2, *Air Quality*, and in the MM, to update the operational offset fee from \$9,350 to \$93,500 per ton.
 - g. Thank you for your comment. As indicted in Table 4.2-10 of the Draft EIR, Rule 9510 (ISR) is not sufficient to reduce impacts to a less-than-significant level. However, with implementation of the VERA through Mitigation Measure MM AQ-1(c), this impact is considered less than significant.
- 6-C. The commenter acknowledges that a Health Risk Assessment (HRA) and Ambient Air Quality Analysis (AAQA) were performed for the project and states that the District was unable to determine if the cancer risk will exceed the District’s significance threshold or if there will be a violation of an ambient air quality standard. The Commenter recommends revisions to the Draft EIR as follows:
- a. The commenter states that, if a new HRA is prepared, the latest threshold of significance of 20 in a million for cancer risk be used along with the latest methodology.
 - b. The commenter states that current versions of the AERMOD model and San Joaquin meteorological data were not used in the analyses and recommends that the current version of the AERMOD model and San Joaquin Valley meteorological data be used in the analyses.
 - c. The commenter states that pathways other than inhalation were not enabled in the Hot Spots Analysis and Reporting Program (HARP). This is not a problem if only diesel particulate matter (DPM) is modeled. However, there is space in the development for a considerable number of restaurants. Had the restaurants been included in the HRA, toxins other than DPM would have been modeled. For

those pollutants, enabling other pathways would have been important. The District recommends establishing the travel paths for each store with deliveries and the number of trucks per store.

- d. The commenter states that DPM emissions were not properly calculated. An assumption was made that all trucks would travel the entire length of a roadway that encircled the entire development. There was no differentiation between the large anchor stores and other sites that would have fewer deliveries. The same assumption was made for idling. Therefore, the emissions were overestimated.
- e. The commenter states that toxic air contaminant (TAC) emissions from restaurants were not modeled in the HRA although there are 10 spaces in the development for restaurants. Therefore, the District recommends that TAC emissions from restaurants be modeled in the HRA.
- f. The commenter states that in the AAQA, all emissions were modeled using a single large area source that encompassed the entire 80-acre site. Using such a large area source would dilute the emissions and reduce predicted impacts. Therefore, the District recommends that the criteria pollutants should be modeled using the same sources that is used for toxics.

Thank you for your comments. The following responses have been prepared in response to the comments above:

- a. It is the City's position that it is unnecessary to re-run the AAQA or HRA models. See response to comment 6-C-b. Therefore, the most current significance thresholds and methodology for estimating cancer risk at the time the original dispersion modeling was completed shall remain in use.
- b. At the time of preparation of the Air Quality Study, the most recent versions of AERMOD and meteorological data were used. The dispersion modeling was based on the most recent available meteorological and modeling data at the time of analysis. The District has since updated the meteorological data for more recent years (2009-2013) and the EPA has since updated the AERMOD dispersion model to include bug fixes, enhancements, and one miscellaneous modification regarding assignment of ambient temperature at stacks. While these updates to the meteorological data and modeling software may result in a small change to the modeled concentrations and risk calculations, it is the City's belief that these changes would be minor. Furthermore, given that the cancer and chronic hazard risk calculations shown in Table 4.2-14 of DEIR are so far below thresholds, any changes would not result in a significant health risk impact. Therefore, given that existing risk values are so low and that a re-model would likely only result in minor changes, it is the City's position that it is unnecessary to re-run the AAQA or HRA models.
- c. As the District states, the pathways enabled in HARP are correct since only DPM is modeled, as DPM is estimated through the inhalation pathway only. Risk associated with restaurants was determined to be negligible and far below any contribution associated with diesel activity, thus restaurants were not modeled. Therefore, enabling additional exposure pathways is not necessary.

