Appendix A:
EIR Noticing and Public Involvement

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A.1 - Notice of Preparation

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NOTICE OF PREPARATION

Date: February 22, 2022

To: State Clearinghouse and Interested Public Agencies, Parties, and Organizations

Subject: Notice of Preparation of a Program Environmental Impact Report for the Southeast Development Area Specific Plan, Fresno, California

Lead Agency: City of Fresno

Contact: Jennifer Clark, Director, Planning and Development Department
c/o Shawn Monk, Planner, Planning and Development Department
2600 Fresno Street, Suite 3065
Fresno, CA 93721
559.621.8166
Jennifer.Clark@fresno.gov
Shawn.Monk@fresno.gov

Comment Period: February 22, 2022, to March 25, 2022

PURPOSE OF NOTICE

The City of Fresno (Lead Agency and/or City) will prepare a Program Environmental Impact Report (Program EIR) for the proposed Southeast Development Area (SEDA) Specific Plan (proposed project), located in the City of Fresno. The Program EIR will address potential environmental and physical effects of the proposed project for each environmental topic listed in the California Environmental Quality Act (CEQA). The City of Fresno will use the Program EIR when considering approval of the proposed project. Pursuant to CEQA Guidelines Section 15082, the project history, description, location, and potential environmental effects of the project plan are described in the attached materials.

PUBLIC REVIEW PERIOD

The City is soliciting comments from public agencies, organizations, and members of the public regarding the scope and content of the Program EIR. In accordance with CEQA time regulations, the Notice of Preparation (NOP) 30-day period of public review will begin February 22, 2022, and will end on March 25, 2022. The City will hold a public scoping meeting to inform the public and interested agencies about the proposed project and solicit comments on the scope of the environmental factors addressed in the Program EIR, along with alternatives that are being considered. The meeting will be held on March 3, 2022, and will only be conducted electronically due to COVID-19 restrictions. Meeting details are as follows:

Web link: https://zoom.us/j/ 92678285600 Call-in Information: [(669) 900-9128

Webinar ID: 926 7828 5600

Meeting Date: March 3, 2022

Meeting Time: 6:00 p.m. to 8:00 p.m.

Because of COVID-19 restrictions, copies of the NOP may be reviewed at the following locations:

- Online at: https://www.fresno.gov/cityclerk/notices-publications/ or
- www.fresno.gov/SEDA

For information on additional viewing methods, contact Project Manager, Planning and Development Department, Summer Rooks, at Summer.Rooks@fresno.gov.

Your views and comments on how the project may affect the environment are welcomed and encouraged.

PROJECT LOCATION

The regional location of the nearly 9,000-acre SEDA Specific Plan Area (Plan Area) is in the southeast portion of the City, in Fresno County (County), California as shown in Exhibit 1. The Plan Area with the proposed land use designations in the proposed project, are shown in Exhibit 2. The Plan Area is bounded on the north by the Gould Canal, on the east by McCall and Highland Avenues, on the south by Jensen and North Avenues, and on the West by Locan, Temperance, and Minnewawa Avenues.

PROJECT HISTORY

The SEDA, previously known as the Southeast Growth Area (SEGA), was approved for incorporation into the City in 2006 by the Local Agency Formation Commission (LAFCo) with several provisions that included preparation of a Specific Plan and associated environmental assessment before any annexations of land to the City could be approved. The City initiated the process of preparing a Specific Plan for SEGA but put it aside amid the uncertainty of the recession in 2008. Concepts from the SEGA planning process were rolled into the current Fresno General Plan that was adopted in 2014. The Fresno General Plan includes the SEDA as one of several growth areas.

Located in Growth Area II, SEDA was conceived to be developed after other infill initiatives, to give those time to gain momentum. SEDA's later time frame is reflected in the General Plan's buildout numbers, which include one-third of SEDA's residential capacity (approximately 15,000 dwelling units out of a total 45,000 dwelling unit capacity) to accommodate Fresno's anticipated 2035 population. It is assumed that the remaining residential capacity of 30,000 dwelling units will not be developed until after 2035. While there is still ample residential capacity within the current city limits and in Growth Area I (which includes the Southwest Fresno and the West Area Neighborhoods Specific Plan areas),

there is a sense of urgency about the current housing crisis and the City's ability to provide housing for existing population and its natural growth as well as the unanticipated in-migration occurring at this time.

EXISTING CONDITIONS

The predominant use in the Plan Area is agriculture, with the primary crops being vineyards, orchards, and vegetables. The Plan Area also contains agriculture-related and commercial operations, such as plant nurseries, wineries, and other various agricultural businesses. The second most predominant use is rural residential development, which is primarily concentrated in the area between State Route (SR) 180 and McKinley Avenues, but also scattered throughout the Plan Area.

In addition to these uses, schools, churches, and other uses also occupy the Plan Area. The Plan Area includes land that falls within both the Sanger and Clovis Unified School Districts, with Fowler and Fresno Unified School Districts bordering the Plan Area. Clovis Unified is constructing an educational center for middle and high school students in the northern portion of the Plan Area on a site along the Clinton Avenue alignment between Leonard and Highland Avenues, with phased opening expected in 2025.

The current roadway network is mainly comprised of two-lane county roads at 0.5-mile intervals, interspersed with local streets. Major roadway access corridors include Temperance, Clovis, and Jensen Avenues. Each accommodate four lanes of traffic with a central turning lane. The SR-180 has been extended eastward along the old Kings Canyon alignment from Temperance Avenue to Academy Avenue in Sanger. This route extension provides an east–west connection to Interstate 5 (I-5), serving commuters and the movement of agricultural goods from eastern portion of the County. Temperance Avenue has been expanded to four lanes where needed to serve new development.

The Plan Area is traversed by several constructed drainage features and natural waterways: Gould Canal, Redbank Slough, Dry Creek Canal, Mill Ditch, Fancher Creek Canal, and Briggs Canal. Some canals in the Plan Area are mostly unvegetated and the banks are enforced with rock or broken asphalt and concrete, with some portions fully concrete-lined. In addition, there are several small ponds and numerous lateral irrigation ditches present that deliver water from the canals to agricultural fields.

PROJECT DESCRIPTION

The proposed project is a Specific Plan for the SEDA that would provide for increased density and accelerate housing production throughout the Plan Area. The proposed project would offer flexibility in meeting the evolving needs of households in the region through a multimodal transportation network and diverse housing types and affordability levels.

The proposed project land use categories are shown in Table 1 along with the total proposed acreage. A description of the proposed project and these associated land use categories are provided in the discussion below.

Table 1: Proposed Specific Plan Estimated Acreages

Land Use	Proposed Plan Acres	Percentages
Mixed-Use Land Uses		
Regional Center	310	3.5%
Community Center	290	3.3%
Neighborhood Center	520	5.9%
Residential Land Uses		
Mixed Residential	1,090	12.4%
Neighborhood Residential	1,520	17.3%
Rural Residential	2,160	24.5%
Rural Cluster Residential	810	9.2%
Employment Land Uses		
Office Center	160	1.8%
Flexible Research and Development	1,380	15.7%
Institutional	280	3.2%
Other Land Uses		
Flood Control Basin	280	3.2%
TOTAL	*8,799*	*100%*
Notes: ** Rounded to the nearest acre. Figures may not sum due to rounding.*		

The SEDA Specific Plan

The proposed project provides a vision and implementation mechanisms for a sustainable future for the Southeast Development Area. It has the potential to accommodate approximately 45,000 homes and 37,000 jobs within the nearly 9,000-acre planning area by the year 2050. Framed within three interrelated goals: fiscal responsibility, social equity, and environmental sustainability the proposed project would link a series of complete communities and mixed-use centers with a multimodal transportation network. The proposed project would include major transit lines, mixed-use centers, diverse residential districts, employment districts, open space, agriculture, and green infrastructure.

Vibrant Mixed-Use Town Centers

The proposed project is based upon a hierarchy of walkable Mixed-Use Town Centers supported by a multimodal transportation network. Town Centers, which would serve as commercial and civic focal points for the Plan Area, are designed to include a mix and intensity of uses. Town Centers are human-scaled and defined by quality design features and a rich mixture of uses. They incorporate living and working opportunities with entertainment, cultural activities, and shops serving the daily needs of residents and employees.

Regional Town Center

The Regional Town Center is at the top of the mixed-use center hierarchy in the Plan Area, serving 40,000 to 60,000 households across the site and within the surrounding communities. The Regional Town Center features region-serving retail and office activity, as well as medium- and higher-density housing. It is well served by a high-capacity transit service.

Community Town Centers

Seven Community Town Centers dispersed across the Plan Area would provide commercial, civic, and other services to meet the needs of Community Town Center residents and employees, as well as those of surrounding neighborhoods. Community Town Center services, including grocery stores, support between 5,000 and 10,000 households. Community Town Centers feature a variety of medium-density housing options. Some Community Town Centers are focused on major rapid transit stations.

Neighborhood Town Centers

Neighborhood Town Centers are dispersed throughout the Plan Area and would serve as focal points of adjacent residential areas. Neighborhood Centers include employment and residential uses, but primarily provide a majority of the Plan Area residents with essential walk, bike, transit, and short-drive access to civic services and amenities, including elementary schools, local parks, community gardens, and other services.

Each Neighborhood Town Center would serve approximately 1,500 to 2,000 households and include a range of housing options.

Diverse Residential Districts

The Plan Area includes a rich and complete fabric of residential communities that support mixed-use centers and include a variety of housing types and affordability levels. The proposed project would distribute a variety of housing across the Plan Area to accommodate current and future housing needs. The range of housing types and densities throughout the communities would provide flexibility to meet the evolving needs of households in the region.

Mixed Residential

Mixed Residential districts support the Regional and Community Town Centers with a variety of medium- and higher-density housing, including a diverse mix of attached and detached single-family and multi-family homes.

Neighborhood Residential

Neighborhood Residential districts surround Neighborhood Town Centers and support the retail, employment, and other services provided throughout the Plan Area. Neighborhood Residential areas include a variety of detached and attached single-family housing types, as well as multi-family housing options.

Rural Cluster Residential

Rural Cluster districts, located along the eastern edge of the Plan Area, concentrate residential lots within a small, clustered area of a larger parcel or groups of parcels. This clustering of homes preserves

the continuity and viability surrounding land for agricultural uses and open space conservation. Rural Cluster districts serve as a transitional buffer between more intense urban uses within the Plan Area and the commercial agricultural operations outside of the Plan Area.

Rural Residential

There are approximately 1,700 acres in the Plan Area currently developed as very low-density rural residential homes and ranchettes. These homes are designated in the proposed project as Rural Residential.

Innovative Employment Districts

The proposed project provides opportunities to attract diverse high-quality employers and job opportunities while meeting the environmental challenges associated with growth in the City and the Central Valley. Many jobs would be located within a short distance to amenities in Regional and Community Town Centers, Office Centers, and in Flexible Research and Development districts.

In these locations, they can be closely linked to regional transit service and trail systems. The proposed project would put a significant portion of Plan Area residents within walking distance of major employment areas and high-capacity transit service that links to regional employment centers, including Downtown Fresno.

Reducing reliance on the automobiles for work trips would significantly reduce greenhouse gas (GHG) emissions, playing a significant role in meeting the proposed project's sustainability goals.

Office Center

Office Center districts are located adjacent to Regional and Community Centers or along regionally significant transportation corridors (e.g., SR-180, Kings Canyon Boulevard, Clovis Avenue). Office Centers accommodate professional offices and compatible commercial uses such as restaurants, coffee shops, cafés, banks, and book shops. Some residential uses could be permitted in Office Centers.

Flexible Research and Development

Flexible Research and Development districts are primarily located west of the Briggs Canal and/or south of Jensen Avenue and are intended to contain uses such as research and development, light manufacturing, product testing centers, and office development. The area may also include compatible commercial uses such as restaurants, coffee shops, cafés, printing and publishing, dry cleaners, and other supporting businesses. Access to regional transportation corridors (both road and rail) is critical. Residential uses are not allowed in Flexible Research and Development areas.

Transportation Choices

The multimodal circulation network in the proposed project includes a hierarchy of transportation options, ensuring that residents would have real choices for their daily travel needs.

Complete Streets

The Plan Area will be served by a network of Complete Streets as defined by City's Complete Streets Policy adopted in 2019. A Complete Street is defined in the policy as a transportation facility that is

planned, designed, operated, and maintained to provide safe mobility for all users–including bicyclists, pedestrians, transit vehicles, trucks, and motorists–appropriate to the function and context of the facility while connecting to a larger transportation network.

Transit Service

Transit Corridors/arterials with high-capacity public transit would serve major town centers, while collectors and local streets provide safe, convenient options for local trips. The Kings Canyon high frequency Q Bus Route is planned to extend into the Regional Town Center and eventually terminate service in the Community Town Center located on South DeWolf Avenue.

Bicycle/Pedestrian Trails

A network of pedestrian and bicycle routes, including dedicated trails and multi-purpose paths will serve work, school, and recreational trips. This extensive non-auto travel network will be coordinated with existing and proposed regional trails. Trail systems connect regional and sub-regional destinations for bicyclists, pedestrians, and equestrians (where appropriate). Multiuse trails are parallel to canals and other east–west open space networks within the Plan Area.

There will also be a network of bicycle lanes reflective of the Fresno Active Transportation Plan (ATP). This will consist of at least Class II Bike Lanes and other bicycle facilities as described in the Caltrans Bikeway Classification Guide.

Open Spaces, Agriculture, and Green Infrastructure

The proposed project features an integrated system of natural and developed open spaces that would serve many vital uses, from recreation to community farming and agriculture, to stormwater management. The open space system is designed to be a valuable amenity accessible to the entire community.

Parks and Open Spaces

The proposed project's open space system provides places for active and passive recreation and includes corridors for trails and paths that connect many areas of the Plan Area.

Sustainable Infrastructure

Sustainable infrastructure components capture and retain runoff, then treat the water by allowing it to move slowly through natural systems, such as constructed wetlands and rock filters. Stormwater management systems help reduce impacts on the environment and regional infrastructure systems can also be designed as visual and active amenities for residents in the Plan Area.

Community Farming and Agriculture

The proposed project integrates community-scale farming and agriculture into the urban fabric. Agricultural activities range from neighborhood gardens to agricultural education, and from small farming operations in green belts to those on the rural cluster edge.

Setting the Stage for Implementation

The proposed project sets a vision for how the Plan Area would develop over time. It defines where Mixed-Use Town Centers, residential neighborhoods, and employment areas would be located, the types of travel options, and transit and roadway infrastructure that would serve and connect these areas. It also sets standards for how districts would be organized and how streets would be designed to enhance walkability and meet the needs of all users. The plan includes the targets established by State and federal policies that address water and energy conservation, reduced air quality and GHG emissions, available parks and open space, housing opportunities, and many other important elements.

The following components will be part of the planning process and will be required prior to construction:

1. Complete a phasing plan that would define the optimal sequence of development for various areas within SEDA.

2. Complete a comprehensive Infrastructure Plan. Working from the SEDA Land Use Plan as its starting point, the Infrastructure Plan will delineate the specific bounds and design of the Plan Area's overall flood control and green infrastructure plan; identify bicycle and pedestrian trail alignments; specify the location of high schools, middle schools, and elementary schools; establish the specific alignments of arterial, and collector roadways, and identify the location of major transit stations along transit routes and corridors. The plan will also include new sewer and water infrastructure needed to serve new development. This plan must be accompanied by a comprehensive and detailed financing and implementation strategy that includes the phasing and financing of development and all major infrastructure. The City would convene all requisite agencies in the development of the Infrastructure Plan, including the following, and others as required:

    - Fresno Municipal Flood Control District
    - Fresno Irrigation District
    - City of Fresno Department of Public Utilities Water Division, Wastewater Management Division, and Solid Waste Management Division
    - City of Fresno Department of Public Works Streets Division
    - City of Fresno Parks After School, Recreation, and Community Services Department
    - Clovis and Sanger Unified School Districts
    - Fresno Council of Governments
    - Fresno Area Express (FAX) transit agency
    - California Department of Transportation

3. **Address Annexation with Fresno County, the Local Agency Formation Commission, and the State of California.** This includes addressing all issues to allow strategic and proactive annexation into the City of designated portions of the Plan Area targeted for planned and financed extension of infrastructure development by the City. The typically fragmented annexations associated with incremental private development proposals, Memorandum of Understanding (MOU), and inter-jurisdictional competition would not promote the coherent, sustainable, and fiscally sound development of the proposed project.

4. **General Plan Amendment and Development Code Change.** Amend the General Plan and Development Code to implement the land use and zoning described in the proposed project.

RESPONSIBLE AGENCIES

For the purposes of CEQA, the term "Responsible Agency" includes all public agencies other than the Lead Agency (that have discretionary approval power over the proposed project) (State CEQA Guidelines § 15381).

Discretionary approval may include such actions as issuance of a permit, authorization, or easement needed to complete some aspect of the proposed project. Responsible agencies may include, but are notlimited to:

- California Department of Transportation (Caltrans)
- California State Water Resources Control Board (State Water Board)
- California Department of Fish and Wildlife (CDFW)
- Central Valley Regional Water Quality Control Board (Central Valley RWQCB)
- Fresno Local Agency Formation Commission (LAFCo)
- San Joaquin Valley Air Pollution Control District (Valley Air District)
- Fresno Municipal Flood Control District
- Fresno Irrigation District

AREAS OF POTENTIAL ENVIRONMENTAL EFFECTS

The Program EIR will analyze the significant environmental effects associated with adoption and implementation of the proposed project. Specific areas of analysis would include the following topics based on Appendix G of the State CEQA Guidelines:

- Aesthetics
- Agricultural and Forestry Services
- Air Quality
- Biological Resources
- Cultural/Tribal Cultural Resources
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services

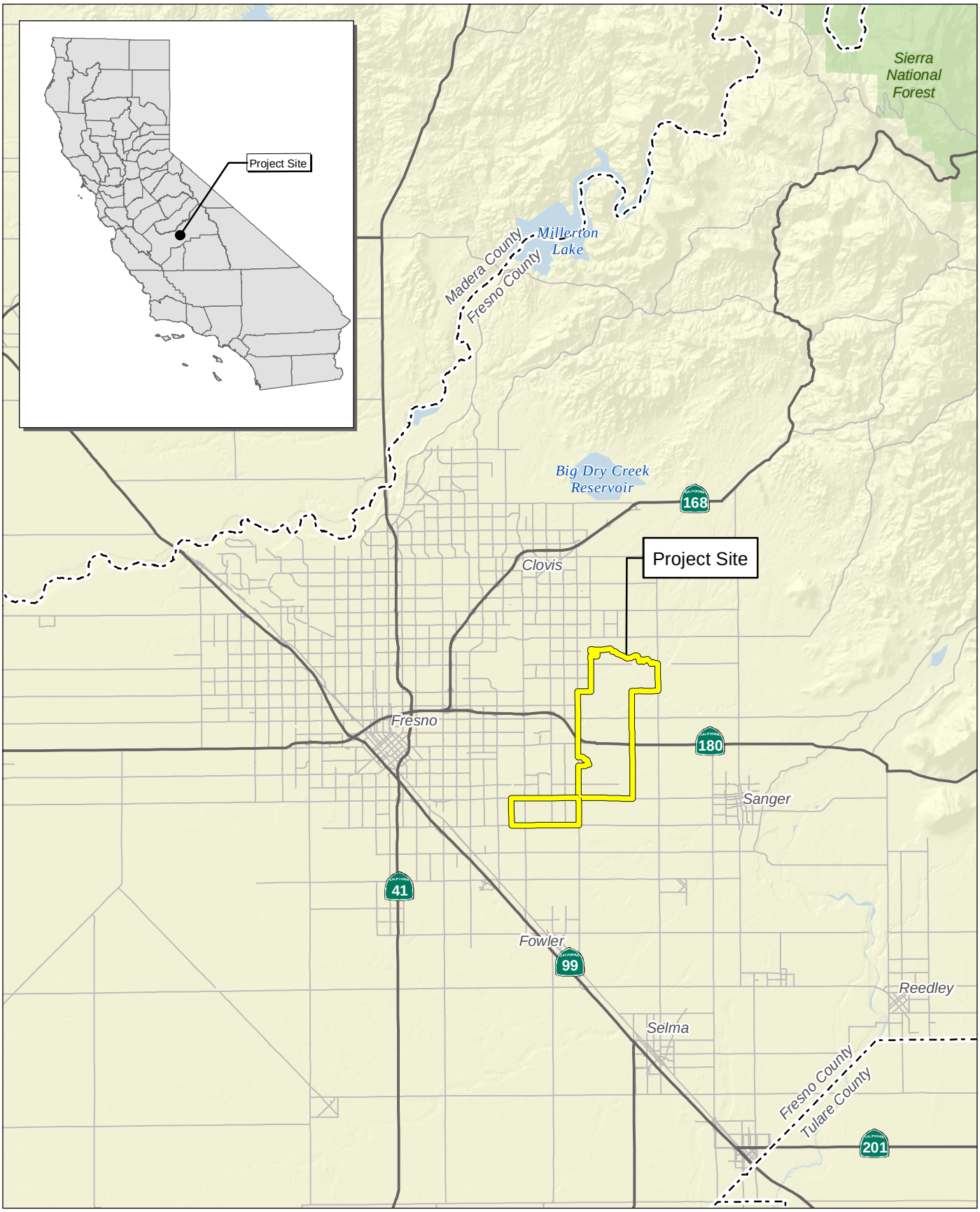
- Energy
- Geology and Soils
- Greenhouse Gas Emissions and Climate Change
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Recreation
- Transportation
- Utilities and Service Systems
- Wildfire
- Mandatory Findings of Significance

The Program EIR will also include a discussion of environmental justice issues and identify and evaluate a range of reasonable alternatives to the proposed project, including a No Project Alternative, pursuant to CEQA Guidelines.

SUBMITTING COMMENTS

Comments and suggestions as to the appropriate scope of analysis in the Program EIR are invited from all interested parties. Written comments or questions concerning the Program EIR for the proposed project should bedirected to the City's Environmental Project Manager at the following address by 5:00 p.m. on March 25, 2022. Please include the commenter's full name and address.

Jennifer Clark, Director, Planning and Development Department
c/o Shawn Monk, Planner, Planning and Development Department
2600 Fresno Street, Suite 3065
Fresno, CA 93721
559.621.8031
Jennifer.Clark@fresno.gov
Shawn.Monk@fresno.gov



Source: Census 2000 Data, The California Spatial Information Library (CaSIL). City of Fresno, SEDA Regulating Districts.