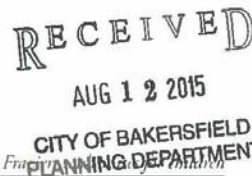
- d. Based on discussions with the project applicant, the Air Quality expert concludes that the original assumption that all trucks would travel the entire length of the roadway encircling the project would be the most conservative, and most accurate methodology for calculating DPM. It is implausible for diesel delivery trucks to maneuver U-turns or reverse after making deliveries behind shops. It would be inappropriate to calculate DPM for truck travel or idling using a different, less conservative methodology. As such, the original modeling and emissions estimations for DPM is appropriate and no changes are warranted.
- e. While there are spaces for restaurants included in the proposed project, any risk associated with these restaurants would be low. The District's screening tool for many emission source types (*mall.xls*), which includes fast food restaurants, shows that risk from a typical fast food restaurant to be low even at 25 meters, with risk decreasing appreciably with distance. As noted in comment 6-C-b and 6-C-c, the risk levels from diesel-related activity are well-below thresholds and any risk associated with any restaurant activity would be minor. Therefore, given the development specifics provided by the project applicant, the low risk levels from diesel-related activity, and the small risk associated with typical restaurant activities, the inclusion of restaurant-generated TACs is not necessary to make a determination of less-than-significant.
- f. It is common practice to use an area source to model emissions where the modeler does not know specifically where the emissions will be occurring within the source, particularly when the area being modeled is flat. Volume source requires specific locations as the emissions release point is essentially within the center of the volume source. ARB has performed numerous HRAs at railyards throughout the state and uses area sources to model emissions from mobile equipment and vehicles operating over large areas. Therefore, given that using an area source is standard practice and the exact location of activity is unknown, it is the City's position that it is unnecessary to re-run the AAQA or HRA models.

Comment Letter 7. Kern County Superintendent of Schools (August 10, 2015)

Comment Letter 7



Office of Christine Lizardi Frazier



August 10, 2015

Cecelia Griego, Associate Planner II
Community Development Department
City of Bakersfield
1715 Chester Avenue
Bakersfield, CA 93301

Our File No.: C115-0009
C114-0033

RE: DEVELOPER FEES FOR: GPA/ZC No. 13-0417 SR 99/Hosking Commercial Center
(East of SR 99, between Berkshire Road and Hosking Avenue)

Dear Ms. Griego:

This office represents the Greenfield Union and Kern High School Districts with regard to the imposition of developer fees, and appreciates the opportunity to respond on behalf of these districts regarding the proposed project. This letter is limited to addressing the possible effects which the project might have on school facilities created by students attributable to the project. It is not intended to address other possible environmental concerns which might be identified by the district(s) after reviewing it.

7-A

As stated in correspondence dated November 13, 2014, it is our determination that this project proposes a General Plan Amendment and concurrent Zone Change for a regional retail commercial center, changing the zone from Low-Density Residential, Low Medium-Density Residential, and High Medium-Density Residential to General Commercial/Planned Commercial Development. Based on this, our office has determined mitigation of this project's impacts on public school facilities will be limited to the collection of statutory fees authorized under Education Code Section 17620 and Government Code Sections 65995 et seq. (all as amended with an operative date of November 4, 1998) at the time that building permits are issued. Currently these fees are set at \$0.54 per square foot, an amount subject to COLA adjustment every two years.

Thank you for this opportunity to reaffirm the correct fee for this GPA/ZC. If you have any questions, or if we can be of any further assistance in this matter, please contact me at 636-4599, or through e-mail at mabaker@kern.org.