FIRSTCARBON SOLUTIONS™

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Exhibit 1
Regional Location Map

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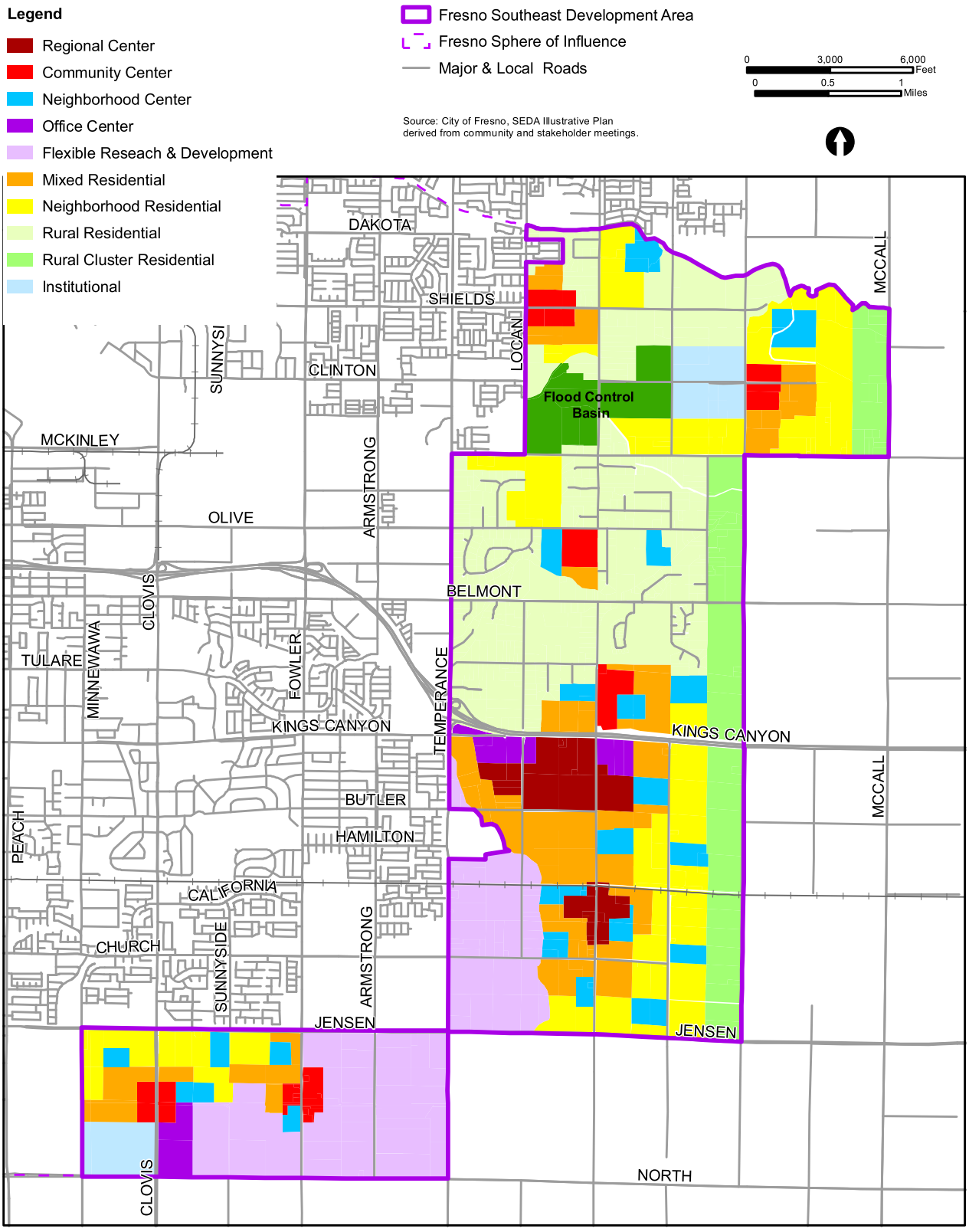
CITY OF FRESNO
SOUTHEAST DEVELOPMENT AREA SPECIFIC PLAN
NOTICE OF PREPARATION

SEDA PROPOSED LAND USE



Source: City of Fresno, SEDA Regulating Districts, 02/10/2022.

FIRSTCARBON SOLUTIONS™

Exhibit 2
Specific Plan Map

A.2 - NOP Public Scoping Comments

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Rachel Krusenoski

From: Secrest Jr., William <William.Secrest@fresnolibrary.org>
Sent: Thursday, February 24, 2022 4:03 PM
To: Shawn Monk
Cc: Coletti, Karen
Subject: Notice of Preparation for SEDA EIR

Follow Up Flag: Follow up
Flag Status: Flagged

External Email: Use caution with links and attachments

On behalf of the Fresno County Historical Landmarks and Records Advisory Commission, I'm responding to your February 22 Notice of Preparation and Scoping Meeting for the above.

Please keep us informed of all developments related to the CEQA-mandated analysis of cultural/tribal cultural resources, as outlined on p. 9 of your Notice. The SEDA encompasses a large swath of area that might include houses and structures of historical interest, in excess of 100 years of age, with an outside possibility of Yokuts artifacts present.

We are also available to assist any individuals who compile the EIR itself.

Thank you for your consideration.

Bill Secrest, Librarian
Heritage Center
Fresno County Public Library

MARCH 14, 2022

VIA EMAIL: JENNIFER.CLARK@FRESNO.GOV; SHAWN.MONK@FRESNO.GOV
Jennifer Clark, Director, Planning and Development Department
c/o Shawn Monk, Planner, Planning and Development Department
2600 Fresno Street, Suite 3065
Fresno, CA 93721

Dear Ms. Clark and Mr. Monk:

NOTICE OF PREPARATION OF THE ENVIRONMENTAL IMPACT REPORT FOR THE SOUTHEAST DEVELOPMENT AREA SPECIFIC PLAN PROJECT, SCH#2022020486

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation of the Environmental Impact Report for the Southeast Development Area Specific Plan Project (Project). The Division monitors farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's potential impacts on agricultural land and resources.

Project Description

The proposed project is a Specific Plan for the Southeast Development Area (Plan Area) that would provide for increased density and accelerate housing production throughout the Plan Area. The proposed project would offer flexibility in meeting the evolving needs of households in the region through a multimodal transportation network and diverse housing types and affordability levels. It has the potential to accommodate approximately 45,000 homes and 37,000 jobs within the nearly 9,000-acre planning area by the year 2050. Framed within three interrelated goals: fiscal responsibility, social equity, and environmental sustainability the proposed project would link a series of complete communities and mixed-use centers with a multimodal transportation network. The proposed project would include major transit lines, mixed-use centers, diverse residential districts, employment districts, open space, agriculture, and green infrastructure.

Department Comments

The conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural land resources. CEQA requires that all feasible and

reasonable mitigation be reviewed and applied to projects. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project.

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

Consistent with CEQA Guidelines, the Department recommends the County consider agricultural conservation easements, among other measures, as potential mitigation. (See Cal. Code Regs., tit. 14, § 15370 [mitigation includes "compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."])

Mitigation through agricultural easements can take at least two forms: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

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

California Council of Land Trusts

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered. Indeed, the recent judicial opinion in King and Gardiner Farms, LLC v. County of Kern (2020) 45 Cal.App.5th 814 ("KG Farms") holds that agricultural conservation easements on a 1 to 1 ratio are not alone sufficient to adequately mitigate a project's conversion of agricultural land. KG Farms does not stand for the proposition that agricultural conservation easements are irrelevant as mitigation. Rather, the holding suggests that to the extent they are considered, they may need to be applied at a greater than 1 to 1 ratio, or combined with other forms of mitigation (such as restoration of some land not currently used as farmland).

Conclusion

The Department recommends further discussion of the following issues:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.

- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Proposed mitigation measures for all impacted agricultural lands within the proposed project area.
- Projects compatibility with lands within an agricultural preserve and/or enrolled in a Williamson Act contract.
- If applicable, notification of Williamson Act contract non-renewal and/or cancellation.

Thank you for giving us the opportunity to comment on the Notice of Preparation of the Environmental Impact Report for the Southeast Development Area Specific Plan Project. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner via email at Farl.Grundy@conservation.ca.gov.

Sincerely,

Monique Wilber

Monique Wilber

Conservation Program Support Supervisor

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

March 25, 2022

Shawn Monk, Planner
City of Fresno
2600 Fresno St, Room 3065
Fresno, California 93721
Shawn.Monk@fresno.gov

Subject: Southeast Development Area Specific Plan (Project)
Notice of Preparation (NOP)
SCH No.: 2022020486

Dear Mr. Monk:

The California Department of Fish and Wildlife (CDFW) received a NOP from the City of Fresno for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id*., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code may be required.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Fresno

Objective: The proposed project is a Specific Plan for the Southeast Development Area (SEDA) that would provide for increased density and accelerate housing production throughout the Plan Area. The proposed project would offer flexibility in meeting the evolving needs of households in the region through a multimodal transportation network and diverse housing types and affordability levels. The proposed project land use categories are shown in Table 1 (below) along with the total proposed acreage.

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Office Center	160	1.8%
Flexible Research and Development	1,380	15.7%
Institutional	280	3.2%
Other Land Uses		
Flood Control Basin	280	3.2%
TOTAL	*8,799*	*100%*
Notes: ** Rounded to the nearest acre.*		

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Figures may not sum due to rounding.		

The SEDA Specific Plan
The proposed project provides a vision and implementation mechanisms for a sustainable future for the SEDA. It has the potential to accommodate approximately 45,000 homes and 37,000 jobs within the nearly 9,000-acre planning area by the year 2050. Framed within three interrelated goals: fiscal responsibility, social equity, and environmental sustainability the proposed project would link a series of complete communities and mixed-use centers with a multimodal transportation network. The proposed project would include major transit lines, mixed-use centers, diverse residential districts, employment districts, open space, agriculture, and green infrastructure.

Location: The regional location of the nearly 9,000-acre SEDA Specific Plan Area (Plan Area) is in the southeast portion of the City, in Fresno County (County), California. The Plan Area is bounded on the north by the Gould Canal, on the east by McCall and Highland Avenues, on the south by Jensen and North Avenues, and on the West by Locan, Temperance, and Minnewawa Avenues.

Timeframe: The proposed project would be implemented over approximately 28 years, through the horizon year of 2050 per Project information.

COMMENTS AND RECOMMENDATIONS

After reviewing the NOP document, CDFW has concerns regarding potential Project impacts to the following.

CDFW is concerned regarding potential impacts to special-status species including, but not limited to, the State and federally endangered California jewelflower (*Caulanthus californicus*), San Joaquin adobe sunburst (*Pseudobahia peirsonii*), San Joaquin kit fox (*Vulpes macrotis mutica*), and least Bell's vireo (*Vireo bellii pusillus*); the State endangered and federally threatened succulent owl's clover (*Castilleja campestris var. succulenta*), western yellow-billed cuckoo (*Coccyzus americanus occidentalis*); the federally endangered valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*); the federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*); the State and federally threatened California tiger salamander (*Ambystoma californiense*); the State threatened Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird (*Agelauis tricolor*); the State species of special concern burrowing owl (*Athene cunicularia*), western spadefoot (*Spea hammondii*), western pond turtle (*Emys* marmorata), American badger (*Taxidea taxus*), and coast horned lizard (*Phrynosoma blainvillii*).

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Special-status species may occur in previously disturbed agricultural lands, orchards, pasture, and row and field crops as well as the undisturbed areas occurring within the Project area. Based on the information provided in the NOP, CDFW cannot determine the extent of impacts that are likely to occur to fish and wildlife resources, or what mitigation measures may be necessary to reduce impacts to less than significant and/or avoid unauthorized take of species listed pursuant to CESA. Therefore, CDFW recommends that the EIR prepared for the Project analyze potential impacts for all of the previous listed species and what, if any, mitigation measures are necessary to reduce impacts to less than significant.

CDFW appreciates the opportunity to comment on the Project to assist the City of Fresno in identifying and mitigating the Project's impacts on biological resources. We are happy to meet with you to discuss the Project, our recommended mitigation measures, and/or consider alternative measures. If you have any questions, please contact Kelley Nelson, Environmental Scientist, at the address provided on this letterhead, or by electronic mail at Kelley.Nelson@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

ec: Patricia Cole
United States Fish and Wildlife Service
Patricia.Cole@fws.gov

Department of Toxic Substances Control

Jared Blumenfeld
Secretary for
Environmental Protection

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

Gavin Newsom
Governor

March 15, 2022

Mr. Shawn Monk
Planner
City of Fresno
2600 Fresno Street, Suite 3065
Fresno, CA 93721
Shawn.Monk@fresno.gov

NOTICE OF PREPARATION OF A PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE SOUTHEAST DEVELOPMENT AREA SPECIFIC PLAN – DATED FEBRUARY 22, 2022 (STATE CLEARINGHOUSE NUMBER: 2022020486)

Dear Mr. Monk:

The Department of Toxic Substances Control (DTSC) received a Notice of Preparation of a Program Environmental Impact Report (EIR) for the Southeast Development Area Specific Plan (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, work in close proximity to mining or suspected mining or former mining activities, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

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

1. The EIR should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.

2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the EIR.

3. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers*.

4. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to *DTSC's 2001 Information Advisory Clean Imported Fill Material*.

5. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)*.

DTSC appreciates the opportunity to comment on the EIR. Should you need any assistance with an environmental investigation, please visit DTSC's Site Mitigation and Restoration Program page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at DTSC's Brownfield website.

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

Sincerely,

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

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

California Department of Transportation

DISTRICT 6 OFFICE
1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616
(559) 981-1041 | FAX (559) 488-4195 | TTY 711
www.dot.ca.gov

March 18, 2022

FRE-180-R65.1
NOTICE OF PREPARATION, EIR
https://ld-igr-gts.dot.ca.gov/district/6/report/25659

SENT VIA EMAIL
Shawn Monk, Planner
City of Fresno
Long Range Planning Division
Office: 559-621-8031
shawn.monk@fresno.gov

Dear Mx. Monk,

Thank you for the opportunity to review the Notice of Preparation of a Program Environmental Impact Report for the Southeast Development Area Specific Plan. The proposed Southeast Development Area covers nearly 9,000 acres and has the potential to accommodate approximately 45,000 homes by the year 2050. The Plan Area is bounded on the north by the Gould Canal, on the east by McCall and Highland Avenues, on the south by Jensen and North Avenues, and on the West by Locan, Temperance, and Minnewawa Avenues.

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

1. Caltrans anticipates this development area would add substantial traffic to the State Route 180 interchanges at Clovis Avenue, Fowler Avenue, and Temperance Avenue. The result could be significant speed differentials between the off-ramp queues and the mainline of the freeway. **It is highly recommended that a peak hour ramp queue analysis is completed at each of these interchanges to determine potential impacts.**

2. This development area would also be expected to add traffic to the State Route 180 intersections at De Wolf Avenue, Highland Avenue, and McCall Avenue. The result could be significant speed differentials between the turn lane queues and the through lane traffic caused by insufficient left turn lanes or intersection control. **Therefore, it is also recommended that a peak hour queue analysis is completed at each of these intersections to determine potential impacts.**

3. Future development(s) should also consider traffic safety impacts on the State Highway System due to new pedestrian and bicyclist needs based on new origins or destinations that intersect a State Route. Additionally, multimodal conflict points and change in traffic composition (such as an increase in bicyclists or pedestrians, where features such as shoulders or sidewalks may not exist or are inconsistent with facility design) should be included. The State Route 180 interchanges at Fowler Avenue and Temperance Avenue; and the State Route 180 intersections at De Wolf Avenue, Highland Avenue, and McCall

Avenue should be included in this analysis.

4. Future development(s) should conduct a Vehicle Miles Traveled (VMT) study for projects that may substantially induce Vehicle Miles Traveled (VMT). Pedestrian and bicycle facilities within the project site should be considered in this study. The project proponents should also consider coordinating with nearby planned bike networks for a larger active transportation network. The City should consider creating a VMT Mitigation Impact Fee to help reduce potential impacts on the State Highway System.

5. For future residential development, Caltrans recommends project proponents consider working with the City to convert a portion of the planned residential units to affordable housing units.

6. The City should establish policies for the installation of Level 2 Electric Vehicle (EV) charging for single- and multi-family residential units as well as DC Fast Charging EV charging stations for retail, commercial, park and public facilities.

7. Caltrans recommends the Project implement multimodal strategies, such as those that originate from Transit-oriented development (TOD), in an effort to further reduce future projects' traffic related impacts.

8. Active Transportation Plans and Smart Growth efforts support the state's 2050 Climate goals. Caltrans supports reducing VMT and GHG emissions in ways that increase the likelihood people will use and benefit from a multimodal transportation network.

9. Early engagement with Caltrans is highly requested for future projects that would impact state right-of-way. Furthermore, prior to initiating the traffic study, please include Caltrans in the scoping.

If you have any other questions, please call or email Edgar Hernandez at (559) 981-7436 or edgar.hernandez@dot.ca.gov.

Sincerely,

David Padilla, Branch Chief
Transportation Planning – North

CARPENTERS 701
FRESNO, CALIFORNIA
United Brotherhood of Carpenters & Joiners of America

March 25, 2022

VIA EMAIL AND OVERNIGHT MAIL

Jennifer Clark, Director, Planning and
Development Department
c/o Shawn Monk, Planner, Planning and
Development Department
2600 Fresno Street, Suite 3065
Fresno, CA 93721
Jennifer.Clark@fresno.gov
Shawn.Monk@fresno.gov

Re: Carpenters Local 701 - Comment on Notice of Preparation of a Program Environmental Impact Report for the Southeast Development Area Specific Plan, Fresno, California

Dear Ms. Clark:

Carpenters Local 701 is presenting this comment to request that the County add mandatory local hire and apprenticeship language to the economic development, land use, and environmental justice elements of the Specific Plan for the proposed Southeast Development Area (SEDA). Such language would greatly assist in achieving the California Environmental Quality Act (CEQA) goals required for the SEDA's EIR. This letter presents the mandatory language that the Carpenters seek and assesses how this language is consistent with the stated goals of the SEDA and CEQA and why it assists the County in compliance with certain statutorily mandatory provisions of a local general plan.

The Carpenters propose that the Specific Plan for the SEDA include the following as mandatory language in the economic development and environmental justice elements of the Report.

Apprenticeship:

For every apprenticeable craft, the construction contractor participates in a Joint Apprenticeship Program Approved by the State of California, Division of Apprenticeship Standards **OR** in an apprenticeship program approved by the State of California Division of Apprenticeship Standards that has a graduation rate of 50% or higher or has graduated an average of at least thirty (30) apprentices over the five (5) years immediately preceding submission of the pre-qualification documents. A construction contractor without construction craft employees shall show a

contractual obligation that its subcontractors so comply. Any change in participation must be immediately provided to the City of Fresno. Construction contractors shall maintain compliance with this provision until project completion.

Local Hire Policy:

Each construction contractor will hire a minimum of twenty-five percent (25%) of staff for each apprenticeable craft job classification with more than four (4) employees employed whose primary residence, which is not a post office box, has been within the Counties of Fresno, Kings, Madera or Tuolumne for at least 180 days immediately prior to the expected date of issuance of the Notice to Proceed for the project. A construction contractor without construction craft employees shall show a contractual obligation that all of its subcontractors so comply. Construction contractors shall maintain compliance with this provision until project completion.

Fresno County should also require all projects above 20,000 square feet in the aggregate to hire local people and to train them with proper state certified legitimate apprenticeship programs. Local hire and apprenticeship requirements mitigate the environmental impact of development, enhance reaching the policy goals and assist in complying with economic development and environmental justice CEQA requirements.

The Notice of Preparation (NOP) for the SEDA's EIR and the SEDA's webpage imply that four of the biggest challenges and objectives for SEDA's Specific Plan are improving factors of local economics, land use, transportation, and environmental justice. Taken together, mandatory local hire and apprenticeship requirements greatly enhance the County's development policy goals and state CEQA requirements for all four policy objectives of the SEDA.

Including apprenticeship and local hire requirements will expand the Fresno economy and help meet the General Plan's land use element. Workers on SEDA projects that live in Fresno or the four County area are members of the local community. The developments will improve the local quality of life if the people that build the projects do not leave every night. They will also spend the money they earn locally. That spending will generally improve the local economy. Local jobs will provide workers with the resources and job security to improve their quality of life in the short-term. The jobs will also provide workers the resources to move into SEDA housing or housing that becomes vacant due to others moving into the SEDA. These housing trends will reduce burdens on affordable housing and increasing home-ownership in the County. Finally, ensuring Fresno projects employ Fresno residents lowers the County's unemployment rate and increases the County's economic strength.

Local hire and apprenticeship also easily and clearly meet the needs of the transportation element of the SEDA plan. The Draft Fresno County General Plan Background Report finds that traffic volumes in Fresno County have increased substantially and will continue to do so. 5:15-5:17. 44% of Fresno residents commute more than 10 miles each way to work. If current trends continue, this will get worse. 5:29. Worse yet, the demand for automobile travel will increase. 5:71-5:79. Construction job growth has increased 3.8% annually through 2022—the fastest growing job sector in the County. 2:26, 2:30-2:31. A local hire and apprenticeship requirement will reduce the

impact of construction workers traveling from outside the four county area, thereby easing the impact on road use and reducing the environmental costs related to long commutes.

Further, local hire and apprenticeship will positively affect the environmental justice goals of the SEDA plan. 3:170. State law provisions adopted by Senate Bill 244 and Senate Bill 1000 require all EIRs to address environmental justice. One measure of environmental justice is the Enviro Score. Viable apprenticeship training and making work available in Fresno County directly impact four of the elements of the Enviro Score. Those elements are education, poverty, unemployment, and housing burden. 3:70-3:76. Training local workers and reserving local jobs for those workers will improve education and reduce poverty unemployment and the housing burden. The Enviro Score would improve dramatically because the score on four of the elements would increase. 3:85-3:143.

A local hire and apprenticeship requirement will also assist the goal of environmental justice because it will reduce the downward pressure on construction wages and reserve the building trades' work for local residents. From 2011-2015 the average annual wages in the construction and extractions sector dropped from an average of $46,418.00 a year to $44,386.00 a year. 2:401. Construction workers with higher skill level earn higher wages. The SEDA Specific Plan section of the EIR's NOP provides there will be a substantial amount of transportation infrastructure construction for commercial and residential development. A local hire and apprenticeship requirement would enhance local participation. 3:26-3:27, 3:50, 3:69. Doing that work with local skilled workers will substantially reduce the environmental impact and positively affect the environmental justice goals of the next General Plan. 5:1, generally.

Carpenters Local 701 urges the City of Fresno to adopt the local hire and apprenticeship prequalification standards proposed. Mandatory local hire and apprenticeship prequalification requirements would help the City achieve its environmental goals for the SEDA specific plan. A local hire policy is a critical part of sustainable building and development, while also minimizing vehicle trips and reducing greenhouse gas emissions. Apprenticeship utilization will assure an adequate skilled workforce to meet the infrastructure industrial and housing goals of the General Plan. Carpenters Local 701 looks forward to working with the City and its staff as you consider the project and further prepare the SEDA specific plan.

Please contact me if you have any questions or concerns.

Sincerely,

Travis Alexander
Carpenters Local 701

132325\1256793

Voicemail left from 559-554-5433

From Dirk Charlie, Dunlap Mono Tribal Liaison

Dunlap Mono Tribe, Dunlap, CA

Voicemail transcript as follows: The Dunlap Mono Tribe has no comments for the SEDA area. There is no knowledge of historical or cultural resources for the Dunlap Mono Tribe in this area of the Central Valley, CA. I suggest you contact the following tribes and ask if they are aware of any Historical and/or Cultural resources in the SEDA area:

- Table Mountain Ranch
- Big Sandy
- Traditional Transundi Tribe

2907 S. Maple Avenue
Fresno, California 93725-2208
Telephone: (559) 233-7161
Fax: (559) 233-8227

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

March 25, 2022

Jennifer Clark
Development and Resource Management Department
City of Fresno
2600 Fresno Street, Room 3065
Fresno, CA 93721

RE: Notice of Preparation of a Program Environmental Impact Report of the Southeast Development Area Specific Plan for the City of Fresno
FID Facilities: Various

Dear Ms. Clark:

The Fresno Irrigation District (FID) has reviewed the Notice of Preparation of a Program Environmental Impact Report of the Southeast Development Area Specific Plan for the City of Fresno (Project). We appreciate the opportunity to review and comment on the subject documents for the proposed project. FID's comments are as follows:

Impacted Facilities

1. FID has many canals within the Project Area as shown on the attached FID exhibit map. The facilities include: Fresno No. 3, Fancher No. 6, Mill No. 36, Briggs No. 7, Gould No. 97, Gray Colony No. 111, Eisen No. 11, Temperance No. 37, Hanson No. 129, East Branch No. 5, and Kutner Colony S. Br. No. 329. FID's canals range from smaller diameter pipelines to large open canals. In most cases, the existing facilities will need to be upgraded to meet then-current urban standards or relocated by the developer to accommodate new urban developments which will require new pipelines and new exclusive easements. FID will impose the same conditions on future projects as it would with any other project located within the common boundary of the City of Fresno and FID. FID will require that it review and approve all maps and plans which impact FID canals and easements.

    a. Small/Medium Canal Crossings – The majority of the proposed planned will impact existing pipelines and small open channel canals. FID will require all open channels and existing pipelines impacted by the project area development be upgraded to meet FID's then-current standards for

BOARD OF DIRECTORS
President RYAN JACOBSEN Vice President JERRY PRIETO, JR. CHRISTOPHER WOOLF
GEORGE PORTER GREGORY BEBERIAN General Manager BILL STRETCH

urban, rural, industrial areas. The majority of FID's facilities that lie within the proposed Planning Area do not meet FID's urban specifications, including road or highway crossings. The majority of the existing pipelines are monolithic cast-in-place concrete pipe (CIPCP), low head/thin wall PVC, and non-reinforced mortar jointed concrete pipeline. These pipelines were designed for a rural environment and will fail if they are not replaced as development occurs.

b. Large Canal Crossing – There are large canals called Gould No. 97, Fresno No. 3, Mill No. 36, and Fancher No. 6 that will more than likely be too large to be contained within a pipeline. Development impacts to these facilities shall require designs that protect the canal's integrity for an urban setting including the need for access and full right-of-way widths for FID's operations and maintenance needs.

2. FID's facilities that are within the Planning Area carry irrigation water for FID users, recharge water for the City of Fresno, and flood waters during the winter months. In addition to FID's facilities, private facilities also traverse the Planned Area.

3. Canal Access – FID will continue to access the Canal from public roads. In order to access the maintenance bank with our larger equipment, FID requires a drive approach wide enough to accommodate the equipment. FID requires a 50-foot wide drive approach narrowing to a 20 feet wide drive banks. The 50-foot width is defined as starting from the end portion of a bridge/railing outward (away from the bridge). Every road and canal intersection is different and therefore each access will be different. The major factors affecting the proposed width will be the angle of the road intersecting the Canal, grade of canal bank vs. City road, median vs. no median, etc.

    a. If guard railings extend beyond attachment points at each wing-wall, they will obstruct FID's access to the canal and additional right-of-way will need to be acquired. FID will require the developer demonstrate FID's longest vehicle will be able to make the turns onto the drive banks. FID's right-of-way is a minimum 20-feet from the canal hinge on both sides of the canal, and FID will require the developer acquire and dedicate to FID exclusive easements for this purpose.

4. Canal Banks – If there will be any work on canal banks, the following will apply:

    a. All in-channel disturbed soil shall be concrete lined (both side slopes and bottom). FID will require reinforced concrete to limit the on-going maintenance that typically occurs with gunite or shotcrete slope protection.

b. Drive banks must be sloped a minimum of 2% away with a maximum of 4% from the canal with provisions made for rainfall. Drainage will not be accepted into the Canal and must be routed away from FID property/drive banks. Runoff must be conveyed to nearby public streets or drainage system by drainage swales or other FID acceptable alternatives outside FID's easements/property.

c. All existing trees, bushes, debris, old canal structures, pumps, canal gates, and other non- or in-active FID and private structures must be removed within FID's property/easement and the City's project limits.

5. Trail - It is FID's understanding that many trails are master-planned within the Southeast Development Area. As with other developments with trails along the canals, FID will not allow the trail to encroach/overlap FID's canal easement unless an agreement is in place for this purpose. The following requirements are intended for trail projects adjacent to FID-owned properties and right-of-ways for open canals:

   a. FID will not allow the trail easement to be in common use with FID-owned property or easements.

   b. FID requires all trail improvements be placed outside of FID-owned properties and easements.

   c. FID will not allow any portion of a tree canopy to encroach within its properties or easements.

   d. FID's canals will not accept any drainage from the trail or the canal bank.

   e. FID may require some improvements be made to the canal depending on the existing canal condition, the proposed trail, and the adjacent development.

   f. City parks that are adjacent to open canals are treated the same as trails, therefore the same requirements shall apply.

Water Supply Impact

1. The project encompasses the City of Fresno Growth Area 1 and 2 and portions of the project are not entitled to water under the current City of Fresno Conveyance Agreement. Under the executed agreement between the City of Fresno and FID development within Growth Area 2 will not result in an increase in the City's surface water allocation from FID. The document must consider how

to best handle future developments, if any, within the areas designated Growth Area 2 and areas outside of the agreement to evaluate all potential impacts.

2. The document must evaluate whether the City's Water Master Plan needs to be updated and how the Cooperative Agreement between the City of Fresno and FID may impact the developments within the Planning Area. The report must evaluate the City's growth with the recent water issues , including climate change, and whether the City's Water Master Plan can still provide the necessary guidance for the City.

3. The City of Fresno has implemented many of the projects previously proposed in the City's Water Master Plan. The Proposed document should consider and evaluated whether the constructed projects have resulted in benefits that were anticipated.

4. The proposed land use (or changes in land use) should be such that the need for water is minimized and/or reduced so that groundwater impacts to the proposed project area and any surrounding areas are eliminated.

5. If treated surface water will be used and the City has a deficit water supply or groundwater levels continue to drop, the City must acquire additional water from a water purveyor, such as FID for that purpose, so as to not impact water supplies to or create greater water supply deficits in other areas of the City or in the groundwater basin. Water supply issues must be resolved before any further "hardening" of the water supply demand is allowed to take place.

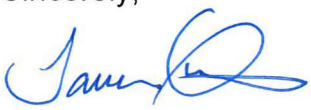
6. The potential for increase in water consumption by the project will result in additional groundwater overdraft. There is a significant cone of depression beneath the City of Fresno. FID is concerned that the increased water demand due to a change in land use may have a significant impact to the groundwater quantity and/or quality underneath the City of Fresno, FID and the Kings Groundwater Sub-basin. The "demand" side of water consumed needs to be evaluated or scrutinized as much as the "supply" side of the water supply. Many of the areas are historically native, and/or rural residential with minimal to no water use. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed project result in a significant increase in dependence on groundwater, this deficit will increase. FID recommends the City of Fresno require proposed projects balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft problem.

7. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their

local water basins and adopt locally-based management plans. FID and the City of Fresno are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater basin within the FID service area. This area is in an over drafted groundwater basin and SGMA will impact all users of groundwater and those who rely on it. The City of Fresno should consider the impacts of the project on the City's ability to comply with the requirements of SGMA.

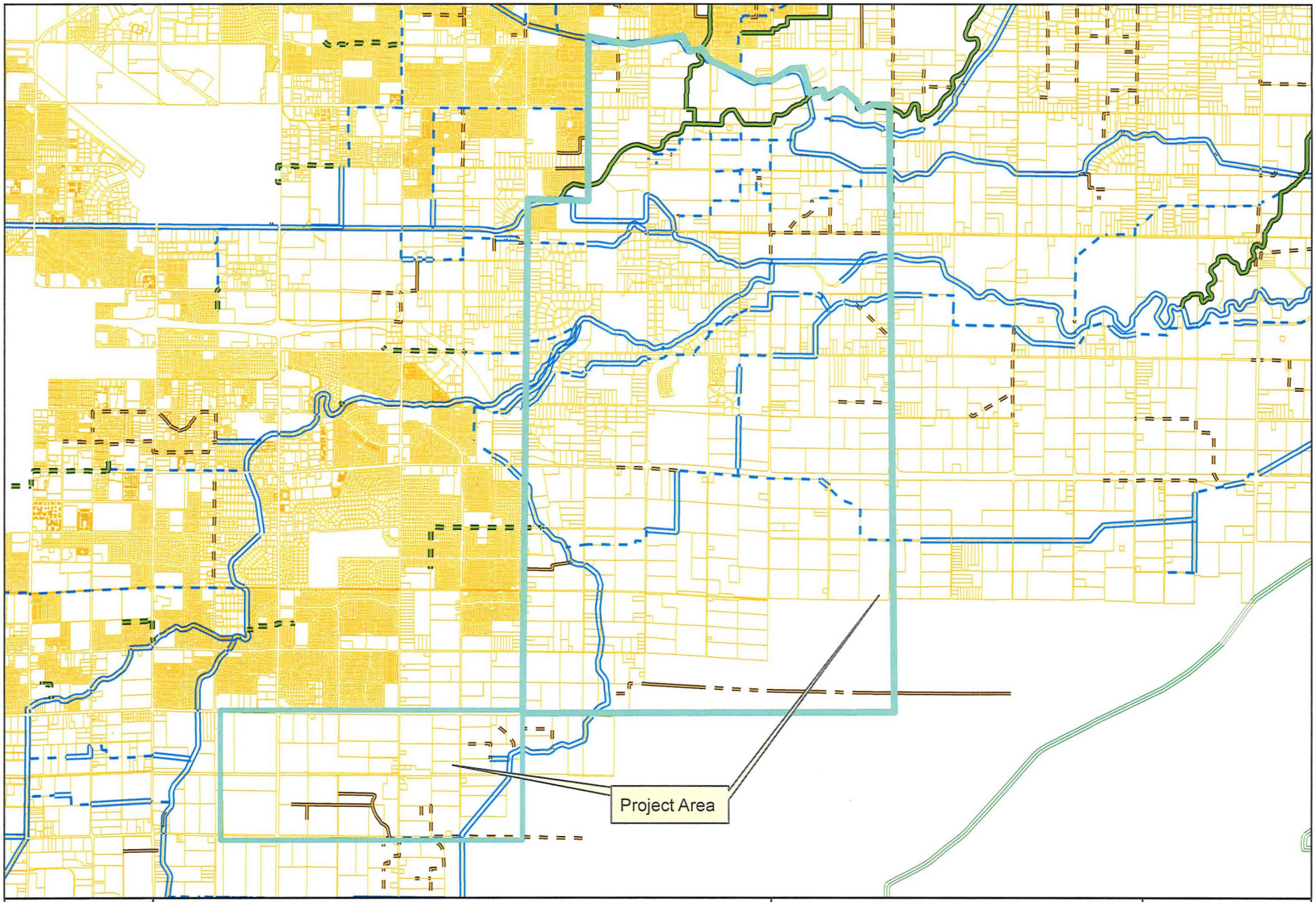
Thank you for making available to us the Notice of Preparation of a Program Environmental Impact Report of the Southeast Development Area Specific Plan for our review and allowing us the opportunity to provide comments. We appreciate the opportunity to comment on the subject Notice for this project. While it is difficult to envision all of the potential impacts without all of the improvement details and impact report, we have attempted to provide you as much information as possible. We reserve the right to provide additional comments when more detailed information becomes available. If you have any questions please feel free to contact me Jeremy Landrith at (559) 233-7161 extension 7407 or jlandrith@fresnoirrigation.com.

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

Attachments



FRESNO IRRIGATION DISTRICT

Legend

- FID Canal
- Private Canal
- Abandoned Canal
- FID Pipeline
- Private Pipeline
- Abandoned Pipeline
- Stream Group
- Other-Creek\River
- Other-Pipeline
- FID Boundary
- Railroad
- Streets & Hwys
- Parcel
- FMFCD Acquired Basins
- FMFCD Proposed Basins

This map was produced by the Fresno Irrigation District and is provided for reference and informational purposes only and is not intended to show map scale accuracy or all inclusive map features, nor for legal purposes. FID makes no statements regarding the accuracy of this map as the features shown are in their approximate location. Please contact the FID Engineering Dept. at (559) 233-7161 for further information on FID facilities.

Path: G:\Fidgis\20220103 FID Master.mxd
Spatial Reference
Name: NAD 1983 StatePlane California IV FIPS 0404

0 2,600 5,200
Feet
1 inch = 5,416.67 feet

NOTICE OF PREPARATION

Date: February 22, 2022

To: State Clearinghouse and Interested Public Agencies, Parties, and Organizations

Subject: Notice of Preparation of a Program Environmental Impact Report for the Southeast Development Area Specific Plan, Fresno, California

Lead Agency: City of Fresno

Contact: Jennifer Clark, Director, Planning and Development Department
c/o Shawn Monk, Planner, Planning and Development Department
2600 Fresno Street, Suite 3065
Fresno, CA 93721
559.621.8166
Jennifer.Clark@fresno.gov
Shawn.Monk@fresno.gov

Comment Period: February 22, 2022, to March 25, 2022

PURPOSE OF NOTICE

The City of Fresno (Lead Agency and/or City) will prepare a Program Environmental Impact Report (Program EIR) for the proposed Southeast Development Area (SEDA) Specific Plan (proposed project), located in the City of Fresno. The Program EIR will address potential environmental and physical effects of the proposed project for each environmental topic listed in the California Environmental Quality Act (CEQA). The City of Fresno will use the Program EIR when considering approval of the proposed project. Pursuant to CEQA Guidelines Section 15082, the project history, description, location, and potential environmental effects of the project plan are described in the attached materials.

PUBLIC REVIEW PERIOD

The City is soliciting comments from public agencies, organizations, and members of the public regarding the scope and content of the Program EIR. In accordance with CEQA time regulations, the Notice of Preparation (NOP) 30-day period of public review will begin February 22, 2022, and will end on March 25, 2022. The City will hold a public scoping meeting to inform the public and interested agencies about the proposed project and solicit comments on the scope of the environmental factors addressed in the Program EIR, along with alternatives that are being considered. The meeting will be held on March 3, 2022, and will only be conducted electronically due to COVID-19 restrictions. Meeting details are as follows:

Web link: https://zoom.us/j/ 92678285600 Call-in Information: [(669) 900-9128

Webinar ID: 926 7828 5600

Meeting Date: March 3, 2022

Meeting Time: 6:00 p.m. to 8:00 p.m.

Because of COVID-19 restrictions, copies of the NOP may be reviewed at the following locations:

- Online at: https://www.fresno.gov/cityclerk/notices-publications/ or
- www.fresno.gov/SEDA

For information on additional viewing methods, contact Project Manager, Planning and Development Department, Summer Rooks, at Summer.Rooks@fresno.gov.

Your views and comments on how the project may affect the environment are welcomed and encouraged.

PROJECT LOCATION

The regional location of the nearly 9,000-acre SEDA Specific Plan Area (Plan Area) is in the southeast portion of the City, in Fresno County (County), California as shown in Exhibit 1. The Plan Area with the proposed land use designations in the proposed project, are shown in Exhibit 2. The Plan Area is bounded on the north by the Gould Canal, on the east by McCall and Highland Avenues, on the south by Jensen and North Avenues, and on the West by Locan, Temperance, and Minnewawa Avenues.

PROJECT HISTORY

The SEDA, previously known as the Southeast Growth Area (SEGA), was approved for incorporation into the City in 2006 by the Local Agency Formation Commission (LAFCo) with several provisions that included preparation of a Specific Plan and associated environmental assessment before any annexations of land to the City could be approved. The City initiated the process of preparing a Specific Plan for SEGA but put it aside amid the uncertainty of the recession in 2008. Concepts from the SEGA planning process were rolled into the current Fresno General Plan that was adopted in 2014. The Fresno General Plan includes the SEDA as one of several growth areas.

Located in Growth Area II, SEDA was conceived to be developed after other infill initiatives, to give those time to gain momentum. SEDA's later time frame is reflected in the General Plan's buildout numbers, which include one-third of SEDA's residential capacity (approximately 15,000 dwelling units out of a total 45,000 dwelling unit capacity) to accommodate Fresno's anticipated 2035 population. It is assumed that the remaining residential capacity of 30,000 dwelling units will not be developed until after 2035. While there is still ample residential capacity within the current city limits and in Growth Area I (which includes the Southwest Fresno and the West Area Neighborhoods Specific Plan areas),

there is a sense of urgency about the current housing crisis and the City's ability to provide housing for existing population and its natural growth as well as the unanticipated in-migration occurring at this time.

EXISTING CONDITIONS

The predominant use in the Plan Area is agriculture, with the primary crops being vineyards, orchards, and vegetables. The Plan Area also contains agriculture-related and commercial operations, such as plant nurseries, wineries, and other various agricultural businesses. The second most predominant use is rural residential development, which is primarily concentrated in the area between State Route (SR) 180 and McKinley Avenues, but also scattered throughout the Plan Area.

In addition to these uses, schools, churches, and other uses also occupy the Plan Area. The Plan Area includes land that falls within both the Sanger and Clovis Unified School Districts, with Fowler and Fresno Unified School Districts bordering the Plan Area. Clovis Unified is constructing an educational center for middle and high school students in the northern portion of the Plan Area on a site along the Clinton Avenue alignment between Leonard and Highland Avenues, with phased opening expected in 2025.

The current roadway network is mainly comprised of two-lane county roads at 0.5-mile intervals, interspersed with local streets. Major roadway access corridors include Temperance, Clovis, and Jensen Avenues. Each accommodate four lanes of traffic with a central turning lane. The SR-180 has been extended eastward along the old Kings Canyon alignment from Temperance Avenue to Academy Avenue in Sanger. This route extension provides an east–west connection to Interstate 5 (I-5), serving commuters and the movement of agricultural goods from eastern portion of the County. Temperance Avenue has been expanded to four lanes where needed to serve new development.

The Plan Area is traversed by several constructed drainage features and natural waterways: Gould Canal, Redbank Slough, Dry Creek Canal, Mill Ditch, Fancher Creek Canal, and Briggs Canal. Some canals in the Plan Area are mostly unvegetated and the banks are enforced with rock or broken asphalt and concrete, with some portions fully concrete-lined. In addition, there are several small ponds and numerous lateral irrigation ditches present that deliver water from the canals to agricultural fields.

PROJECT DESCRIPTION

The proposed project is a Specific Plan for the SEDA that would provide for increased density and accelerate housing production throughout the Plan Area. The proposed project would offer flexibility in meeting the evolving needs of households in the region through a multimodal transportation network and diverse housing types and affordability levels.

The proposed project land use categories are shown in Table 1 along with the total proposed acreage. A description of the proposed project and these associated land use categories are provided in the discussion below.

Table 1: Proposed Specific Plan Estimated Acreages

Land Use	Proposed Plan Acres	Percentages
Mixed-Use Land Uses		
Regional Center	310	3.5%
Community Center	290	3.3%
Neighborhood Center	520	5.9%
Residential Land Uses		
Mixed Residential	1,090	12.4%
Neighborhood Residential	1,520	17.3%
Rural Residential	2,160	24.5%
Rural Cluster Residential	810	9.2%
Employment Land Uses		
Office Center	160	1.8%
Flexible Research and Development	1,380	15.7%
Institutional	280	3.2%
Other Land Uses		
Flood Control Basin	280	3.2%
TOTAL	*8,799*	*100%*
Notes: ** Rounded to the nearest acre. Figures may not sum due to rounding.*		

The SEDA Specific Plan

The proposed project provides a vision and implementation mechanisms for a sustainable future for the Southeast Development Area. It has the potential to accommodate approximately 45,000 homes and 37,000 jobs within the nearly 9,000-acre planning area by the year 2050. Framed within three interrelated goals: fiscal responsibility, social equity, and environmental sustainability the proposed project would link a series of complete communities and mixed-use centers with a multimodal transportation network. The proposed project would include major transit lines, mixed-use centers, diverse residential districts, employment districts, open space, agriculture, and green infrastructure.

Vibrant Mixed-Use Town Centers

The proposed project is based upon a hierarchy of walkable Mixed-Use Town Centers supported by a multimodal transportation network. Town Centers, which would serve as commercial and civic focal points for the Plan Area, are designed to include a mix and intensity of uses. Town Centers are human-scaled and defined by quality design features and a rich mixture of uses. They incorporate living and working opportunities with entertainment, cultural activities, and shops serving the daily needs of residents and employees.

Regional Town Center

The Regional Town Center is at the top of the mixed-use center hierarchy in the Plan Area, serving 40,000 to 60,000 households across the site and within the surrounding communities. The Regional Town Center features region-serving retail and office activity, as well as medium- and higher-density housing. It is well served by a high-capacity transit service.

Community Town Centers

Seven Community Town Centers dispersed across the Plan Area would provide commercial, civic, and other services to meet the needs of Community Town Center residents and employees, as well as those of surrounding neighborhoods. Community Town Center services, including grocery stores, support between 5,000 and 10,000 households. Community Town Centers feature a variety of medium-density housing options. Some Community Town Centers are focused on major rapid transit stations.

Neighborhood Town Centers

Neighborhood Town Centers are dispersed throughout the Plan Area and would serve as focal points of adjacent residential areas. Neighborhood Centers include employment and residential uses, but primarily provide a majority of the Plan Area residents with essential walk, bike, transit, and short-drive access to civic services and amenities, including elementary schools, local parks, community gardens, and other services.

Each Neighborhood Town Center would serve approximately 1,500 to 2,000 households and include a range of housing options.

Diverse Residential Districts

The Plan Area includes a rich and complete fabric of residential communities that support mixed-use centers and include a variety of housing types and affordability levels. The proposed project would distribute a variety of housing across the Plan Area to accommodate current and future housing needs. The range of housing types and densities throughout the communities would provide flexibility to meet the evolving needs of households in the region.

Mixed Residential

Mixed Residential districts support the Regional and Community Town Centers with a variety of medium- and higher-density housing, including a diverse mix of attached and detached single-family and multi-family homes.

Neighborhood Residential

Neighborhood Residential districts surround Neighborhood Town Centers and support the retail, employment, and other services provided throughout the Plan Area. Neighborhood Residential areas include a variety of detached and attached single-family housing types, as well as multi-family housing options.

Rural Cluster Residential

Rural Cluster districts, located along the eastern edge of the Plan Area, concentrate residential lots within a small, clustered area of a larger parcel or groups of parcels. This clustering of homes preserves

the continuity and viability surrounding land for agricultural uses and open space conservation. Rural Cluster districts serve as a transitional buffer between more intense urban uses within the Plan Area and the commercial agricultural operations outside of the Plan Area.

Rural Residential

There are approximately 1,700 acres in the Plan Area currently developed as very low-density rural residential homes and ranchettes. These homes are designated in the proposed project as Rural Residential.

Innovative Employment Districts

The proposed project provides opportunities to attract diverse high-quality employers and job opportunities while meeting the environmental challenges associated with growth in the City and the Central Valley. Many jobs would be located within a short distance to amenities in Regional and Community Town Centers, Office Centers, and in Flexible Research and Development districts.

In these locations, they can be closely linked to regional transit service and trail systems. The proposed project would put a significant portion of Plan Area residents within walking distance of major employment areas and high-capacity transit service that links to regional employment centers, including Downtown Fresno.

Reducing reliance on the automobiles for work trips would significantly reduce greenhouse gas (GHG) emissions, playing a significant role in meeting the proposed project's sustainability goals.

Office Center

Office Center districts are located adjacent to Regional and Community Centers or along regionally significant transportation corridors (e.g., SR-180, Kings Canyon Boulevard, Clovis Avenue). Office Centers accommodate professional offices and compatible commercial uses such as restaurants, coffee shops, cafés, banks, and book shops. Some residential uses could be permitted in Office Centers.

Flexible Research and Development

Flexible Research and Development districts are primarily located west of the Briggs Canal and/or south of Jensen Avenue and are intended to contain uses such as research and development, light manufacturing, product testing centers, and office development. The area may also include compatible commercial uses such as restaurants, coffee shops, cafés, printing and publishing, dry cleaners, and other supporting businesses. Access to regional transportation corridors (both road and rail) is critical. Residential uses are not allowed in Flexible Research and Development areas.

Transportation Choices

The multimodal circulation network in the proposed project includes a hierarchy of transportation options, ensuring that residents would have real choices for their daily travel needs.

Complete Streets

The Plan Area will be served by a network of Complete Streets as defined by City's Complete Streets Policy adopted in 2019. A Complete Street is defined in the policy as a transportation facility that is

planned, designed, operated, and maintained to provide safe mobility for all users–including bicyclists, pedestrians, transit vehicles, trucks, and motorists–appropriate to the function and context of the facility while connecting to a larger transportation network.

Transit Service

Transit Corridors/arterials with high-capacity public transit would serve major town centers, while collectors and local streets provide safe, convenient options for local trips. The Kings Canyon high frequency Q Bus Route is planned to extend into the Regional Town Center and eventually terminate service in the Community Town Center located on South DeWolf Avenue.

Bicycle/Pedestrian Trails

A network of pedestrian and bicycle routes, including dedicated trails and multi-purpose paths will serve work, school, and recreational trips. This extensive non-auto travel network will be coordinated with existing and proposed regional trails. Trail systems connect regional and sub-regional destinations for bicyclists, pedestrians, and equestrians (where appropriate). Multiuse trails are parallel to canals and other east–west open space networks within the Plan Area.

There will also be a network of bicycle lanes reflective of the Fresno Active Transportation Plan (ATP). This will consist of at least Class II Bike Lanes and other bicycle facilities as described in the Caltrans Bikeway Classification Guide.

Open Spaces, Agriculture, and Green Infrastructure

The proposed project features an integrated system of natural and developed open spaces that would serve many vital uses, from recreation to community farming and agriculture, to stormwater management. The open space system is designed to be a valuable amenity accessible to the entire community.

Parks and Open Spaces

The proposed project's open space system provides places for active and passive recreation and includes corridors for trails and paths that connect many areas of the Plan Area.