Sincerely,

Christine Lizardi Frazier
County Superintendent of Schools

Mary L. Baker, Manager
School District Facility Services

MLB
cc: Districts
C115-0009.GFUSD.COM.wpd

1300 17th Street - CITY CENTRE | Bakersfield, CA 93301-4533
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PARTNER - KERN COUNTY NETWORK FOR CHILDREN

Response to Comment Letter 7. Kern County Superintendent of Schools (August 10, 2015)

Thank you for your comments. The participation of the Kern County Superintendent of Schools in the public review of this document is appreciated. The commenter notes that the office has reviewed the Draft EIR for the SR 99/Hosking Commercial Center Project and summarizes the proposed project. The commenter requests that the project proponent contribute toward the statutory fees authorized under Education Code Section 17620 and Government Code Section 65995 et seq. (all as amended with an operative date of November 4, 1995) at the time that building permits are issued to mitigate project impacts on public school facilities. No impacts on schools were identified in the Draft EIR. However, payment of school fees is statutorily required, and such fees would be collected from the applicant prior to issuance of building permits. Since payment of school fees is statutorily required, no additional mitigation measures of conditions to the project are necessary.

The comment has been noted for the record is and provided to the City of Bakersfield for consideration.

Comment Letter 8. Tejon Indian Tribe (June 18, 2015)

Comment Letter 8

Page 1 of 2



18 June 2015

Cecelia Griego
Associate Planner II
Community Development Department
City of Bakersfield
1715 Chester Avenue
Bakersfield, California 93301

RE: SB 18 Consultation – General Plan Amendment/Zone Change No. 13-0417, SR 99 & Hosking Commercial Center

Dear Ms. Griego,

My name is Colin Rambo, and I was hired by the Tejon Indian Tribe (“Tejon”) for the purpose of establishing their Tribal Historic Preservation Office (“THPO”). Further, Tejon’s Chairperson, Kathryn Montes Morgan, has delegated to me the authority to represent Tejon in any tribal consultations concerning cultural resources.

Tejon would like to request consultation, pursuant to California Senate Bill 18 (“SB 18”), for the proposed Commercial Center located near SR 99 and Hosking Avenue (aka General Plan Amendment/Zone Change No. 13-0417) (the “Project”).

Tejon is not presently aware of any undocumented Tribal Cultural Resources¹ (“TCRs”) within or near the Project Area that could be considered potentially eligible for listing on the California Register of Historical Resources (“CRHR”). Tejon is also aware that Project’s cultural resource investigations (i.e. archival records searches at the CHRIS-SSJVIC and the NAHC Sacred Lands File and a pedestrian survey) conducted by ICF International, under the supervision of Mark Robinson, M.S., failed to yield any results.

8-A [Subsequently, Tejon’s only concern with the Project is its potential to inadvertently disturb intact subsurface archaeological deposits and Native American human remains (i.e. potential TCRs). Tejon

¹ Tribal Cultural Resources (“TCRs”) are defined in California State Assembly Bill 52 (which was signed into law by Governor Brown on 25 September 2014) as: “Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe”.



8-A believes that by providing a Cultural Resource Sensitivity Training (“CRST”) to the Project’s Construction Personnel, these potential impacts will be mitigated to a less than significant level. As the City of Bakersfield has consistently honored this request by regularly including Tejon’s CRSTs as required mitigation measures for previous CEQA projects, Tejon will consider this consultation complete after we receive a copy of the Project’s ND, MND or EIR that incorporates this request.

Thank you for including Tejon in the consultation process. I look forward to working with your office in the future. Please do not hesitate to contact me if you have any questions, comments, or concerns.

Respectfully,



Colin Rambo
Tribal Historic Preservation Technician
Tejon Indian Tribe
colin.rambo@tejontribe.net

CC:

(1) Mr. Mark Robinson, M.S., Archaeologist, ICF International (emailed digital copy)

Response to Comment Letter 8. Tejon Indian Tribe (June 18, 2015)

- 8-A. Mitigation Measure MM CR-1 (c) was added on page 4.4-11 of Section 4.4, *Cultural Resources* of the EIR to address cultural resources training, prior to ground-disturbing activities. This training shall be conducted by representatives from the Tejon Indian Tribe or qualified archaeologist.