Sustainable Infrastructure

Sustainable infrastructure components capture and retain runoff, then treat the water by allowing it to move slowly through natural systems, such as constructed wetlands and rock filters. Stormwater management systems help reduce impacts on the environment and regional infrastructure systems can also be designed as visual and active amenities for residents in the Plan Area.

Community Farming and Agriculture

The proposed project integrates community-scale farming and agriculture into the urban fabric. Agricultural activities range from neighborhood gardens to agricultural education, and from small farming operations in green belts to those on the rural cluster edge.

Setting the Stage for Implementation

The proposed project sets a vision for how the Plan Area would develop over time. It defines where Mixed-Use Town Centers, residential neighborhoods, and employment areas would be located, the types of travel options, and transit and roadway infrastructure that would serve and connect these areas. It also sets standards for how districts would be organized and how streets would be designed to enhance walkability and meet the needs of all users. The plan includes the targets established by State and federal policies that address water and energy conservation, reduced air quality and GHG emissions, available parks and open space, housing opportunities, and many other important elements.

The following components will be part of the planning process and will be required prior to construction:

1. **Complete a phasing plan** that would define the optimal sequence of development for various areas within SEDA.

2. **Complete a comprehensive Infrastructure Plan.** Working from the SEDA Land Use Plan as its starting point, the Infrastructure Plan will delineate the specific bounds and design of the Plan Area's overall flood control and green infrastructure plan; identify bicycle and pedestrian trail alignments; specify the location of high schools, middle schools, and elementary schools; establish the specific alignments of arterial, and collector roadways, and identify the location of major transit stations along transit routes and corridors. The plan will also include new sewer and water infrastructure needed to serve new development. This plan must be accompanied by a comprehensive and detailed financing and implementation strategy that includes the phasing and financing of development and all major infrastructure. The City would convene all requisite agencies in the development of the Infrastructure Plan, including the following, and others as required:

    - Fresno Municipal Flood Control District
    - Fresno Irrigation District
    - City of Fresno Department of Public Utilities Water Division, Wastewater Management Division, and Solid Waste Management Division
    - City of Fresno Department of Public Works Streets Division
    - City of Fresno Parks After School, Recreation, and Community Services Department
    - Clovis and Sanger Unified School Districts
    - Fresno Council of Governments
    - Fresno Area Express (FAX) transit agency
    - California Department of Transportation

3. **Address Annexation with Fresno County, the Local Agency Formation Commission, and the State of California.** This includes addressing all issues to allow strategic and proactive annexation into the City of designated portions of the Plan Area targeted for planned and financed extension of infrastructure development by the City. The typically fragmented annexations associated with incremental private development proposals, Memorandum of Understanding (MOU), and inter-jurisdictional competition would not promote the coherent, sustainable, and fiscally sound development of the proposed project.

4. **General Plan Amendment and Development Code Change.** Amend the General Plan and Development Code to implement the land use and zoning described in the proposed project.

RESPONSIBLE AGENCIES

For the purposes of CEQA, the term "Responsible Agency" includes all public agencies other than the Lead Agency (that have discretionary approval power over the proposed project) (State CEQA Guidelines § 15381).

Discretionary approval may include such actions as issuance of a permit, authorization, or easement needed to complete some aspect of the proposed project. Responsible agencies may include, but are notlimited to:

- California Department of Transportation (Caltrans)
- California State Water Resources Control Board (State Water Board)
- California Department of Fish and Wildlife (CDFW)
- Central Valley Regional Water Quality Control Board (Central Valley RWQCB)
- Fresno Local Agency Formation Commission (LAFCo)
- San Joaquin Valley Air Pollution Control District (Valley Air District)
- Fresno Municipal Flood Control District
- Fresno Irrigation District

AREAS OF POTENTIAL ENVIRONMENTAL EFFECTS

The Program EIR will analyze the significant environmental effects associated with adoption and implementation of the proposed project. Specific areas of analysis would include the following topics based on Appendix G of the State CEQA Guidelines:

- Aesthetics
- Agricultural and Forestry Services
- Air Quality
- Biological Resources
- Cultural/Tribal Cultural Resources
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services

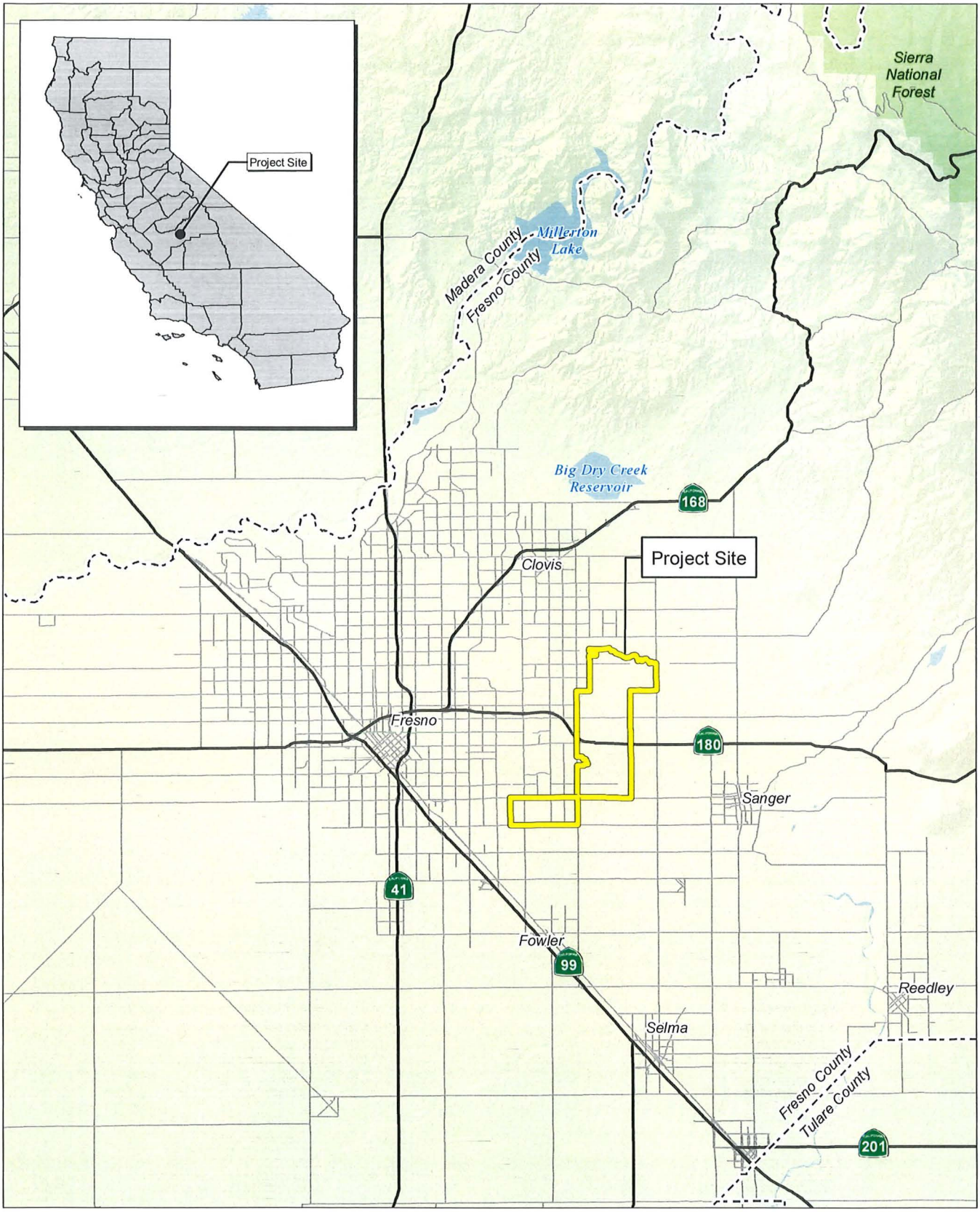
- Energy
- Geology and Soils
- Greenhouse Gas Emissions and Climate Change
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Recreation
- Transportation
- Utilities and Service Systems
- Wildfire
- Mandatory Findings of Significance

The Program EIR will also include a discussion of environmental justice issues and identify and evaluate a range of reasonable alternatives to the proposed project, including a No Project Alternative, pursuant to CEQA Guidelines.

SUBMITTING COMMENTS

Comments and suggestions as to the appropriate scope of analysis in the Program EIR are invited from all interested parties. Written comments or questions concerning the Program EIR for the proposed project should bedirected to the City's Environmental Project Manager at the following address by 5:00 p.m. on March 25, 2022. Please include the commenter's full name and address.

Jennifer Clark, Director, Planning and Development Department
c/o Shawn Monk, Planner, Planning and Development Department
2600 Fresno Street, Suite 3065
Fresno, CA 93721
559.621.8031
Jennifer.Clark@fresno.gov
Shawn.Monk@fresno.gov



Source: Census 2000 Data, The California Spatial Information Library (CaSIL). City of Fresno, SEDA Regulating Districts.

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5 2.5 0 5
Miles

Exhibit 1
Regional Location Map

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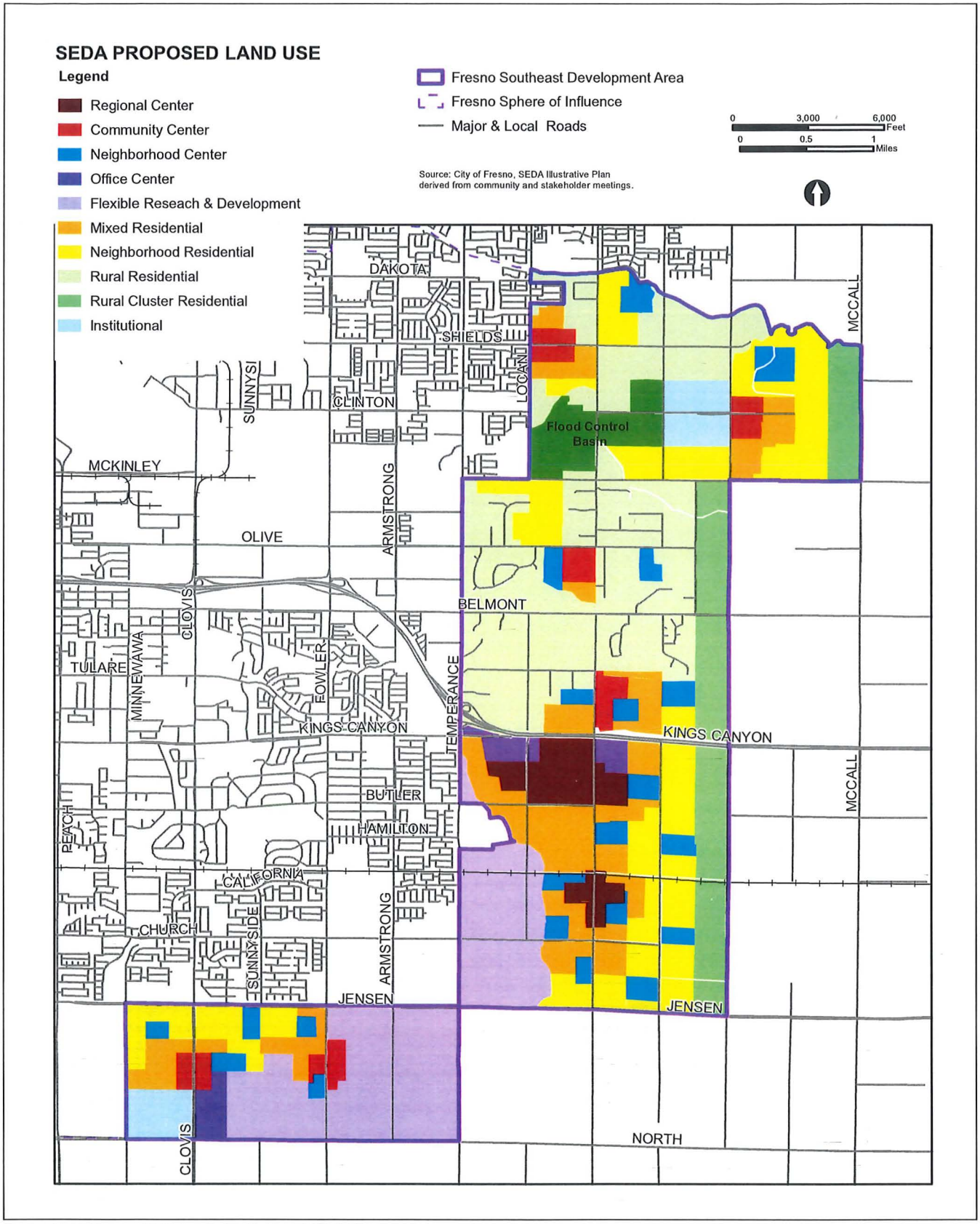
CITY OF FRESNO
SOUTHEAST DEVELOPMENT AREA SPECIFIC PLAN
NOTICE OF PREPARATION



Source: City of Fresno, SEDA Regulating Districts, 02/10/2022.

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Exhibit 2
Specific Plan Map

Fresno Metropolitan Flood Control District
Capturing Stormwater since 1956

File 310. "BG", "BL", "BM",
"CS", "DS", "DV"
410.214

March 25, 2022

Ms. Jennifer Clark, Director
c/o Mr. Shawn Monk, Planner
City of Fresno Planning and Development Department
2600 Fresno Street, Rm. 3065
Fresno, CA 93721

Dear Ms. Clark,

Fresno Metropolitan Flood Control District (FMFCD) Comments on the Notice of Preparation of a Program Environmental Impact Report for the Southeast Development Area Specific Plan, Fresno, California
Drainage Areas BG", "BL", "BM", "CS", "DS", "DV"

FMFCD staff has reviewed the Notice of Preparation for the Southeast Development Area (SEDA) Specific Plan PEIR, and offers the following comments:

1. In all references to FMFCD, replace the word Municipal with Metropolitan.

2. Portions of the SEDA Specific Plan Area (Plan Area) are currently not located within a planned "drainage area" as shown on the attached Exhibit No. 1. It is FMFCD's intention to work with the City of Fresno to provide Master Planned drainage area systems to serve the Plan Area.

3. FMFCD recognizes that this Plan Area was previously approved for incorporation into the City in 2006 for urban development by the Local Agency Formation Commission (LAFCo) with several provisions that included preparation of a Specific Plan. Approximately 4200 acres of the Plan Area is outside of the current FMFCD boundary. In conjunction with an adopted Plan Area, the FMFCD Sphere of Influence will also need to be adjusted and this same area annexed by FMFCD to include the Plan Area (see Exhibit No. 1) to ensure appropriate provisions of urban drainage and flood control services. FMFCD's LAFCo annexation process will require CEQA.

4. All impacts to storm water runoff created by increasing densities in developed areas that effect the capacity of the existing Master Planned storm drainage system must be fully mitigated. The Plan Area encompasses existing Drainage Areas "DS", "DV", and portions of Drainage Areas "BG", "BL", "BM", and "CS". FMFCD is currently analyzing how proposed land use changes within the developed areas of the Plan Area will impact the capacity requirements of existing drainage systems due to increased density. In general, in areas where no drainage facilities have been constructed, the Master Plan can be revised to

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www.fresnofloodcontrol.org

accommodate new land uses and pipeline alignments proposed within the Plan Area, (i.e. street circulation plans and proposed street widths, open space concepts, and trailway alignments). FMFCD's Basin "DS", located at the northwest corner of Clinton and Leonard Avenues, was acquired in anticipation of Clinton Avenue not going through between Leonard and DeWolf Avenues. FMFCD requests the Plan Area maintain this same circulation plan for Clinton Avenue and it not go through west of Leonard Avenue.

5. FMFCD has studied the areas currently not located within a Master Planned area and has located the tentative basin facilities shown on Exhibit No. 1. The City shall incorporate the locations of the tentative basin facilities into the SEDA Proposed Land Use plan. The County of Fresno Business Industrial Campus is currently in the preliminary stages and once complete will be incorporated into FMFCD's Master Plan; changes in size and/or location of the tentative basin locations shown on Exhibit No. 1 may be effected by this County Plan. The final basin locations will be determined by the on-going Storm Drainage and Flood Control Master Plan planning process. FMFCD will ensure conformance and consistency by providing drainage facilities appropriate to serve the proposed land uses, and develop residential design basins, which include provisions for recreational open spaces, in areas where the basin site is bordered on two or more sides by residential uses. FMFCD shall be notified of any revisions to the SEDA Proposed Land Use plan as changes will effect the existing as well as new Master Plan drainage systems.

6. The City of Fresno, FMFCD, the County of Fresno, the City of Clovis, and the California State University, Fresno are currently covered as Co-Permittees for Municipal Separate Storm Sewer System (MS4) discharges through National Pollutant Discharge Elimination System (NPDES) General Order No. R5-2016-0040 and NPDES Permit No. CAS0085324 (Storm Water Permit) effective May 17, 2018. The previous Storm Water Permit adopted on May 31, 2013 required the adoption of Stormwater Quality Management Program (SWQMP) that describes the Storm Water Permit implementation actions and Co-Permittee responsibilities. That SWQMP was approved by the Central Valley Regional Water Quality Control Board on April 17, 2015 and is effective until adoption of a new SWQMP, which is anticipated within the next two years.

   It is FMFCD's understanding that the City will adopt a Program EIR for the proposed SEDA Specific Plan and that the Program EIR may be used when considering approval of future discretionary actions. The Storm Water Permit requires that Co-Permittees update their CEQA process to incorporate procedures for considering potential stormwater quality impacts when preparing and reviewing CEQA documents. This requirement is found on Provision D.14 of the 2013 Storm Water Permit and in Section 7: Planning and Land Development Program – PLD 3 – Update CEQA Process. The District has created a guidance document that will meet this Storm Water Permit requirement entitled *Guidance for Addressing Stormwater Quality for CEQA Review*, which has been attached. In an effort to streamline future CEQA processing and maintain compliance with the Storm

Water Permit, FMFCD recommends that all future CEQA review within the City of Fresno, including the SEDA area, utilize the attached guidance document.

Additionally, the City's authority as a land use agency gives the City responsibility to implement certain storm water quality measures. The SWQMP requires a Memorandum of Understanding (MOU) between the District and the City of Fresno that identify those activities best suited for the City to perform related to planning, inspection and enforcement of NPDES Permit requirements. The District has a current MOU adopted in 2014 and this MOU will need to be updated after adoption of the next SWQMP. Since the 2014 MOU was adopted, the following regulatory programs have been adopted by the State Water Resources Control Board that the City must coordinate with FMFCD to effectively implement:

- Amendment to the Water Quality Control Plan for Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California; and

- Amendment to the Water Quality Control Plan for the Sacramento and San Joaquin River Basins for the Control of Pyrethroid Pesticide Discharges.

These regulatory requirements, however, often coincide with other community planning goals. For example, it is noted in the NOP that the Specific Plan may include provisions for sustainable infrastructure, including capture and retention of rainfall and stormwater runoff. Such approaches, when coordinated, can assist in meeting the stormwater quality regulatory requirements listed above. Existing FMFCD Policy requires post-development requirements for areas not served by stormwater basins or areas that discharge to sensitive waterbodies, such as the San Joaquin River. Should the City desire to include sustainable infrastructure provisions in its Specific Plan, coordination between the City and FMFCD must take place to ensure plans are suited to meet stormwater quality regulatory objectives and compatible with drainage standards in the Fresno area.

7. As stated in the NOP, FMFCD is a Responsible Agency for the purposes of CEQA review and has discretionary approval over part of the proposed project. As future projects within the Specific Plan are approved, FMFCD may require project proponents to construct master planned storm drainage facilities. To prevent duplicate CEQA processing, the Program EIR should evaluate impacts related to the construction of master planned storm drainage facilities to the extent feasible.

Additional FMFCD General Comments

FMFCD bears responsibility for storm water management within the Fresno-Clovis metropolitan area, including portions of the area within the Plan Area. Within this area, the community has developed and adopted Storm Drainage and Flood Control Master Plans as shown in the attached

Exhibit No. 1. In general, each property contributes its pro-rata share to the cost of the public drainage system. All properties are required to participate in the community system for everyone. It is this form of participation in the cost and/or construction of the drainage system that will mitigate the impact of development. The subject property shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to approval of any final maps and/or issuance of building permits at the rates in effect at the time of such approval. Please contact FMFCD for a final fee obligation prior to issuance of the construction permits within the Plan Area. For areas located outside a Master Planned area, once these areas are adopted by the FMFCD Board of Directors', drainage fee payment will be required per the criteria listed above.

The grading of proposed development within the Plan Area shall be designed such that there are not adverse impacts to the passage of major storm flow through that development. Additionally, the development shall provide any surface flowage easements or covenants for any portions of the developing area that cannot convey storm water to public right of way without crossing private property.

If there are to be storm water discharges from the private facilities to FMFCD's storm drainage system, they shall consist only of storm water runoff and shall be free of solids and debris. Landscape and/or area drains are not allowed to connect directly onto FMFCD's facilities.

FMFCD will need to review and approve the final improvement plans for all development (i.e. grading, street improvement and storm drain facilities) within the boundaries of the proposed project to insure consistency with the future Storm Drainage Master Plan.

Storm drain easement will be required whenever storm drain facilities are located on private property. No encroachments into the easement will be permitted including, but not limited to, foundations, roof overhangs, swimming pools, and trees.

Where permanent drainage service is available the developer shall verify to the satisfaction of the City and FMFCD that runoff can be safely conveyed to existing Master Plan facilities. Permanent drainage service will not be available if the downstream Master Plan facilities are not constructed or operational and in this instance FMFCD recommends the City require temporary drainage facilities until permanent drainage service is available. Prior to submitting any development proposal, it is recommended to contact FMFCD for information regarding the status of the Master Plan drainage facilities and the availability of permanent drainage service.

FMFCD may require the developer to construct certain storm drain facilities as described in the Storm Drain Master Plan. The cost of construction of Master Plan facilities excluding dedication of storm drainage easements is eligible for credit against the drainage fee of the drainage area served by the facilities. A development agreement shall be executed with FMFCD to affect such credit. Reimbursement provisions, in accordance with the Drainage Fee Ordinance, will be included to the extent that developer's Master Plan costs for an individual drainage area exceed

the fee of said area. Should the facilities cost for such individual area total less than the fee of said area, the difference shall be paid upon demand to the City or FMFCD.

The individual properties may be located within a flood prone area as designated on the most current official Flood Insurance Rate Maps. The maps are available at the Federal Emergency Management Agency (FEMA) Flood Map Service Center.

In an effort to improve storm runoff quality, outdoor storage areas shall be constructed and maintained such that material that may generate contaminants will be prevented from contact with rainfall and runoff and thereby prevent the conveyance of contaminants in runoff into the storm drain system.

FMFCD encourages, but does not require that roof drains from non-residential development be constructed such that they are directed onto and through a landscaped grassy swale area to filter out pollutants from roof runoff.

Runoff from areas where industrial activities, product, or merchandise come into contact with and may contaminate storm water must be directed through landscaped areas or otherwise treated before discharging it off-site or into a storm drain. Roofs covering such areas are recommended. Cleaning of such areas by sweeping instead of washing is to be required unless such wash water can be directed to the sanitary sewer system. Storm drains receiving untreated runoff from such areas that directly connect to FMFCD's system will not be permitted. Loading docks, depressed areas, and areas servicing or fueling vehicles are specifically subject to these requirements. FMFCD's policy governing said industrial site NPDES program requirements are available. Contract FMFCD's Environmental Department for further information regarding these policies related to industrial site requirements.

We look forward to working closely with the City on these items to successfully execute the EIR and Specific Plan for the Southeast Development Area.

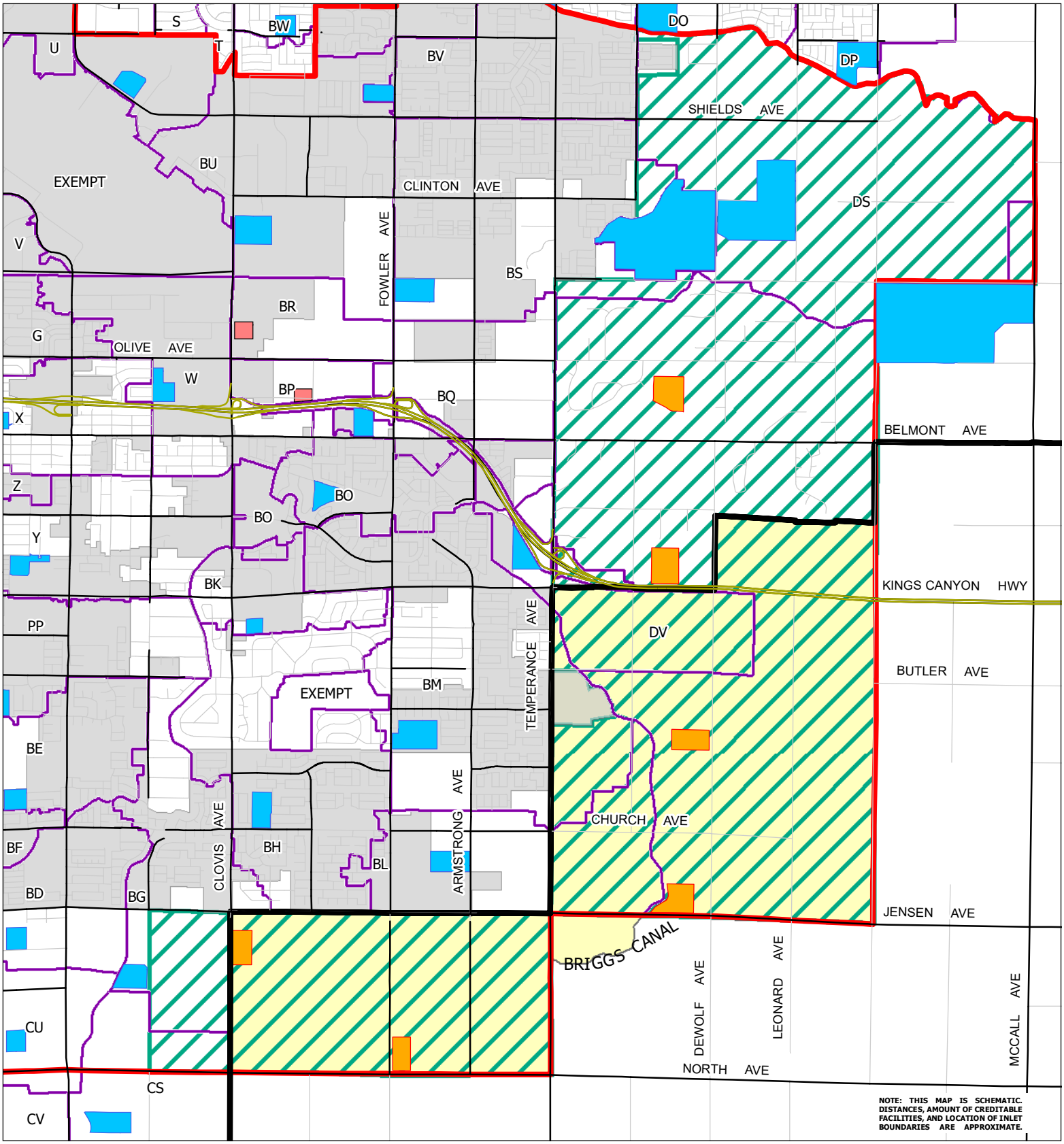
If you have any questions or concerns regarding our comments, please feel free to contact the District at (559) 456-3292.

Respectfully,

Denise Wade
Master Plan Special Projects Manager

DW/lrl

Attachment(s)



FMFCD BOUNDARY
CITY OF FRESNO SPHERE OF INFLUENCE
DRAINAGE AREA
CITY LIMITS
SOUTHEAST DEVELOPMENT AREA
FMFCD ANNEXATION AREA

BASINS
EXISTING
PROPOSED
TENTATIVE

Prepared by: rebeccal
Date: 3/23/2022
Path: I:\Projects\Accounting\Maps\SoutheastDevelopment.mxd

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

EXHIBIT NO. 1

1 " = 4300 '

Fresno Metropolitan Flood Control District

Guidance for Addressing Stormwater Quality for CEQA Review

Stormwater Checklist for CEQA Review

a. Potential impact of project construction on stormwater runoff.

Stormwater runoff from construction activities can have a significant impact on water quality. To build on sites with over one acre of disturbed land, property owners must obtain coverage under the California Construction General Permit for Discharges of Stormwater (CGP). The CGP is issued by the State Water Resources Control Board (SWRCB). The CGP requires sites that do not qualify for an erosivity waiver to create a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP is a site-specific plan that is designed to control the discharge of pollutants from the construction site to local storm drains and waterways.

b. Potential impact of project post-construction activity on stormwater runoff.

FMFCD operates the Regional Stormwater Mitigation System, which consists of facilities to handle stormwater runoff and non-stormwater discharges in the FMFCD service area. However, river discharging drainage areas and drainage areas without basin service are subject to FMFCD Policy: Providing for Compliance with Post-Development and Industrial Storm Water Pollution Control Requirements (Policy).

Development and redevelopment projects can result in discharge of pollutants to receiving waters. Pollutants of concern for a project site depend on the following factors:

- Project location;
- Land use and activities that have occurred on the project site in the past;
- Land use and activities that are likely to occur in the future; and
- Receiving water impairments.

As land use activities and site design practices evolve, particularly with increased incorporation of stormwater quality BMPs, characteristic stormwater runoff concentrations and pollutants of concern from various land use types are also likely to change.

Typical Pollutants of Concern and Sources for Post-Development Areas

Pollutant	Potential Sources
Sediment (total suspended solids and turbidity), trash and debris (gross solids and floatables)	Streets, landscaped areas, driveways, roads, construction activities, atmospheric deposition, soil erosion (channels and slopes)

Pesticides and herbicides	Residential lawns and gardens, roadsides, utility right-of-ways, commercial and industrial landscaped areas, soil wash-off
Organic materials/oxygen demanding substances	Residential laws and gardens, commercial landscaping, animal waste
Metals	Automobiles, bridges, atmospheric deposition, industrial areas, soil erosion, metal surfaces, combustion processes
Oil and grease, organics associated with petroleum	Roads, driveways, parking lots, vehicle maintenance areas, gas stations, illicit dumping to storm drains, automobile emissions, and fats, oils, and grease from restaurants
Bacteria and viruses	Lawns, roads, leaking sanitary sewer lines, sanitary sewer cross-connections, animal waste (domestic and wild), septic systems, homeless encampments, sediments/biofilms in storm drain system
Nutrients	Landscape fertilizers, atmospheric deposition, automobile exhaust, soil erosion, animal waste, detergents

Source: Adapted from USEPA, 1999 (Preliminary Data Summary of Urban Storm Water BMPs)

FMFCD's Post-Development Standards Technical Manual provides guidance for implementing stormwater quality Best Management Practices (BMPs) for drainage areas subject to the Policy, with the intention of improving water quality and mitigating potential water quality impacts from stormwater and non-stormwater discharges. The Post-Development Standards Technical Manual addresses the following objectives and goals:

- Minimize impervious surfaces and directly connect impervious surfaces in areas of new development and redevelopment, and where feasible, to maximize on-site infiltration of stormwater runoff;
- Implement pollution prevention methods supplemented by pollutant source controls and treatment, and where practical, use strategies that control the sources of pollutants or constituents (i.e., where water initially meets the ground) to minimize the transport of runoff and pollutants offsite and into MS4s;
- Preserve, and where possible create or restore, areas that provide important water quality benefits, such as riparian corridors, wetlands, or buffer zones
- Limit disturbances of natural water bodies and natural drainage systems by development, including roads, highways, and bridges;
- Identify and avoid development in areas that are particularly susceptible to erosion and sediment loss or establish guidance that protects areas from erosion and sediment loss;
- Implement source and structural controls as necessary and appropriate to protect downstream receiving water quality from increased pollutant loadings and flows (hydromodification concepts) from new development and significant redevelopment;

- Control the post-development peak stormwater runoff discharge rates and velocities to maintain or reduce pre-development downstream erosion and to protect downstream habitat; and
- Consider integration of Low Impact Development (LID) principles into project design.

The Post-Development Standards Technical Manual describes the stormwater management requirements for Priority Projects, which are identified as meeting one or more of the following and discharge to the San Joaquin River or do not have basin service:

- Home subdivisions of 10 housing units or more;
- Commercial developments greater than 100,000 square feet;
- Automotive repair shops;
- Restaurants;
- Parking lots 5,000 square feet or greater with 25 or more parking spaces and potentially exposed to urban runoff;
- Streets and roads;
- Retail gasoline outlets (RGOs); and
- Significant redevelopment projects, which are developments that result in creation or addition of at least 5,000 square feet of impervious surface on an already developed site. Significant redevelopment includes, but is not limited to, expansion of a building footprint or addition or replacement of a structure, structural developing including an increase in gross floor area and/or exterior construction or remodeling, replacement of impervious surface that is not part of a routine maintenance activity, and land disturbing activities related with structural or impervious surfaces. Where significant redevelopment results in an increase of less than 50 percent of the impervious surfaces of a previously existing development and the existing development was not subject to Post-Construction Standards, only the proposed alteration must meet the requirements of the Post-Development Standards Technical Manual.

All Priority Projects must mitigate the Stormwater Quality Design Volume (SWQDV) or Stormwater Quality Design Flow (SWQDF) through LID- or treatment-based stormwater quality BMPs or a combination thereof.

For new development or significant redevelopment projects for restaurants with less than 5,000 square feet, the project applicant must meet all the requirements of the Post-Development Standards Technical Manual except for mitigating the SWQDV or SWQDF and implementing stormwater quality BMPs.

The Post-Development Standards Technical Manual can be found on FMFCD's website here:

http://www.fresnofloodcontrol.org/wp-content/uploads/2014/11/Post-Development-Standards-Technical-Manual.pdf

c. Potential for discharge of stormwater from areas from material storage, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas.

Development projects may create potential impacts to stormwater from non-stormwater discharge from areas with material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work area.

Some materials, such as those containing heavy metals or toxic compounds, are of more concern than other materials. Toxic and hazardous materials must be prevented from coming in contact with stormwater runoff. Non-toxic or non-hazardous materials, such as debris and sediment, can also have significant impacts on receiving waters. Contact between non-toxic or non-hazardous materials and stormwater runoff should be limited, and such materials prevented from being discharged with stormwater runoff. To help mitigate these potential impacts, BMPs should be included to prevent discharges from leaving the property.

Refer to FMFCD Post-Development Standards Technical Manual for more information or go to http://water.epa.gov/polwaste/nps/urban.cfm.

d. Potential for discharge of stormwater to impact the beneficial uses of the receiving waters or areas that provide water quality benefits.

Identify receiving waters and describe activities that may impact the beneficial uses of the receiving waters or that project water quality benefits. Project that can impact beneficial uses or receiving waters may be mitigated by implementation of the FMFCD Post-Development Standards Technical Manual.

e. Potential for the discharge of stormwater to cause significant harm on the biological integrity of the water ways and water bodies.

Conservation of natural areas, soils, and vegetation helps to retain numerous functions of pre-development hydrology, including rainfall interception, infiltration, and evapotranspiration. Each project site possesses unique topographic, hydrologic, and vegetative features, some of which are more suitable for development than others. Sensitive areas, such as streams and their buffers, floodplains, wetlands, steep slopes, and highly-permeable soils, should be protected and/or restored. Slopes can be a major source of sediment and should be properly protected and stabilized. Locating development in less sensitive areas of a project site and conserving naturally vegetated areas can minimize environmental impacts from stormwater runoff.

The evaluation of a project's effect on sensitive natural communities should encompass aquatic and wetland habitats. Consider "aquatic and wetland habitat" as examples of sensitive habitat.

f. Potential for significant changes in the flow velocity or volume of stormwater runoff that can cause environmental harm.

The evaluation of a project's effect on drainage patterns should refer to the FMFCD's Storm Drainage and Flood Control Master Plan and have their project reviewed by FMFCD to assess the significance of altering existing drainage patterns and to develop any mitigation measures in addition to our stormwater mitigation system. The evaluation should also consider any potential for streambed or bank erosion downstream from the project.

g. Potential for significant increases in erosion of the project site or surrounding areas.

The evaluation of a project's effect on drainage patterns should refer to the FMFCD's Storm Drainage and Flood Control Master Plan and have their project reviewed by FMFCD to assess the significance of altering existing drainage patterns and to develop any mitigation measures in addition to our stormwater mitigation system. The evaluation should also consider any potential for streambed or bank erosion downstream from the project.

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

March 24, 2022

Jennifer Clark, Director
Planning and Development Department
City of Fresno
2600 Fresno Street, Suite 3065
Fresno, CA 93721

SUBJECT: Southeast Development Area Plan

Dear Jennifer Clark:

The County of Fresno appreciates the opportunity to review and comment on the subject project being reviewed by the City of Fresno. Staff's understanding is that the proposal is a Specific Plan for the SEDA that would provide for increased density and accelerate housing production throughout the Plan Area. The proposed project would offer flexibility in meeting the evolving needs of households in the region through a multimodal transportation network and diverse housing types and affordability levels.

I am providing the following comments provided by our County of Fresno divisions, as it relates to proposed project Southeast Development Area Plan.

Development Engineering:

1. Refer to Road Maintenance & Operations Division, Road Operations for comments on roads.

2. According to FEMA FIRM Panel 1595, 1615H and 2135H, portions of the area of the subject property are found to be under Flood Zone A, Flood Zone AE, Flood Zone AO and Floodway Areas in Zone AE, subject to flooding from the 100-year storm. Floodway Are.as in Zone AE refers to the channel of a stream plus adjacent floodplain areas that must be kept free of encroachment so that the 1 % annual chance flood can be carried without substantial increases in flood heights according to FEMA FIRM. Any development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas. Any proposed structure and associated electrical equipment/electrical system components (e.g., service panels, meters, switches, outlets, electrical wiring, walk-in equipment cabinets, generators, bottom of the lowest edge of the solar array, pool-associated motors and water heater, receptacles, junction boxes, inverter, transformers, etc.) in the Special Flood Hazard Area must comply with the FEMA flood elevation requirements. All electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. Grading import is not allowed within the flood zone. Any dirt material used for grading must be obtained within the designated flood area as to not cause an impact to the determined area of flooding. FEMA Elevation

Certificate is required for every structure proposed to be constructed within the Special Flood Hazard Area. If the proposed building/structure is near the Special Flood Hazard Area, a certified Map of Survey/Map of Flood Hazard Area (MOS), stamped and signed by a Professional Land Surveyor delineating the distances from proposed structure(s) to the flood zone boundary and at least two property lines will be required. The MOS must show spot elevations within the perimeter of the proposed structure and the flood zone for verification purposes.

Furthermore, other portions of the subject property are found to be under shaded Flood Zone X. The shaded flood zone x refers to areas of 0.2% annual chance flood, areas of 1 % annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1 % annual chance flood.

Normally, for property within flood zone shaded x, any proposed building pad should be elevated above the existing ground to at least a minimum of twelve inches (12") and/or the finish floor elevation must be elevated above the crown of the adjacent street. And any proposed associated electrical equipment/electrical system components in the shaded flood zone x shall be elevated above the finish floor elevation. All proposed electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. All sides of any proposed building shall be sloped 2% for a distance of 5' to provide positive drainage away from the building.

3. According to the U.S.G.S. Quad Map, an intermittent stream may be present within the subject property. Any proposed work within or near a stream will require a clearance from California Department of Fish and Wildlife (CDFW) and a Streambed Alteration Agreement (SAA) if the proposed project would result in the alteration or degradation of a stream.

   Furthermore, Briggs Canal, Gould Canal, Fancher Creek Canal and Mill Ditch traverse the subject property. Any improvements constructed within or near a canal should be coordinated with the owners of the canal/appropriate agency.

4. Portions of the area of the project site are located within the Fresno Metropolitan Flood Control District (FMFCD) Boundary and Drainage Zone. FMFCD should be consulted regarding any requirements they may have for the proposed work.

   Fresno Metropolitan Flood Control District
   5469 E. Olive Avenue
   Fresno, CA 93727
   (559) 456-3292
   developmentreview@fresnofloodcontrol.org

   Several FMFCD Drainage Basins are within the subject property. Any proposed building pad must be elevated above the high-water level of the adjacent FMFCD Drainage Basin or as required by FMFCD, whichever is higher. Furthermore, the finish floor of the

building should be above the crown of the adjacent street and any proposed associated electrical equipment/electrical system components should be elevated above the finish floor elevation. All sides of the proposed building shall be sloped 2% for a minimum distance of 5 feet to provide positive drainage away from the building.

5. Records indicate that portions of the area of the subject property are within an Agricultural Preserve. Any construction or development proposed within an Agricultural Preserve may require approval from Policy Planning. Policy Planning can be reached at (559) 600-4205/4230.

6. Discharging pollutants through a "point source" into a "water of the United States" are prohibited unless an NPDES permit has been obtained. A Notice of Intent (NOi) shall be filed with the State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area. Copies of completed NOi with WDID # and SWPPP incorporated into the construction improvement plans shall be submitted to the County prior to commencement of any grading activities.

7. A Traffic Impact Study should be included as part of the EIR to determine the impact of the additional traffic generated for roads and intersections under County control. The County of Fresno staff, which includes the Maintenance & Operations Division, and the Design Division should attend the scoping meeting.

8. Any work done within the County-road right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.

9. Any encroachment or access over S.P.R.R. (Southern Pacific Railroad Right-of-Way) should require approval from the owner.

10. Any grading, including onsite grading, will require either an engineered grading and drainage plan, road improvement plan, permit, or voucher. However, if the parcel lots are annexed to the City, all improvements for the subject property shall comply with the City Standards/requirements and all submittals shall be forwarded to the City of Clovis for their review and approval.

Environmental Health:

Hazards and Hazardous Materials

1. If future applicants propose to use and/or store hazardous materials and/or hazardous wastes, they shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507

(http://cers.calepa.ca.gov/). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.

2. If any underground petroleum storage tank(s) are discovered during construction activities, the applicant/property owner shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.

Hydrology and Water Quality

1. As a measure to protect groundwater, all water wells (not intended for use) and septic systems within the property shall be properly destroyed by an appropriately licensed contractor. Contact the Fresno County Department of Public Health, Water Surveillance Program at (559) 600-3357 for more information.

Noise

1. Appropriate measures should be incorporated into the construction phase of future projects to minimize potentially significant short-term localized noise impacts to noise sensitive receivers caused by the operation of construction equipment. Construction specifications for projects should require that all construction equipment is maintained according to the manufacturers' specifications, and that noise generating construction equipment is equipped with mufflers. In addition, consideration should be given to limiting noise-generating construction activities to daytime hours.

2. Future projects have the potential to expose nearby residents to elevated noise levels. Consideration should be given to conformance with the applicable standards of the Noise Element of the City of Fresno General Plan. Consideration should be given to noise sensitive receivers within the City's Zoning Map.

Resources:

On behalf of the Resources Division, we would like the project manager to note that the County has a water providing CSA (CSA 14) which is interested in connecting to the City of Fresno water system. In addition, the County has several road CSAs within the project area.

Design:

1. At this time, the County of Fresno, Design Division requests to be forwarded any future routings of transportation studies associated with the SEDA.

If you have any questions regarding the information described in this letter, please contact me at DRandall@FresnoCountyCA.gov or (559) 600-4052.

Sincerely,

David Randall, Senior Planner
Development Services and Capital Projects Division

DR:im:cwm
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Jennifer Clark c/o Shawn Monk
Planning and Development Department
2600 Fresno Street, Suite 3065
Fresno, CA 93721

March 25, 2022

Sent via Email

Dear Ms. Jennifer Clark and Mr.Shawn Monk,

We are writing to provide comments in response to the Notice of Preparation ("NOP") of a Program Environmental Impact Report ("PEIR") for the Southeast Development Area (SEDA) in the City of Fresno. The undersigned organizations work closely alongside community leaders throughout Southeast Fresno. We aim to support and elevate resident-identified priorities and solutions while also dismantling the systemic barriers that have historically excluded low-income communities and Black, Indigenous, and People of Color (BIPOC) communities.

First, given the significance of the SEDA to the future development of Southeast Fresno communities, it is of the utmost importance that the City proactively and meaningfully engage residents within and around the planning area. This means that the City must incorporate residents' input into the SEDA and EIR by revising land use designations to include community-led development like higher density housing, green space, affordable commercial and residential spaces, and so on. It must also have policies and implementation measures for active investment into Southeast Fresno neighborhoods by businesses and the City alike in essential infrastructure, services, amenities, and community greening. To do less is to perpetuate the long-held City practice of denying Southeast Fresno residents their rights to shape the future of their neighborhoods and access to opportunity on the same terms as other Fresno residents.

Below you will find additional comments in response to the Notice of Preparation:

I. <u>The Proposed Land Use Map is Inconsistent with Local and State Climate, Housing, and Transportation Goals and Policies to Build Equitable Climate Resilient Communities</u>

As previously noted, it is unclear and of significant concern to what extent authentic public participation took place during this process from over a decade ago. The former process took place at the tail end of the housing bubble when building single-family homes in the

outskirts of the city limits was the priority and norm. This type of "leapfrog" development remains reflected in the SEDA land use map as a large portion of the 9,000 acres is zoned for low-density single-family housing. This is inconsistent with the current climate, housing, and transportation goals that aim to build communities with a variety of development and density to make them accessible to various incomes and for communities to get around by alternative modes of transportation.

Further, the second-largest land use is zoned for flexible research and development, which leaves space for more light industrial use, further industrializing south Fresno BIPOC communities. This current process is in stark contrast with other specific plans prepared and adopted by the City in recent years, which have emphasized resident self-determination in shaping their built environment, planning for complete and healthy communities, smart growth-promoting land use compatibility, and investment strategies and implementation measures designed to bring those plans' vision to life. The City must not proceed with its efforts to further cement unjust and exclusive land-use patterns in City planning practices.

Fourteen years later, we have learned that this growth pattern is economically and environmentally unsustainable as the City now struggles to balance the need to build out the infrastructure and maintain public services in these communities while attending to decades of deferred maintenance in established neighborhoods. This is reflected in the 2015 General Plan praised for limiting unsustainable sprawl growth and focusing on efficient infill development[1].

II. The Draft SEDA Proposed Land Use Map Violates Fair Housing, and Civil Rights Laws

The Draft SEDA Proposed Land Use Map lacks community input from the populations and people most affected by the SEDA. Nearby communities and residents have not had any meaningful engagement to develop the proposed land use map. And we have yet to see any evidence for community engagement or a community-guided land use map. The City should not proceed with an EIR for the SEDA until it corrects these failings.

Government Code section 8899.50(b) requires public agencies in California to affirmatively further fair housing in all policies and programs relating to housing and community development and "take no action that is materially inconsistent" with this obligation. Affirmatively further fair housing means:

> Taking 'meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and fosters inclusive communities free from barriers that restrict

[1] Defined as being within the city limits by December 31, 2012. City of Fresno General Plan 2015, Objective UF-12.

> access to opportunity based on a protected characteristic. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights laws and fair housing laws. Gov. Code § 8899.50(a)

As drafted, the land use map will mostly exclusively allow for medium to low-density single-family housing. Since the 1910s, this type of housing was promoted by local and federal agencies to further segregate low-income families from living in the more affluent neighborhoods as was known that these families would not be able to afford to purchase a home. These exclusive practices are even more evident as rankings from The Urban Institute ranked Fresno 253rd of 274 cities in overall inclusion, meaning we are one of the country's largest, most exclusive cities. Rather than learning from history, the City perpetuates these same exclusionary land-use practices by not including relatively more affordable higher-density housing. Thus, ensuring lower-income populations cannot live in this community.

Additionally, the City exposes residents to environmental hazards by applying industrial and business park land-use designations to a thousand acres within the SEDA area. It conflicts with the City's duty to avoid actions materially inconsistent with the City's duty to AFFH. *See* California Housing and Community Development's, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and For Housing Elements, p. 16 (citing "zoning or siting toxic or polluting land uses or projects near a disadvantaged community" and "lack of investment in concentrated areas of poverty" as actions which are materially inconsistent with an agency's duty to AFFH).