Specifically, Mitigation Measure MM CR-1 (c) states:

- (c) **Cultural Resources Training.** Prior to ground-disturbance activities associated with this project, personnel associates with the grading effort shall be informed of the importance of the potential cultural and archaeological resources (i.e. archaeological sites, artifacts, features, burials, human remains, etc.) that may be encountered during site preparation activities, how to identify those resources in the field, and of the regulatory protections afforded to those resources. This training shall be conducted by representatives from the Tejon Indian Tribe or qualified archaeologist. The personnel shall be informed of procedures relating to the discovery of archaeological remains during grading activities and cautioned to avoid archaeological finds with equipment and not collect artifacts. The applicant/developer of the project site shall submit documentation to the Planning Department that they have met this requirement prior to commencement of ground disturbance activities. This documentation should include information on the date(s) of training activities, the individual(s) that conducted the training, a description of the training, and a list of names of those who were trained. Should cultural remains be uncovered, the on-site supervisor shall immediately notify a qualified archaeologist and the Tejon Indian Tribe. The developer shall provide the Tejon Indian Tribe information on excavation depth of the construction of the site.

The commenter also requests that a copy of the Project's ND, MND, or EIR be forwarded to the Tejon Tribe for review. A copy of the Project's Draft EIR was distributed to the Kathy Morgan, Chair of the Tejon Indian Tribe, at the start of the public review period in compliance with the SB 18 (Chapter 905, Statutes of 2004) consultation process.

Comment 9. Betty Stephens (July 17, 2015)

Comment Letter 9

From: Betty Stephens [<mailto:bets@bak.rr.com>]
Sent: Friday, July 17, 2015 4:10 PM
To: Cecelia Griego
Subject: Hosking Center

Dear Ms. Griego:

This comment is specifically regarding the planned shopping center at Hosking and 99.

9-A [This development, or any other developments planned for this valley, must consider air quality. Given the nature of our topography, it is imperative that we limit the negative effects of pollution from autos and other major pollutants. Ideally, drive-through businesses should be eliminated. At the very least they must be banned in new developments.

9-B [Another major consideration is water. All new developments absolutely must be required to install only drought-tolerant landscaping. This includes mandating that turf grass not be used at all, and that only low-water plants be used. This must include residential developments, as well.

Thank you,

Betty Stephens

5811 Cassel Creek St., Bakersfield

661-871-3386

Response to Comment 9. Betty Stephens (July 17, 2015)

- 9-A. Thank you for your comment. The commenter's interest in the air quality impacts of the proposed project have been noted for the record. Please refer to Section 4.2, *Air Quality*, and Section 4.6, *Greenhouse Gas Emissions*, for related discussion of these concerns and for mitigation measures incorporated into project design to reduce potential impacts from project operations. No comments related to the adequacy of the analysis contained in the Draft EIR are provided. Therefore, no further response is warranted.
- 9-B. Thank you for your comment. The commenter suggests that drought-tolerant landscaping be used for the proposed project. Please refer to page 4.8-21 of the Draft EIR for Mitigation Measure MM WQ-2(c), which addresses the use of drought-tolerant landscaping and is subject to approval by the City of Bakersfield. No comments related to the adequacy of the analysis contained in the Draft EIR are provided. Therefore, no further response is warranted.

Comment 10. Public Hearing Transcripts, July 16, 2015

- 10-A. During the Draft EIR Adequacy Hearing before the City of Bakersfield on July 16, 2015, a public comment was made by Mr. Phil Rudnick about the project being beneficial for the community by providing jobs and services.

Response to Comment 10. Public Hearing Transcripts, July 16, 2015

- 10-A. The commenter, who has lived in the community for 83 years within a half mile of the project, expresses support for the project. Specifically, the commenter states that the property has been in non-production for a long time and believes that the project is beneficial for the community by providing jobs and services. The comment does not relate to the adequacy of the Draft EIR and, therefore, no further response is warranted.

Thank you for your comment. This comment has been noted for the record and will be provided to the City of Bakersfield for consideration.

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