III. Comments Relating to EIR Content

Should the City choose to proceed to develop a PEIR based on the Proposed Land Use Map, the City of Fresno must thoroughly assess the numerous significant impacts the SEDA will have on the environment, public health, air quality, economic feasibility, and housing for Southeast Fresno residents. The PEIR must adopt enforceable mitigation measures to avoid and minimize those impacts to the fullest extent possible. Further, the City must assess alternatives to the proposed project, including alternative land use designations that protect communities from developing new industrial land uses near sensitive land uses and provide a variety of housing

opportunities for all incomes and populations. Specifically, the City must ensure the SEDA PEIR:

- Accurately captures and analyzes baseline conditions and potentially significant project-specific and cumulative impacts within and adjacent to the planning area;
- Identifies plan alternatives, which would mitigate negative impacts of plan implementation and promote positive outcomes aligned with community members' expressed vision and priorities;
- Identifies and adopts all feasible and enforceable mitigation measures that avoid and reduce negative impacts;
- Analyzes and creates mitigation measures consistent with all applicable laws, including but not limited to state and federal fair housing, civil rights, and climate laws like Senate Bill 743 and;
- Meaningfully engages the public through a robust, accessible, and responsive process.

IV. Conclusion:

We urge City leaders and decision-makers to postpone developing the SEDA and instead reallocate Staff's limited capacity to finalize the Central Southeast Specific Plan and South Central Specific Plan, and, more notably, prepare to update the Housing Element on December 31, 2023, as required by California law[2]. City leaders should also be motivated to implement already adopted plans to avoid wasting City resources by having these documents, which take hundreds of thousands of dollars and countless staff hours to develop, "sit on the shelf." In jumping over other projects in line, SEDA will only facilitate "leapfrog" development perpetuating Fresno's unsustainable exclusive development patterns to the detriment of established neighborhoods.

Thank you for your consideration of these comments. Please contact us should you wish to find a time to discuss them.

Sincerely,

Karla Martinez
Leadership Counsel for Justice and Accountability

Nayamin Martinez
CCEJN

Kimberly McCoy
Fresno Building Healthy Communities

Ruben Espinoza
Fresno Barrios Unidos

[2] As required by California Government Section Code 65588.

NATIVE AMERICAN HERITAGE COMMISSION

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Laura Miranda
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PARLIAMENTARIAN
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Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
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nahc@nahc.ca.gov
NAHC.ca.gov

February 23, 2022

Shawn Monk, Planner
City of Fresno
2600 Fresno Street, Suite 3065
Fresno, CA 93721

Re: 2022020486, Southeast Development Area Specific Plan Project, Fresno County

Dear Mr. Monk:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- **a.** A brief description of the project.
- **b.** The lead agency contact information.
- **c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- **d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- **a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- **a.** Alternatives to the project.
- **b.** Recommended mitigation measures.
- **c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- **a.** Type of environmental review necessary.
- **b.** Significance of the tribal cultural resources.
- **c.** Significance of the project's impacts on tribal cultural resources.
- **d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- **a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
- **b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:

a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or

b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

a. Avoidance and preservation of the resources in place, including, but not limited to:

i. Planning and construction to avoid the resources and protect the cultural and natural context.

ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

i. Protecting the cultural character and integrity of the resource.

ii. Protecting the traditional use of the resource.

iii. Protecting the confidentiality of the resource.

c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).

e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).

f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.

b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
    a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
    b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
    a. If part or all of the APE has been previously surveyed for cultural resources.
    b. If any known cultural resources have already been recorded on or adjacent to the APE.
    c. If the probability is low, moderate, or high that cultural resources are located in the APE.
    d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
    a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
    b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
   a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
   b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
   a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
   b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
   c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Cameron.Vela@nahc.ca.gov.

Sincerely,

Cameron Vela

Cameron Vela
Cultural Resources Analyst

cc: State Clearinghouse

SANGER UNIFIED SCHOOL DISTRICT
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ADELA MADRIGAL JONES
SUPERINTENDENT

March 25, 2022

Jennifer Clark, Director
City of Fresno
Planning and Development Department
2600 Fresno Street, Room 3065
Fresno, CA 93721

Subject: Notice of Preparation for SEDA Specific Plan Program EIR

Dear Ms. Clark:

This letter constitutes the response of the Sanger Unified School District to the Notice of Preparation for the Southeast Development Area (SEDA) Specific Plan EIR. The Sanger Unified School District encompasses most of the territory within SEDA (all land south of Tulare Avenue) and the majority of the potential 45,000 housing units.

The proposed plan shows 16 neighborhood centers within the Sanger Unified portion of SEDA, which will include an elementary school integrated with a park and other neighborhood center functions. Schools are key to facilitating livable, walkable, safe and sustainable neighborhoods. The District is ultimately responsible for planning for schools within its boundary and would like to partner with the City of Fresno in planning for schools within SEDA. The Draft Program EIR should analyze whether the number of schools shown is appropriate to adequately serve the buildout population of the SEDA Specific Plan based on anticipated student generation rates for the various types of planned housing units. The number of schools may need to be adjusted up or down accordingly.

The District has opened a new high school (Sanger West) at the northeast corner of Jensen and Fowler Avenues, which will also include a middle school serving grades 7-8. Although these new facilities will ultimately serve some of the future students in SEDA, at least one additional high school and middle school will be needed to serve development within SEDA.

Any future school site locations designated as part of the Specific Plan should be considered conceptual rather than locked into parcel specific locations. To obtain California Department of Education (CDE) site approval for a school site, the District has to go through a site-specific CEQA process, a rigorous hazardous materials testing process under the oversight of the Department of Toxic Substances Control, as well as prepare a number of other safety-related analyses and studies. This type of work usually occurs within five years or less of anticipated school construction as

Trustees: Peter R. Filippi Va Her Ismael (Mike) Hernandez
Jesse Solorio G. Brandon Vang Jesse Vasquez Tammy Wolfe

CDE site approval is only good for five years. We need to have the flexibility to acquire the most appropriate sites in the optimal time frame for providing facilities to serve new development, taking into consideration the requirements of the CDE site approval process.

We note that this Program EIR will ultimately be useful to the District by allowing for tiering off the EIR when it prepares subsequent CEQA documents for individual school sites within the plan.

Another important consideration for the District is the issue of providing adequate school funding for facilities needed to accommodate growth. Schools are funded by a combination of statewide bond measures, local bond measures, and developer fees. State bond measures require voter approval and are anything but certain. When they are approved, the funds are often depleted quickly due to a backlog of unfunded projects. To get state funding, school districts must match with a local funding contribution that mostly comes from local bond measures which must be approved by local voters. The amount of the bond measures are based on assessed valuation, and the measures require a supermajority vote of either a 55% or 66.6% vote depending on the amount requested. Developer fees are an important school funding component, but they are substantially inadequate for funding schools unless state and local bond measures are approved.

Obtaining the funding necessary over time for 16 new elementary schools and at least another high school and middle school will be daunting, and Sanger Unified has traditionally had inadequate assessed valuation to provide for bond amounts necessary to meet its school facility needs. The business park and commercial designations within the Specific Plan will be helpful in this regard should these areas come to substantial fruition along with the residential component. However, the residential uses in these plans usually develop first, which leaves the District with inadequate assessed valuation to allow for bond measure amounts that will provide enough funding for adequate facilities to serve the students generated by the new homes. Consequently, the school facilities necessary to serve students from housing development within the Specific Plan may not be available when they are needed.

As you indicate in the NOP, a very important component of the Specific Plan is a comprehensive infrastructure plan. The infrastructure plan "must be accompanied by a comprehensive and detailed financing and implementation strategy that includes the phasing and financing of development and all major infrastructure." Sanger Unified needs to be an integral part of the infrastructure plan and we may need to look at alternative and innovative ways to adequately fund school construction so that school facilities can be provided when needed to serve new development.

Thank you for the opportunity to review and comment on the Notice of Preparation. We look forward to working with the City of Fresno on the infrastructure planning and EIR processes for the SEDA Specific Plan. Please let me know if you have any questions about this letter.

Sincerely,

Ryan Kilby
Chief Operations Officer

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

March 24, 2022

Jennifer Clark
c/o Shawn Monk
City of Fresno
Planning and Development Department
2600 Fresno Street, Suite 3065
Fresno, CA 93721

Project: Notice of Preparation of a Program Environmental Impact Report for the Southeast Development Area Specific Plan

District CEQA Reference No: 20220202

Dear Ms. Clark:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the City of Fresno's (City) Notice of Preparation (NOP) of a Program Environmental Impact Report (PEIR) for the Southeast Development Area Specific Plan (SEDA) (Project). Per the NOP, the proposed Project would designate land uses, establish a planning framework, and development standards to facilitate and guide future development within the approximately 9,000-acre planning area through the year 2050. The Project is located in the southeast portion of the City. The Project proposes revised land use and zoning designations, specific design guidelines, and process improvements. Future development would be required to comply with the proposed specific plan land use designations, development standards, and policy framework.

The District offers the following comments:

1) Land Use Planning

Nearly all development projects within the San Joaquin Valley Air Basin, from Specific Plans to individual projects have the potential to generate air pollutants, making it more difficult to attain state and federal ambient air quality standards. Land use decisions are critical to improving air quality within the San Joaquin Valley Air Basin because land use patterns greatly influence transportation needs, and motor vehicle emissions are the largest source of air pollution in the Valley. Land use decisions and project design elements such as preventing urban sprawl, encouraging mix-use development, and project design elements that reduce vehicle miles traveled (VMT) have proven to be beneficial for air quality.

Samir Sheikh
Executive Director/Air Pollution Control Officer

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The District recommends that the PEIR incorporate strategies that reduce VMTs and require the cleanest available heavy heavy-duty trucks (HHD) and vehicles, including zero and near-zero technologies. VMTs can be reduced through encouragement of mix-use development, walkable communities, etc. Additional design element options can be found at: http://www.valleyair.org/transportation/Mitigation-Measures.pdf

In addition, the District recommends that the PEIR incorporate strategies that will advance implementation of the best practices listed in Tables 5 and 6 of California Air Resource Board's (CARB's) Freight Handbook Concept Paper, to the extent feasible. This document compiles best practices designed to address air pollution impacts as "practices" which may apply to the siting, design, construction, and operation of freight facilities to minimize health impacts on nearby communities. The concept paper is available at:
https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook_1.pdf

2) Project Siting

The SEDA is the blueprint for future growth and provides guidance for the community's development. Without appropriate mitigation and associated policy, future development projects within the City may contribute to negative impacts on air quality due to increased traffic and ongoing operational emissions. Appropriate project siting helps ensure there is adequate distance between differing land uses, which can prevent or reduce localized and cumulative air pollution impacts from business operations that are in close proximity to receptors (e.g. residences, schools, health care facilities, etc.). SEDA siting-related goals, policies, and objectives should include measures and concepts outlined in the following resources:

- CARB's Air Quality and Land Use Handbook: A Community Health Perspective. The document includes tables with recommended buffer distances associated with various types of common sources (e.g. distribution centers, chrome platers, gasoline dispensing facilities, etc.), and can be found at: https://ww3.arb.ca.gov/ch/handbook.pdf

- CARB's Freight Handbook Concept Paper: This document compiles best practices designed to address air pollution impacts, which may apply to the siting, design, construction, and operation of freight facilities to minimize health impacts on nearby communities, and can be found at:
https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook_1.pdf

3) Criteria Pollutant Emissions

At the federal level under the National Ambient Air Quality Standards (NAAQS), the District is designated as extreme nonattainment for the 8-hour ozone standards and serious nonattainment for the particulate matter less than 2.5 microns in size (PM2.5) standards. At the state level under California Ambient Air Quality Standards (CAAQS), the District is designated as nonattainment for the 8-hour ozone, PM10, PM2.5 standards.

As such, the District recommends that the PEIR stipulate that future development projects within the SEDA identify and characterize project construction and operational air emissions. The District recommends the air emissions be compared to the following California Environmental Quality Act (CEQA) significance thresholds for annual emissions of criteria pollutants: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter with an aerodynamic diameter less than or equal to a nominal 10 or 2.5 microns (PM10 or PM2.5). The District recommends that future proposed projects be mitigated to the extent feasible, and that future proposed projects with air emissions above the aforementioned thresholds be mitigated to below these thresholds.

The District understands that the SEDA is a program-level Project where future individual project-specific data may not be available at this time. As such, the PEIR should include a discussion of policies, which when implemented, will require assessment and characterization of project-level emissions, and subsequently require mitigation of air quality impacts to the extent feasible at the individual project-specific level. Environmental reviews of potential impacts on air quality should incorporate the following items:

3a) Construction Emissions

Construction air emissions are short-term emissions generated from construction activities such as mobile heavy-duty diesel off-road equipment, and should be evaluated separately from operational emissions. If air emissions from ongoing operational activities occur within the same year as construction emissions, those emissions should be combined.

Recommended Measure: To reduce impacts from construction-related diesel exhaust emissions, the Project should utilize clean off-road construction equipment, including the latest tier equipment as feasible.

3b) Operational Emissions

Operational (ongoing) air emissions from mobile sources and stationary sources should be analyzed separately. For reference, the District's annual criteria thresholds of significance are listed above.

Recommended Mitigation Measure: At a minimum, project related impacts on air quality should be reduced to levels of significance through incorporation of design elements such as the use of cleaner heavy-duty trucks and vehicles, measures that reduce VMTs, and measures that increase energy efficiency. More information on transportation mitigation measures can be found at: http://www.valleyair.org/transportation/Mitigation-Measures.pdf.

3c) Recommended Model for Quantifying Air Emissions

Project related criteria pollutant emissions from construction and operational sources should be identified and quantified. Emissions analysis should be performed using CalEEMod (**Cal**ifornia **E**mission **E**stimator **Mod**el), which uses the most recent approved version of relevant Air Resources Board (ARB) emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: www.caleemod.com.

4) Health Risk Screening/Assessment

To determine potential health impacts on surrounding receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) a Prioritization and/or a health risk assessment (HRA) should be performed for future projects within the SEDA. These health risk determinations should quantify and characterize potential Toxic Air Contaminant (TAC) air pollutants identified by the Office of Environmental Health Hazard Assessment (OEHHA) and CARB (that pose a present or potential hazard to human health.

Health risk analyses should include all potential air emissions from the project, which include emissions from construction of the facility, including multi-year construction, as well as ongoing operational activities of the facility. Note, two common sources of TACs can be attributed to diesel exhaust emitted from heavy-duty off-road earth moving equipment during construction, and from ongoing operation of heavy-duty on-road trucks. A list of TACs identified by OEHHA and CARB can be found at: https://ww2.arb.ca.gov/resources/documents/carb-identified-toxic-air-contaminants

Prioritization (Screening Health Risk Assessment):
A "Prioritization" is the recommended method for a conservative screening-level health risk assessment. The Prioritization should be performed using the California Air Pollution Control Officers Association's (CAPCOA) methodology. The District recommends that a more refined analysis, in the form of an HRA, be performed for any project resulting in a Prioritization score of 10 or greater. This is because the prioritization results are a conservative health risk representation, while the detailed HRA provides a more accurate health risk evaluation.

To assist land use agencies and project proponents with Prioritization analyses, the District has created a prioritization calculator based on the aforementioned CAPCOA guidelines, which can be found here:
http:www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS

Health Risk Assessment:
Prior to performing an HRA, it is strongly recommended that land use agencies/development project proponents contact the District to review the proposed health risk modeling protocol. A development project would be considered to have a potentially significant health risk if the HRA demonstrates that the project-related health impacts would exceed the Districts significance threshold of 20 in a million for carcinogenic risk, or 1.0 for either the Acute or Chronic Hazard Indices. A project with a significant health risk would trigger all feasible mitigation measures. The District strongly recommends that development projects that result in a significant health risk not be approved by the land use agency.

The District is available to review HRA protocols and analyses. For HRA submittals please provide the following information electronically to the District for review:

- HRA AERMOD model files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodology.

For assistance, please contact the District's Technical Services Department by:

- E-Mailing inquiries to: hramodeler@valleyair.org
- Calling (559) 230-5900

Recommended Measure: Development projects resulting in toxic air contaminant emissions should be located an adequate distance from residential areas and other

sensitive receptors in accordance to CARB's Air Quality and Land Use Handbook: A Community Health Perspective located at https://ww3.arb.ca.gov/ch/handbook.pdf.

5) Ambient Air Quality Analysis

An Ambient Air Quality Analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. The District recommends that the EIR requires an AAQA to be performed for any future development project with emissions that exceed 100 pounds per day of any pollutant.

An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District's website: www.valleyair.org/ceqa.

6) Voluntary Emission Reduction Agreement

Future development projects within the SEDA could have a significant impact on air quality. The District recommends the PEIR also include a discussion on the feasibility of implementing a Voluntary Emission Reduction Agreement (VERA) for this Project.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate Project specific emissions by providing funds for the District's incentives programs. The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-related impacts on air quality can be mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of old farm tractors.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission

reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-specific regional emissions have been mitigated to less than significant. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the Draft PEIR includes an assessment of the feasibility of implementing a VERA.

7) Truck Routing

Truck routing involves the path/roads heavy-duty trucks take to and from their destination. The air emissions from heavy-duty trucks can impact residential communities and sensitive receptors.

The District recommends the City evaluate heavy-duty truck routing patterns as they consider the detailed zoning changes within the scope of the Project, with the aim of limiting emission exposure to residential communities and sensitive receptors. This evaluation would consider the current truck routes, the quantity and type of each truck (Medium Heavy Duty (MHD), (HHD), etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall VMT, and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT, GHG emissions, and air quality.

8) Cleanest Available Truck

The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD Trucks, the single largest source of NOx emissions in the San Joaquin Valley. The District recently adopted the 2018 PM2.5 Plan, which includes significant new reductions from HHD Trucks, including emissions reductions by 2023 through the implementation of the CARB Statewide Truck and Bus Regulation, which requires truck fleets operating in California to meet the 2010 0.2 g/bhp-hr NOx standard by 2023. Additionally, to meet the federal air quality standards by the 2020 to 2024 attainment deadlines, the District's Plan relies on a significant and immediate transition of heavy-duty truck fleets to zero or near-zero emissions technologies, including the near-zero truck standard of 0.02 g/bhp-hr NOx established by the CARB.

If future development projects include Industrial (e.g. warehouse, distribution)which typically generate a high volume of heavy duty truck traffic traveling to-and-from the project location at longer trip length distances for potential distribution, the District recommends that the following mitigation measures be considered by the City for inclusion in the PEIR for project related operational emissions.

- Recommended Measure: Fleets associated with project operational activities utilize the cleanest available HHD truck technologies, including zero and near-zero (0.02 g/bhp-hr NOx) technologies as feasible.

- Recommended Measure: All on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) utilize zero-emissions technologies as feasible.

In addition, the District recommends that the City include mitigation measures to reduce project related operational impacts through incorporation of design elements, for example, increased energy efficiency, reducing vehicle miles traveled, etc. More information on mitigation measures can be found on the District's website at: http://www.valleyair.org/transportation/ceqa_idx.htm.

9) Reduce Idling of Heavy-Duty Trucks

The goal of this strategy is to limit the potential for localized PM2.5 and toxic air quality impacts associated with failure to comply with the state's Heavy Duty anti-idling regulation (e.g limiting vehicle idling to specific time limits). The diesel exhaust from excessive idling has the potential to impose significant adverse health and environmental impacts. Therefore, efforts to ensure compliance of the anti-idling regulation, especially near sensitive receptors, is important to limit the amount of idling, which will result in air quality benefits.

10) Electric On-Site Off-Road and On-Road Equipment

Future development may have the potential to result in increased use of off-road equipment (i.e. forklifts) and/or on-road equipment (i.e. mobile yard trucks with the ability to move materials). The District recommends the City advise the project proponent to utilize electric or zero emission off-road and on-road equipment used on-site for this Project.

11) Under-fired Charbroilers

Future development projects for restaurants with under-fired charbroilers may pose the potential for immediate health risk, particularly when located in densely developed locations near sensitive receptors. Since the cooking of meat can release carcinogenic PM2.5 species like polycyclic aromatic hydrocarbons, controlling emissions from new under-fired charbroilers will have a substantial positive impact on public health. The air quality impacts on neighborhoods near restaurants with under-fired charbroilers can be significant on days when meteorological conditions are

stable, when dispersion is limited and emissions are trapped near the surface within the surrounding neighborhoods. This potential for neighborhood-level concentration of emissions during evening or multi-day stagnation events raises air quality concerns.

Furthermore, reducing commercial charbroiling emissions is essential to achieving attainment of multiple federal PM2.5 standards and associated health benefits in the Valley. Therefore, the District recommends that the PEIR include a measure requiring the assessment and potential installation, as technologically feasible, of particulate matter emission control systems for new large restaurants operating under-fired charbroilers. The District is available to assist the City and project proponents with this assessment. Additionally, to ease the financial burden for Valley businesses, the District is currently offering substantial incentive funding that covers the full cost of purchasing, installing, and maintaining the system for up to two years. Please contact the District at (559) 230-5800 or technology@valleyair.org for more information.

12) Health Impact Discussion

As required by the recent decision in Sierra Club v. County of Fresno (2018) 6 Cal.4th 502, a reasonable effort to discuss relevant specifics regarding the connection between potential adverse air quality impacts from the Project with the likely nature and magnitude of potential health impacts may be required. If the potential health impacts from the Project cannot be specifically correlated, explain what is known and why, given scientific constraints, potential health impacts cannot be translated.

13) Vegetative Barriers and Urban Greening

For future development projects within the SEDA, and at strategic locations throughout the SEDA in general, the District suggests the City consider incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (i.e. residences, schools, healthcare facilities).

While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers have been shown to be an additional measure to potentially reduce a population's exposure to air pollution through the interception of airborne particles and the update of gaseous pollutants. Examples of vegetative barriers include, but not limited to the following: trees, bushes, shrubs, or a mix of these. Generally, a higher and thicker vegetative barrier with full coverage will result in greater reductions in downwind pollutant concentrations. In the same manner, urban greening is also a way to help improve air quality and public health in addition to enhancing the overall beautification of a project with drought resistant low maintenance greenery.

14) On-site Solar Deployment

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the City consider the feasibility of incorporating solar power systems, as an emission reduction strategy for future development projects within the SEDA.

15) Electric Vehicle Charger

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of this incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District suggests that the City and project proponents install electric vehicle chargers at project sites, and at strategic locations throughout the SEDA.

Please visit www.valleyair.org/grants/chargeup.htm for more information.

16) Nuisance Odors

While offensive odors rarely cause any physical harm, they can be unpleasant, leading to considerable distress among the public and often resulting in citizen complaints.

The City should consider all available pertinent information to determine if future development projects could have a significant impact related to nuisance odors. Nuisance odors may be assessed qualitatively taking into consideration the proposed business or industry type and its potential to create odors, as well as proximity to off-site receptors that potentially would be exposed to objectionable odors. The intensity of an odor source's operations and its proximity to receptors influences the potential significance of malodorous emissions. Any project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact.

According to the District Guidance for Assessing and Mitigating air Quality Impacts (GAMAQI), a significant odor impact is defined as more than one confirmed complaint per year averaged over a three-year period, or three unconfirmed complaints per year

averaged over a three-year period. An unconfirmed complaint means that either the odor or air contaminant release could not be detected, or the source of the odor could not be determined.

As the future development projects that will fall within the SEDA do not yet exist and cannot be evaluated against the above complaint-driven odor significance criteria, the City should determine which business or industry types have historically triggered the significance criteria, and stipulate odor mitigation measures in the PEIR as conditions of approval for those business and industry types. The District recommends that any project proponent whose project is determined to have a potentially significant odor impact should be required to draft and maintain an Odor Management Plan (OMP) as a mitigation measure in the PEIR.

17) District Rules and Regulations

The District issues permits for many types of air pollution sources and regulates some activities not requiring permits. A project subject to District rules and regulation would reduce its impacts on air quality through compliance with regulatory requirements. In general, a regulation is a collection of rules, each of which deals with a specific topic. Here are a couple of example, Regulation II (Permits) deals with permitting emission sources and includes rules such as District permit requirements (Rule 2010), New and Modified Stationary Source Review (Rule 2201), and implementation of Emission Reduction Credit Banking (Rule 2301).

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

17a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 requires that new and modified stationary sources of emissions mitigate their emissions using best available control technology (BACT).

Future development projects may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may

require District permits. Prior to construction, the project proponents should submit to the District an application for an Authority to Construct (ATC).

Recommended Mitigation Measure: For projects subject to permitting by the San Joaquin Valley Air Pollution Control District, demonstration of compliance with District Rule 2201 shall be provided to the City before issuance of the first building permit.

For further information or assistance, the project proponent may contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

17b) <u>District Rule 9510 (Indirect Source Review)</u>

The purpose of District Rule 9510 is to reduce the growth in both NOx and PM10 emissions associated with development and transportation projects from mobile and area sources associated with construction and operation of development projects. The rule encourages clean air design elements to be incorporated into development projects. In case the proposed development project clean air design elements are insufficient to meet the targeted emission reductions, the rule requires developers to pay a fee used to fund projects to achieve off-site emissions reductions.

Accordingly, future development project(s) within the SEDA would be subject to District Rule 9510 if upon full buildout, the project would equal or exceed any of the following applicability thresholds, depending on the type of development and the public agency approval mechanism:

Table 1: ISR Applicability Thresholds

Development Type	Discretionary Approval Threshold	Ministerial Approval / Allowed Use / By Right Thresholds
Residential	50 dwelling units	250 dwelling units
Commercial	2,000 square feet	10,000 square feet
Light Industrial	25,000 square feet	125,000 square feet
Heavy Industrial	100,000 square feet	500,000 square feet
Medical Office	20,000 square feet	100,000 square feet
General Office	39,000 square feet	195,000 square feet
Educational Office	9,000 square feet	45,000 square feet
Government	10,00 square feet	50,000 square feet
Recreational	20,000 square feet	100,000 square feet
Other	9,000 square feet	45,000 square feet

District Rule 9510 also applies to any transportation or transit development projects where construction exhaust emissions equal or exceed two (2.0) tons of NOx or two (2.0) tons of PM10.

In the case the future development project(s) are subject to District Rule 9510, an Air Impact Assessment (AIA) application is required and the District recommends that demonstration of compliance with District Rule 9510, before issuance of the first building permit, be made a condition of Project approval.

Information about how to comply with District Rule 9510 can be found online at: http://www.valleyair.org/ISR/ISRHome.htm.

The AIA application form can be found online at: http://www.valleyair.org/ISR/ISRFormsAndApplications.htm.

District staff is available to provide assistance with determining if future development projects will be subject to Rule 9510, and can be reached by phone at (559) 230-6000 or by email at ISR@valleyair.org.

17c) District Rule 9410 (Employer Based Trip Reduction)

Future development projects may be subject to District Rule 9410 (Employer Based Trip Reduction) if the Project would result in employment of 100 or more "eligible" employees. District Rule 9410 requires employers with 100 or more "eligible" employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees.

Information about how District Rule 9410 can be found online at: www.valleyair.org/tripreduction.htm.

For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at etrip@valleyair.org

17d) District Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters)

The purpose of this rule is to limit emissions of carbon monoxide and particulate matter from wood burning fireplaces, wood burning heaters, and outdoor wood burning devices. This rule establishes limitations on the installation of new wood burning fireplaces and wood burning heaters. Specifically, at elevations below

3,000 feet in areas with natural gas service, no person shall install a wood burning fireplace, low mass fireplace, masonry heater, or wood burning heater.

Information about District Rule 4901 can be found online at:
http://valleyair.org/rule4901/

17e) District Regulation VII – Fugitive PM10 Prohibitions

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities.*

The application for both the Construction Notification and Dust Control Plan can be found online at:
https://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx

Information about District Regulation VIII can be found online at:
http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm

17f) Other District Rules and Regulations

Future development projects may also be subject to the following District rules: Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

18) Future Projects / Land Use Agency Referral Documents

Future development projects may require an environmental review and air emissions mitigation. Referral documents and environmental review documents for these projects should include a project summary, the land use designation, project size, air emissions quantifications and impacts, and proximity to sensitive receptors and existing emission sources, and air emissions mitigation measures. For reference and guidance, more information can be found in the District's Guidance for Assessing and Mitigating Air Quality Impacts at: https://www.valleyair.org/transportation/GAMAQI.pdf

If you have any questions or require further information, please contact Cherie Clark by e-mail at Cherie.Clark@valleyair.org or by phone at (559) 230-5940.

Sincerely,

Brian Clements
Director of Permit Services

For Mark Montelongo
Program Manager

A.3 - Draft PEIR Public Comments

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FRESNO STATE
Central Valley Health Policy Institute

September 6, 2023

City of Fresno
c/o Adrienne Asadoorian, Planner
2600 Fresno Street
Third Floor, Room 3065
Fresno, CA 93721

Sent by email: adrienne.asadoorian@fresno.gov

RE: Southeast Development Area Draft Program Environmental Impact Report

Dear Ms. Asadoorian,

I am the Assistant Director of the Central Valley Health Policy Institute. CVHPI's mission includes improving equity in health by developing the region's capacity for policy analysis and program development, implementation, and evaluation. I have reviewed the data supporting the Air Quality section of the July 14, 2023, draft Program EIR for the Southeast Development Area, and offer these comments.

The draft PEIR includes calculations for annual tons of nitrogen oxides (NOx) and reactive organic gases (ROG), but it fails to calculate the ozone pollution that will result from these two precursor pollutants and to factor in the increasing number of extremely hot days each summer as climate change impacts Central Valley weather. In this region, quantifying ozone pollution arising from new development is crucial to establishing the impacts on human health the proposed development will create. The PEIR must thus include projected ozone production, based on the tons/year figures for NOx and ROG, as well as summer averages in tons/day that factor in escalating excess heat events over the pertinent years. There are tools readily available for such calculations, including but not limited to The Community Multiscale Air Quality Modeling System (CMAQ).

Studies document that incremental increases in ozone levels alone—independent of the other pollutants the project will create—will have the following human health impacts: decreased lung function, decreased lung function growth in children,[1] increased asthma-related emergency visits and hospital admissions,[2] and mortality among older adults.[3] In Fresno County, a rigorously sound study conducted by Entwistle et al. (2019) showed

[1] https://www.sciencedirect.com/science/article/pii/S0012369221036266

[2] https://link.springer.com/article/10.1007/s11869-019-00685-w

[3] https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3581312/

Central Valley Health Policy Institute
California State University, Fresno
1625 East Shaw Avenue, Suite 146 M/S OF126 • Fresno, California 93710-8106
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that people living in commercial areas are significantly more sensitive to ozone exposure than people living in residential areas.

Beyond the health effects of ozone, it is also well-established that PM2.5 is associated with increased mortality and morbidity due to respiratory, cardiovascular, cerebrovascular disorders and diabetes.

Although the Draft PEIR calculated project emissions in tons or metric tons per year for roughly a dozen air pollutants, and it recites the human health effects of many of them in a general way, it does not analyze human health effects for any of the pollutants at the levels and over the timeframes specifically pertinent to this project. Such analysis can and must be conducted, and the tools with which to conduct it are readily available. For example, the Environmental Benefits Mapping and Analysis Program – Community Edition (BenMAP-CE) – not only estimates health impacts but also estimates economic values associated with health morbidity events.

In addition, when considering health and vulnerability, there are zero reasons to introduce any form of air pollution in the demarcated area. There are hotspots or communities that are more highly concentrated with pollutants than others. There are state (CalEnviroScreen)[4] and federal (Climate and Economic Justice Screening Tool)[5] cumulative pollution measuring tools that demonstrate that large parts of this area in particular are already highly impacted. According to the CalEnviroScreen, the census tract 6019005904 (where much of the development will occur) has ozone levels worse than 89 percent of all census tracts in California. In this community, PM2.5 is worse than 95 percent of all other census tracts in California. When comparing this census tract to the rest of the nation, the community of 6019005904 has higher levels of PM2.5 than 99 percent of all census tracts.

Increasing PM2.5 levels in these locations is highly likely to result in significant increases in cardiopulmonary morbidity and mortality and the incidence and development of diabetes mellitus.[6] Particularly, perinatal health and the health of children is of greatest concern and risk. Studies that include Fresno County populations have shown that air pollutants are linked to increased odds in neural tube defects[7] and preterm birth.[8] For more than a

[4] https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40

[5] https://screeningtool.geoplatform.gov/en/#3/33.47/-97.5

[6] https://www.sciencedirect.com/science/article/abs/pii/S014765131630029X

[7] https://academic.oup.com/aje/article/177/10/1074/101390

decade, The Children's Health and Air Pollution Study (CHAPS) has documented the adverse health effects on children that ambient air pollution has in Fresno including lung function, chemical modification of DNA (methylation), metabolic dysfunction, and oxidative stress.[9]

The toll on human health this project's pollution will take on the population of the area, and on children, appears to be quite serious and pervasive. The City must insist on thorough and accurate analysis, and robust mitigation of air quality impacts before approval.

Please include these comments in the record of this project. Thank you.

Sincerely,

Emanuel Alcala (Sep 6, 2023 10:06 PDT)

Emanuel Alcala, PhD
Assistant Director
Central Valley Health Policy Institute
1625 E. Shaw Ave Ste. 146
Fresno, CA 93710
Phone: 559.228.2137
RWHF Health Policy Research Scholar
https://healthpolicyresearch-scholars.org/scholars/emanuel-alcala-2/

cvhpi.org

[8] https://www.nature.com/articles/s41370-021-00323-7

[9] https://www.chapssjv.org/publications

Building Industry Association
of Fresno/Madera Counties, Inc.

August 25, 2023

Adrienne Asadoorian, Planner
City of Fresno
2607 Fresno Street
Third Floor, Room 3065
Fresno, CA 93721

RE: Comments on SEDA EIR

Dear Ms Asadoorian:

Although the Building Industry Association (BIA) does not have any specific comment on the Environmental Impact Report (EIR) for the Draft Southeast Development Plan, the BIA does have comments on the draft Plan on which the EIR is based.

The BIA generally supports the draft Specific Plan which will provide much needed housing for the city in the coming years to meet its state housing obligations and is nearer Fresno's employment centers than most other areas of the county. There are, however, some constraints within the Plan that are problematic for the building industry. The Plan does not allow density under about 6 units per acre. Although builders usually build at much higher density, the total elimination of the larger lot subdivisions will not serve a portion of the population. In addition, the restriction on cul-de-sacs, which is the preferred location for residents to live, will deprive buyers of their desired location within a subdivision.

With these reservations, the BIA supports the approval of the EIR for SEDA.

If you have any questions, please call me at (559) 226-5900.

Sincerely,

Michael Prandini
President & CEO

420 Bullard Avenue, Suite 105 • Clovis, California 93612
(559) 226-5900 • FAX (559) 324-8237 • www.biafm.org

Cb 5
August 24, 2023

City of Fresno
c/o Adrienne Asadoorian, Planner
2600 Fresno Street, Third Floor, Room 3065
Fresno, California 93721

RE: "Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486"

Dear Ms. Asadoorian:

I contest Section 3.8 Green House Gases:

1. The plan indicates that there will be an approximately 23% increase in greenhouse gases at a time when Governor Newsom and members of the legislature are mandating reducing green house gases all over California. The economic impact report lists there is no mitigation for this increase. How does this fit?

Sincerely,

Carol Bloesser

Dr. Carol Bloesser
Retired Fresno Unified Administrator
SEDA *Area Property Owner*
Member Southeast Property Owner's Association

cc: Fresno County Board of Supervisors

District 1:	Brian Pacheco district 1@fresnoca.gov
District 2:	Steve Brandau district 2@fresnoca.gov
District 3:	Sal Quintero district 3@fresnoca.gov
District 4:	Buddy Mendes district 4@fresnoca.gov

District 5: Nathan Magsig district 5@fresnoca.gov

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District 6: Garry Bredefeld garry.bredefeld@fresno.gov
District 7: Nelson Esparza nelson.esparza@fresno.gov

Mayor Jerry Dyer mayor@fresno.gov

Cb 6
August 24, 2023

City of Fresno
c/o Adrienne Asadoorian, Planner
2600 Fresno Street, Third Floor, Room 3065
Fresno, California 93721

RE: "Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486"

Dear Ms. Asadoorian:

I contest Section 3.10 Hydrology and Water Quality for the following reasons:

> The plan does explain Level I water but offers no explanation for where Level 2 water will come from and how sufficient the amount will be to serve 45,000 additional houses. There is every indication that Level 1 water will not be adequate. Please explain.

Sincerely,

Dr. Carol Bloesser
Retired Fresno Unified Administrator
SEDA *Area Property Owner*
Member Southeast Property Owner's Association

cc: Fresno County Board of Supervisors

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Mayor Jerry Dyer mayor@fresno.gov

Cb 7
August 24, 2023

City of Fresno
c/o Adrienne Asadoorian, Planner
2600 Fresno Street, Third Floor, Room 3065
Fresno, California 93721

RE: "Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486"

Dear Ms. Asadoorian:

I contest Section 3.15 Public Services:

1. The plan shows regional, community, and neighborhood town centers plus many forms of increased housing. Nowhere in the plan is there any consideration for fire stations or police stations. With developers ready to purchase any land they can for housing and retail, these will probably be forgotten. What are your plans for essential services?

Sincerely,

Dr. Carol Bloesser
Retired Fresno Unified Administrator
SEDA *Area Property Owner*
Member Southeast Property Owner's Association

cc: Fresno County Board of Supervisors
District 1: Brian Pacheco district 1@fresnoca.gov
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Mayor Jerry Dyer mayor@fresno.gov

California Department of Transportation

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August 25, 2023

FRE-180-64.104
Southeast Development Area
Draft Environmental Impact Report (DEIR)
SCH #2022020486
GTS #: https://ld-igr-gts.dot.ca.gov/district/6/report/28801

SENT VIA EMAIL

Mx. Adrienne Asadoorian, Planner III
City of Fresno
Planning and Development Department
2600 Fresno Street, Room 3065
Fresno, CA 93721

Dear Mx. Asadoorian:

Caltrans has completed our review of the Draft Environmental Impact Report (DEIR) for the Southeast Development Area (SEDA) in the City of Fresno.

The proposed development area covers nearly 9,000 acres. It is bounded on the north by the Gould Canal, on the east by McCall and Highland Avenues, on the south by Jensen and North Avenues, and on the west by Locan, Temperance, and Minnewawa Avenues.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) process reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

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

DEIR-Traffic Impact Analysis (TIA) Comments:

The concerns below should have been adequately addressed in the DEIR or TIA. While the DEIR is a comprehensive planning document, it is recommended that the DEIR endorse procedures that address traffic safety on the State Highway System. Caltrans did provide a comment letter dated March 18, 2022, during the Notice of Preparation with a public comment period from February 22, 2022, to March 25, 2022, which is included in Appendix A of the DEIR. Comments one through eight presented herein are included in the attached letter dated March 18, 2022, and are as follows:

1. This development region will likely add vehicles to the State Road (SR) 180 interchanges at Clovis Avenue, Fowler Avenue, and Temperance Avenue. As a result, there may be significant speed differences between the off-ramp queues and the freeway mainline. Each of these interchanges is recommended for a peak-hour ramp queuing analysis to assess potential impacts. This development area is also expected to add vehicles to the SR 180 intersections at De Wolf Avenue, Highland Avenue, and McCall Avenue. The result may be significant speed differentials between the turn lane queues and the through-lane traffic caused by insufficient left-turn lanes or intersection control. **It is recommended that a peak-hour queue analysis be completed at each of these intersections to determine potential impacts**.
2. **It is recommended that the lead agency include a traffic safety review** that examines new pedestrian and bicycling desire lines, multimodal conflict locations, and changes in traffic composition (such as an increase in bicyclists or pedestrians, where features such as shoulders or sidewalks may not exist or are inconsistent with facility design). This analysis should include the SR 180 interchanges at Fowler Avenue and Temperance Avenue and the SR 180 intersections at De Wolf Avenue, Highland Avenue, and McCall Avenue. For future residential development, Caltrans recommends that project proponents consider working with the City to convert a portion of the planned residential units to affordable housing.
3. The City should develop policies for installing Level 2 EV charging stations in single- and multi-family residential units and DC Fast Charging EV charging stations in retail, commercial, park, and public facilities.
4. Caltrans recommends that the Project use multimodal methods, such as those derived from transit-oriented development (TOD), to minimize the traffic-related impacts of future developments. Active Transportation Plans and Smart Growth efforts support the state's 2050 Climate goals. Caltrans helps reduce VMT and GHG emissions by increasing people's likelihood of using and benefiting from a multimodal transportation network.
5. Early involvement with Caltrans is strongly encouraged for future projects affecting the state right-of-way.

The Caltrans Traffic Safety Bulletin 20-02-R1: Interim Local Development Intergovernmental Review Safety Review Practitioners Guidance provides direction on analyzing the safety impacts on the State Highway System by proposed land use projects. Subsequent projects included in this development area should incorporate this guidance.

VMT Analysis Comments:

The preparer of the VMT Analysis concluded that the VMT per Service Population in the SEDA project region will fall from 45.72 to 5.07 when the project is completed in 2035. The move from a primarily rural location (as the SEDA project area is now) to a developed urbanized mixed-use site results in a significant drop in VMT. Additionally, the VMT Analysis preparer claims that this is attributable to residents and employees

being better connected to jobs and services within the SEDA project area, reducing travel times on both the production (residential) and attraction (commercial) sides.

Conversely, the Year 2035 No Project Conditions VMT for the SEDA Project Area is 371,397 per Table 7. Table 10 presents the Year 2035 With Project Conditions VMT for the SEDA Project Area is 974,369. This translates to a net VMT increase of 162.35%.

In theory, the relationship between production (residential) and attraction (commercial) may minimize VMT at full buildout; nevertheless, a typical land-use plan buildout begins with the production (residential), followed by the attraction (commercial). The concern is that the attraction (commercial) will develop slowly over time, causing a VMT impact in the SEDA region.

Based on our review of the VMT Analysis, **we recommend that the EIR preparer address the safety concerns by undertaking a peak hour ramp queue analysis at the interchanges/intersections on SR 180 from Clovis to McCall Avenues, as stated previously**.

The SEDA Specific Plan should also explore several possible VMT migration strategies, such as:

1. Creation of regional-level VMT bank or VMT exchange program;
2. Improved Public Transportation: Expanding and enhancing public transit options to encourage more people to use buses, trains, and other forms of public transportation instead of driving individual cars;
3. Enhance parallel routes near SR 180, such as Belmont Avenue or Kings Canyon Road. For example, the plan is to extend the Bus Rapid as cited in Policy UF-5.2. In addition, the City may consider signal synchronization along the corridors, if not already.
4. Active Transportation: Creating infrastructure and promoting walking, biking, and other forms of active transportation, especially for short distance trips;
5. Telecommuting and Flexible Work Arrangements: Encouraging remote work options to reduce the need for daily commuting;
6. Carpooling and Ridesharing: Promoting carpooling and ridesharing initiatives to reduce the number of single-occupancy vehicles on the local road system and highways;
7. Transportation Demand Management (TDM): Implementing policies and programs that encourage the use of alternative transportation options and reduce the reliance on single-occupancy vehicles; and,
8. Incentives and Subsidies: Providing incentives, subsidies, or tax breaks for using public transportation or purchasing electric or fuel-efficient vehicles.

The SEDA area may aim to establish more sustainable and efficient transportation systems while addressing environmental and social concerns related to increasing vehicle use by implementing these and other VMT mitigation strategies.

If you have any other questions, please call Keyomi Jones, Transportation Planner, at (559) 981-7284 or keyomi.jones@dot.ca.gov.

Sincerely,

David Padilla, Branch Chief,
Transportation Planning – North

Attachment: Caltrans comment letter March 18, 2022

C: Sophia Pagoulatos, Planning Manager, City of Fresno
State Clearinghouse

ATTACHMENT
Caltrans comment letter March 18, 2022

California Department of Transportation

DISTRICT 6 OFFICE
1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616
(559) 981-1041 | FAX (559) 488-4195 | TTY 711
www.dot.ca.gov

March 18, 2022

FRE-180-R65.1
NOTICE OF PREPARATION, EIR
https://ld-igr-gts.dot.ca.gov/district/6/report/25659

SENT VIA EMAIL
Shawn Monk, Planner
City of Fresno
Long Range Planning Division
Office: 559-621-8031
shawn.monk@fresno.gov

Dear Mx. Monk,

Thank you for the opportunity to review the Notice of Preparation of a Program Environmental Impact Report for the Southeast Development Area Specific Plan. The proposed Southeast Development Area covers nearly 9,000 acres and has the potential to accommodate approximately 45,000 homes by the year 2050. The Plan Area is bounded on the north by the Gould Canal, on the east by McCall and Highland Avenues, on the south by Jensen and North Avenues, and on the West by Locan, Temperance, and Minnewawa Avenues.

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

1. Caltrans anticipates this development area would add substantial traffic to the State Route 180 interchanges at Clovis Avenue, Fowler Avenue, and Temperance Avenue. The result could be significant speed differentials between the off-ramp queues and the mainline of the freeway. **It is highly recommended that a peak hour ramp queue analysis is completed at each of these interchanges to determine potential impacts.**

2. This development area would also be expected to add traffic to the State Route 180 intersections at De Wolf Avenue, Highland Avenue, and McCall Avenue. The result could be significant speed differentials between the turn lane queues and the through lane traffic caused by insufficient left turn lanes or intersection control. **Therefore, it is also recommended that a peak hour queue analysis is completed at each of these intersections to determine potential impacts.**

3. Future development(s) should also consider traffic safety impacts on the State Highway System due to new pedestrian and bicyclist needs based on new origins or destinations that intersect a State Route. Additionally, multimodal conflict points and change in traffic composition (such as an increase in bicyclists or pedestrians, where features such as shoulders or sidewalks may not exist or are inconsistent with facility design) should be included. The State Route 180 interchanges at Fowler Avenue and Temperance Avenue; and the State Route 180 intersections at De Wolf Avenue, Highland Avenue, and McCall

Avenue should be included in this analysis.

4. Future development(s) should conduct a Vehicle Miles Traveled (VMT) study for projects that may substantially induce Vehicle Miles Traveled (VMT). Pedestrian and bicycle facilities within the project site should be considered in this study. The project proponents should also consider coordinating with nearby planned bike networks for a larger active transportation network. The City should consider creating a VMT Mitigation Impact Fee to help reduce potential impacts on the State Highway System.

5. For future residential development, Caltrans recommends project proponents consider working with the City to convert a portion of the planned residential units to affordable housing units.

6. The City should establish policies for the installation of Level 2 Electric Vehicle (EV) charging for single- and multi-family residential units as well as DC Fast Charging EV charging stations for retail, commercial, park and public facilities.

7. Caltrans recommends the Project implement multimodal strategies, such as those that originate from Transit-oriented development (TOD), in an effort to further reduce future projects' traffic related impacts.

8. Active Transportation Plans and Smart Growth efforts support the state's 2050 Climate goals. Caltrans supports reducing VMT and GHG emissions in ways that increase the likelihood people will use and benefit from a multimodal transportation network.

9. Early engagement with Caltrans is highly requested for future projects that would impact state right-of-way. Furthermore, prior to initiating the traffic study, please include Caltrans in the scoping.

If you have any other questions, please call or email Edgar Hernandez at (559) 981-7436 or edgar.hernandez@dot.ca.gov.

Sincerely,

David Padilla, Branch Chief
Transportation Planning – North

CENTER *for* BIOLOGICAL DIVERSITY

August 28, 2023

City of Fresno
c/o Adrienne Asadoorian, Planner
2600 Fresno Street
Third Floor, Room 3065
Fresno, CA 93721

By Email: adrienne.asadoorian@fresno.gov

Re: Draft EIR, Southeast Development Area Specific Plan

Dear Ms. Asadoorian:

I am submitting the following comments on the Draft Environmental Impact Report (DEIR) for the Southeast Development Area (SEDA) Specific Plan on behalf of the Center for Biological Diversity. The Center is a non-profit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 87,000 members worldwide, including in the City of Fresno and surrounding areas.

The EIR Must Address the SEDA Specific Plan's Foreseeable GHG Impacts

The DEIR concludes that the Specific Plan will have a significant, unavoidable impact after mitigation due to its anticipated net operational greenhouse gas emissions, which, at buildout, are estimated at 510,791 metric tons of CO2 equivalents. No project-specific mitigation measures are proposed for this significant impact. The DEIR does propose that subsequent discretionary projects under the Specific Plan will be subject to General Plan PEIR Mitigation Measure MM GHG-1.1, which requires confirmation that projects are consistent with the City's 2021 GHG Reduction Plan Update and implementation of all measures deemed applicable through the GHG Reduction Plan Update Project Consistency Checklist.

The DEIR acknowledges that the Specific Plan is itself inconsistent with the GHG Reduction Plan Update. Individual projects under the Specific Plan will also be inconsistent with the GHG Reduction Plan Update. Merely applying the Project Consistency Checklist cannot make a project consistent with the GHG Reduction Plan Update, nor does applying the Checklist mitigate the foreseeable GHG impacts of the Specific Plan.

CEQA does not exempt specific plans from the requirement to adopt all feasible mitigation measures, nor does it relieve program EIRs from the requirement to evaluate feasible mitigation measures for the foreseeable environmental consequences of a specific plan. The DEIR concludes that there are no feasible project-specific mitigation measures, but none are

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considered. Despite this omission, there is a broad range of mitigation measures that can be adopted at the Specific Plan level to guide future development. A representative but non-exclusive list of such measures includes the following:

- Require onsite renewable energy generation (ideally rooftop solar or community solar) to meet all residential and commercial energy demand.
- Require all construction to exceed Title 24 Energy Efficiency Standards by 20% in light of the Specific Plan's extended buildout.
- Require installation of all-electric energy efficient appliances.
- Require use of high efficiency public street and area lighting.
- Increase transit accessibility and reach by providing transit incentives to construction personnel and future residents; build transit facilities during initial phase of build out; include reliable connections to existing public transit.
- Require pedestrian friendly measures including interconnecting street/pedestrian networks; narrower roadways and shorter block lengths; sidewalks; tree canopy for shade and transit shelters.
- Require traffic calming measures including marked crosswalks, curb extensions, raised crosswalks, roundabouts, and planter strips with native vegetation.
- Require a neighborhood electric vehicle network.
- Require bicycle-friendly designs including bike lanes, bike sharing programs, bike parking, and dedicated bike trails.

In addition, Appendix D of the California Air Resources Board's 2022 Scoping Plan Update provides a set of measures and criteria to achieve equitable reduction of GHG emissions, including:

- Utilizing existing infill sites that are surrounded by urban uses, and reuse or redevelop previously developed, underutilized land presently served by existing utilities and essential public services (e.g., transit, streets, water, sewer).
- Providing proximity to public transit (within ½ mile).
- Ensuring that development does not result in the loss or conversion of the State's natural and working lands.
- Requiring installation of all electric appliances, without any gas connections for space heating, water heating, or indoor cooking.
- Making at least 20 percent of residential units affordable to lower-income residents.
- Ensuring no net loss of existing affordable units.
- Providing EV charging infrastructure at least in accordance with CalGreen Tier 2 standards.

While application of the GHG Reduction Plan Update Project Consistency Checklist may provide some comparable measures, the Checklist does not ensure that all feasible mitigation measures have been adopted. In addition, if these measures are not sufficient to mitigate the Specific Plan's anticipated GHG emissions to less than significant levels, additional mitigation is available in the form of GHG offsets achieved through the purchase of solar generation and

energy efficiency upgrades for local low-income residents and businesses. Only after these and other measures have been considered and fully evaluated can the City conclude that the Specific Plan will result in significant, unavoidable GHG impacts.

The DEIR improperly discounts the Specific Plan's anticipated GHG impacts from construction, stating (p. 3.8-44) that "Short-term construction GHG emissions are a one-time release of GHGs and are not expected to significantly contribute to global climate change." The DEIR, however, projects that construction emissions will total more than 2.3 million metric tons of CO2 equivalents over 20 years, with average annual emissions of over 115,000 metric tons. There is no support for the DEIR's conclusion that "future development under the proposed project at construction would not result in significant adverse effects related to GHG emissions."

The DEIR should be revised and recirculated to evaluate feasible mitigation measures for the Specific Plan's foreseeable operational and construction GHG impacts.

The DEIR Does Not Adequately Address the Availability of Water for the Specific Plan

The DEIR concludes that the City's existing water supplies will be adequate to serve future development under the Specific Plan, which could include 45,000 new residential units by 2050, while still meeting existing demands (p. 3.18-66). Accordingly, the DEIR does not evaluate the Specific Plan's environmental consequences of obtaining new water sources, or its impacts on existing residents.

The DEIR's analysis considers potential water availability during wet, dry, and multiple dry years, but its conclusion assumes that the City's long-term average water supply obtained from surface water sources will remain relatively stable. According to Appendix F at p. 6-17 (Water Technical Study), the City's allocation of Fresno Irrigation District water diverted from Kings River is projected to remain at a steady percentage of the average Fresno Irrigation District deliveries between 1964 and 2019—453,800 acre-feet per year. This assumption is likely invalid in light of the foreseeable effects of climate change. Indeed, it is directly inconsistent with the acknowledgment elsewhere in the DEIR that "By 2050, the average water supply from snowpack is projected to decline to two-thirds from historical levels. If emissions reductions do not occur, water from snowpack could fall to less than one-third of historical levels by 2100."

If the anticipated decline in surface water supplies due to climate change are considered in the Specific Plan's water supply analysis, the Specific Plan's water demand is likely to result in a significant shortfall in water supplies. The DEIR should be revised and recirculated to address the foreseeable effects of climate change on water supply available for development pursuant to the Specific Plan.

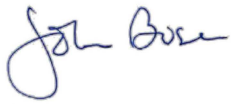
The EIR Does Not Adequately Address the Specific Plan's Impacts to Swainson's Hawks

As the DEIR acknowledges, the Specific Plan would potentially result in approximately 5,000 acres of farmland being converted to urban uses. The EIR wholly fails, however, to address the

importance of these agricultural lands as nesting and foraging habitat for the Swainson's hawk, a highly migratory raptor species known to occur in the Specific Plan area. The Swainson's hawk is listed as a threatened species under the California Endangered Species Act. The DEIR does not disclose the potential impact to Swainson's hawks due to the loss of agricultural lands, nor does it evaluate potential mitigation measures for this impact. While the DEIR discusses measures to mitigate the loss of farmland, it does not address the value of the lost farmland to Swainson's hawks, and measures that may mitigate the agricultural impact will not necessarily address the biological impact. The DEIR should be revised and recirculated to fully disclose and mitigate the Specific Plan's impacts to Swainson's hawks.

Thank you for your consideration of these comments, and please add me to the notice lists for the Southeast Development Area Specific Plan and its EIR.

Sincerely,



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August 28, 2023

City of Fresno
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2600 Fresno Street
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Fresno, CA 93721

Email: adrienne.asadoorian@fresno.gov

Re: Comments on Draft Program Environmental Impact Report for Fresno Southeast Development Area (SEDA) Specific Plan Project City of Fresno, Fresno County, California State Clearinghouse Number 2022020486 dated July 14, 2023

Dear Ms. Asadoorian,

On behalf of the Sierra Club and the Central Valley Partnership, we submit the following comments on the Fresno Southeast Development Area (SEDA) Specific Plan project Draft EIR (DEIR). The SEDA project would be a massive development project with extensive impacts that must be carefully planned and mitigated. It has been accurately described as follows:

> [the project will] transform nearly 9,000 acres southeast of Fresno into a new Clovis on Fancher Creek.
>
> The project up for the city council's vote will be one of the biggest suburban sprawl projects in Fresno's history. The Dyer administration's plan includes 45,000 homes and up to 150,000 people, on a stretch of land that is currently a patchwork stretch of farmland, rural homesteads, two-lane country roads, and stop-signs.
>
> Known as the Southeast Development Area (SEDA), the transformed community would rival the size of Clovis – 16 times the size of the Copper River project in northeast Fresno, and seven times as large

> as Riverstone and Tesoro Viejo, the major new communities across the San Joaquin River in Madera.

(Weaver, Fresnoland, August 25, 2023, "Another Clovis, but in southeast Fresno? City moves forward on mega-development plans" , available at https://fresnoland.org/2023/08/25/city-of-fresno-eyes-seda/.)

As required by the California Environmental Quality Act (CEQA), the City of Fresno (City) must address the impacts of this massive project, along with its cumulative impacts with other similar developments in the region. CEQA has been described as a bill of rights for an environmental democracy. It is intended to provide a "road map" and a "price tag" for proposed projects:

> The CEQA process is intended to be a careful examination, fully open to the public, of the environmental consequences of a given project, covering the entire project, from start to finish. This examination is intended to provide the fullest information reasonably available upon which the decision makers and the public they serve can rely in determining whether or not to start the project at all, not merely to decide whether to finish it. The EIR is intended to furnish both the road map and the environmental price tag for a project, so that the decision maker and the public both know, before the journey begins, just where the journey will lead, and how much they-and the environment-will have to give up in order to take that journey.

(NRDC v. City of Los Angeles (2002) 103 Cal.App.4th 268, 271.)

Unfortunately, the SEDA EIR falls woefully short of providing the public and decisionmakers with sufficient information to evaluate and mitigate the project's impacts. These deficiencies must be rectified and a legally adequate EIR recirculated for public review and comment.

A. Agricultural Resources and Forestry Resources Impacts are Not Sufficiently Mitigated.

The SEDA DEIR, in its Agricultural Resource and Forestry Resources section, identifies the amount of farmland threatened with conversion to urban uses. The Plan's proposed development will effectively eliminate approximately 6,741 acres in agricultural production, which are specified as 2,475 acres of Prime Farmland, and approximately 1,352 acres of Farmland

of Statewide Importance, 1,189 acres of Farmland of local importance, and approximately 1,725 acres of Unique Farmland. (DEIR p. 3.2-16.)

The prominent problem of the SEDA DEIR pertaining to agricultural resources is that its proposed farmland mitigation measures for these thousands of acres of farmland rely upon inadequate policies that have not been adequately implemented. When Fresno's General Plan was adopted, farmland mitigation was perhaps the most contested and difficult policy of the entire document. Inevitably, after intense debate, the final 2014 Fresno General Plan contained key values and provisions that were structural in nature, including no sphere of influence extension, a prioritization of infill over greenfield development, and defining an easily implementable farmland mitigation policy.

Specific to the structural land use policies promoting farmland conservation, the 2014 Fresno General Plan stated, "Policies in the Plan will help preserve farmland by incentivizing new development within and adjacent to already-urbanized land, only extending public utilities to new development that adheres to the Plan, and not expanding the City's SOI."[1] So, the proposed development of the Southeast Development Area effectively punctures the previously agreed upon sphere of influence boundary and violates the integrity of the city's hoped for revitalization as it re-initiates a historic pattern of sprawl development.

The achievement of a farmland mitigation policy was another important outcome of the 2014 Fresno General Plan. Originally, this General Plan specified under policy RC-9-c that when farmland was converted to urban uses, the City of Fresno would "permanently protect an equal amount of similar farmland elsewhere through easement." This simple, straightforward and implementable policy was consistent with other farmland mitigation programs that typically require mitigation at a 1:1 ratio on soils of similar quality under a conservation easement, however RC-9-c

[1] Fresno General Plan Adopted: December 18, 2014, Resource Conservation and Resilience Chapter, Farmland Section 7.6, pg. 7-42.

was later amended in ways that made it more muddled, less definitive and more difficult to implement.[2]

Today, as cited in the SEDA DEIR, the Fresno General Plan policy RC-9-c (the amended portion in italics) states:

> **"Farmland Preservation Program**. In coordination with regional partners or independently, establish a Farmland Preservation Program. When Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is converted to urban uses outside City limits, this program would require that the developer of such a project mitigate the loss of such farmland consistent with the requirements of CEQA. The Farmland Preservation Program shall *provide several mitigation options that may include but are not limited to the following: Restrictive Covenants or Deeds, In Lieu Fees, Mitigation Banks, Fee Title Acquisitions, Conservation Easements, Land Use Regulations, or any other mitigation method that is in compliance with the requirements of CEQA*. The Farmland Preservation Program may be modeled after some of all of the programs described by the California Council of Land Trusts."[3]

After a decade, the 2014 General Plan's originally clear farmland mitigation policy has been amended, diluted, and as yet remains unimplemented. Even worse, its explicit direction to establish a "Farmland Preservation Program" remains incomplete. This reticence toward implementation erodes confidence that such measures will now be taken up within the Southeast Development Area's Specific Plan.

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[2] The hearing to consider General Plan Amendment Application No. P18-03553 and related Environmental Finding was initiated by the Fresno City Council on March 3, 2017 through Council Resolution No. 2017-61. The final resolution approved the General Plan Text Amendment No. P18-03553 amending Farmland Preservation Program RC-9-c.

[3] Fresno General Plan Adopted: December 18, 2014, Resource Conservation and Resilience Chapter, Farmland Section 7.6, pg. 7-43.

Given the lack of compliance with earlier planning policy plans and directives related to farmland conservation, it is recommended that the City of Fresno institute a SEDA-specific urban growth boundary requiring fifty percent vote of city residents to all future proposed greenfield developments in the Plan Area. This would raise the level of planning diligence, democratic participation, and environment promoting policies as each future development project is considered. In addition, each future development proposal in the area should be authorized under a similarly constituted initiative process in authorizing community benefit agreements on each proposed development project to ensure its equity values can be programmatically achieved, such as in future apprenticeship programs and local hire mandates. Environmentally, community benefit agreements would better ensure that proposed "school and neighborhood gardens, community orchards, agricultural education centers and small farming operations in green belts and on the buffer edge" will be realized. (DEIR p. 3.2-17.) Both urban growth boundaries and community benefit agreements ensure resident-involved planning and democratic, participatory involvement through voter initiatives on each proposed future development projects within the Specific Plan area.

Specific to farmland mitigation, the SEDA DEIR inadequately identifies mitigation that can be expected to be meaningfully implemented. A proposed "Buffer District" is a much lesser threshold to breach in the future than an existing sphere of influence boundary in a general plan. Yet this is just the mitigation policy remedy being suggested in SEDA's DEIR policy framework. (DEIR p. 3.2-17.) The proposed Buffer District is purely aspirational without explicit mechanisms to hold the line on future greenfield development and residential sprawl. Most troubling is that the SEDA EIR's primary farmland mitigation policy proposal yet again relies upon the forever dormant 2014 Fresno General Plan policy RC-9-c guiding farmland mitigation, and MM AG-1.1 that was supposed to establish a Farmland Preservation Program (FPP), now planned to be initiated by 2025. (DEIR p. 3.2-15.)

Given the past lack of planning policy follow through, the SEDA EIR makes contingencies, "because the FPP has not yet been developed, the proposed project would implement project-specific MM AG-2, which requires all future development to mitigate the loss of Prime Farmland, Unique

Farmland, or Farmland of Statewide Importance, on a project-by-project basis before the initiation of construction or ground-disturbing activities." (DEIR p. 3.2-17.) A project-by-project policy makes oversight of mitigation policy unworkable though it becomes necessary given the City of Fresno's past reticence and resistance to mitigate for the loss of farmland.

B. Air Quality Impacts Would be Significant And are Insufficiently Mitigated

1. Fresno's Current Air Quality Situation is Dire and Would be Worsened By the Project.

There is no dispute that the air quality in Fresno is abysmal. The prestigious American Lung Association's annual report State of the Air 2023 lists Fresno as the fourth-most polluted city in the country for ozone[4], and the second most polluted for short-term particulate pollution, and the third-most polluted city for year-round particle pollution[5]. The federal EPA classifies the San Joaquin Valley Air Basin, of which Fresno is a part, as in "extreme" nonattainment of the National Ambient Air Quality Standard (NAAQS) for ozone, and in "serious" nonattainment for fine particulates (PM2.5) (DEIR, PP. @@.). The San Joaquin Valley is one of only two air basins in the entire country classified as in "Extreme" nonattainment for ozone. (EPA Green Book, at https://www3.epa.gov/airquality/greenbook/jnc.html, last visited 8/24/23. Classification of the San Joaquin Valley as in "Serious" nonattainment of the federal standard for PM2.5 is at https://www3.epa.gov/airquality/greenbook/rnc.html, last visited 8/24/23.)) Fresno is an unhealthy place to breathe, and especially so for sensitive groups, including children, the elderly, and the sick.

Both state and federal law require air basins to comply with the health-based state and federal Air Quality Standards. [E.g., 42 USCA §7401, et seq.).] The San Joaquin Valley Unified Air Pollution Control Agency (APCD)

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[4] The listing is for Fresno-Madera-Hanford, at https://www.lung.org/research/sota/city-rankings/most-polluted-cities; last visited 8/24/23.

[5] The listing is for Fresno-Madera-Hanford, at https://www.lung.org/research/sota/city-rankings/most-polluted-cities; last visited 8/24/23.

has devised an Air Quality Management Plan (AQMP) to reduce the levels of health-damaging pollution in the air and make the air healthier to breathe. According to the DEIR, a new AQMP for ozone was due for submission to the EPA by August of 2022. There is no information in the DEIR as whether it was submitted or when an evaluation of the new AQMP by EPA might be expected; the fact remains that the Valley is in extreme nonattainment. A new plan for PM2.5 was submitted in June of 2020. (DEIR p. 3.3-25.) EPA has postponed the deadline for the Valley to meet the PM2.5 standard until 2024, but has not yet approved or disapproved the APCD's new plan to meet the federal standard. The Valley remains in serious nonattainment for PM2.5. However, these facts appear to matter little, since the DEIR clearly and unequivocally states that carrying out the SEDA plan is **not** consistent with the Air Quality Management Plan now in operation to meet health-based federal and state Air Quality Standards, and would conflict with that Plan and with project significance thresholds established by APCD to prevent increases in ozone. (DEIR, pp. ES-6, ES-14, 3.3-45.) The DEIR states at page 3.3-45:

> [T]he proposed Specific Plan would generate long-term emissions of criteria air pollutants that would exceed the Valley Air District's regional operation-phase significance thresholds, which were established to determine whether a project has the potential to cumulatively contribute to the [San Joaquin Valley Air Basin]'s nonattainment designations. Thus, ***implementation of the proposed Specific Plan would result in an increase in the frequency or severity of existing air quality violations; cause or contribute to new violations; or delay timely attainment of the AAQS***.

(DEIR, p. 3.3-45, emphasis added.)

The DEIR also states, at page 3.3-51, that the Project will cumulatively increase the airborne pollution to which Fresno residents are exposed daily:

> The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard.

(DEIR, p. 3.3-51.)

2. Project Construction Emissions Would Be Significant For Every Pollutant Category.

The DEIR explains that, by itself, construction of the Project will cause emissions of every pollutant for which the Valley is in nonattainment in amounts that exceed APCD significance thresholds during each and every year of Project construction, 2023-2043, except the very last year. (DEIR, Table 3.3-8, p. 3.3-53.[6]) The DEIR makes no comparison between the emissions that Project construction will cause to the emissions provided for in the AQMP, a critical failure to provide the information that should be in the DEIR.[7] It also asserts that it is "unavoidable" - if the SEDA plan is carried out – that "sensitive receptors" (e.g., children, the elderly, and people who already have respiratory illnesses) will be exposed not only to air that far exceeds the health-based state and federal Air Quality Standards, but they may also be exposed to toxic pollutant emissions, including carcinogens, during construction of the Project. Such carcinogens and other toxic chemicals are contained in diesel particulate emissions (commonly referred to as "DPM," for diesel particulate matter"), an airborne soup of chemicals and small particles, many of which either are carcinogenic, or have carcinogens adhered to them, that are emitted by diesel trucks and diesel-powered construction equipment.[8]

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[6] We note that, while the DEIR states that "[b]uildout of the proposed project would occur over approximately 25 years, or longer," the Table showing pollutant emissions from construction goes out only 19 years. There will, apparently, be even more pollutant emissions than the Table shows.

[7] Nor is Appendix B, the Air Quality Appendix, much help. It contains only the same Table (in a slightly different format) and the outputs of the computer model used to predict Project emissions (these cannot easily be read by laypersons). It does not compare Project construction emissions with the AQMP.

[8] For context, the South Coast Air Quality Management District (SCAQMD) estimates that 50% of the risk of cancer from airborne carcinogens in the greater Los Angeles are comes ; last visitd 8/24/23.)from exposure to DPM. (Multiple Air Toxics Exposure Study V, SCAQMD, 2021, page ES-7. Available at https://www.aqmd.gov/docs/default-source/planning/mates-v/mates-v-final-report-9-24-21.pdf; last visited 8/24/23.

The potential health impacts from diesel particulate emissions are quite significant, as the DEIR shows at page 3.3-17. The DEIR, at page 3.3-59, tersely acknowledges that "Project construction would involve the use of diesel-fueled vehicles and equipment that emit DPM, which is considered a [Toxic Air Contaminant]."[9] The DEIR disclaims the ability to estimate DPM emissions from the Project, but it admits that, as to toxic emissions, especially DPM:

> [I]t is possible that the proposed project would result in cumulatively significant impacts to sensitive receptors, even if individual projects were each less than significant.

(DEIR, pp. 3.3-60 to 61.). The DEIR's inability to estimate the amount of DPM emissions the Project would cause is severely undercut by the DEIR's ability to calculate the particulate emissions of the Project, both gross particulates and fine particulates, which should include many components of diesel particulate emissions. Some reasonable estimate should be possible, and it is a failure of information required by CEQA for the DEIR to make a good-faith attempt to provide this information. It has not done so.

Overall, the DEIR concludes that air pollutant emissions attributable to the Project, even after all feasible mitigation is applied, would have a "significant and unavoidable" impact, including on sensitive receptors. (DEIR, p. 3.3-61.) In short, the DEIR demonstrates that carrying out the SEDA Project is a recipe for Fresno to continue having some of the very dirtiest, unhealthful air in the nation for decades into the future, and a blueprint for allowing the Project to dump *more* ozone-causing emissions and particulate matter into the air Fresno residents breathe every day. It is a plan for forcing another generation of Fresno's children to grow up breathing air that compromises their lungs and may permanently harm their health. (See State of the Air 2023 Report, pp. 24-25 [health effects of particulates] and 26—27 [health effects of ozone].))

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[9] Diesel exhaust has been formally designated a Toxic Air Contaminant by the California Air Resources Board. (Cal. Code of Regs., title 17, section 19000.)

3. The DEIR Does Not Show That it has Applied All Feasible Mitigation.

As set out above, the DEIR thus acknowledges that the Project would make Fresno's already abominable air even worse, which creates significant impacts on the environment. It then asserts that:

> No further measures to reduce operation-phase criteria air pollutant emissions are available beyond the applicable Valley Air District rules and regulations in addition to the proposed project's policies and design46.) guidelines [as set out in the DEIR].

(DEIR, p. 3.3-46.) The DEIR asserts that there are no further feasible mitigation measures. In fact, the DEIR implies that the Project is too big for its air quality impacts to be feasibly mitigated (DEIR p. 3.3-46), a concept that is antithetical to CEQA's purposes and requirements. Instead, the City should consider making the Project smaller, so that mitigation is feasible. CEQA requires that once significant impacts from a Project have been identified, the project should not be approved if there are feasible mitigation measures that would lessen or prevent such impacts. (Public Res. Code § 21002.)

The City must re-think mitigation. The SEDA is a major project, one that will greatly expand the City's population and infrastructure, and one whose construction will stretch out for a quarter-century, up to the time when California is committed to being carbon-neutral. (AB 1279; EO B-30-15.) Its operation will last much longer. The City is approving a Project that will define Fresno and its legacy for the rest of this century. If aggressive and effective mitigation for air pollutant emissions is not enacted now, when it will be most effective because it acts on a relatively blank slate, when will it be enacted? To avoid a future of decades of continued air that sickens Fresno's residents, we urge the City to adopt additional mitigation measures now that are specific and effective, and not just aspirational. We believe that there are many mitigation measures set out in the DEIR that could be made more effective, that would reduce the pollutant emissions of the Project, and that are feasible. Below is a summary of the more prominent ones.

4. Mitigation Measures Already in the DEIR Must be Strengthened.

The DEIR lists policies in the Fresno City General Plan and the SEDA plan as potentially lessening the air quality impacts of the Project. Many, if not most, of these policies are so conditional and aspirational as to be unenforceable. Examples include policies that include wording such as "support," "promote," "incentivize," or "pursue." (E.g.: Land Use Policies LU-2(b), LU 3(c;, HC 3.d; MT-2(c), (g) and m; Open Space Policy OS-10.5; Conservation Policies RC1.1, RC 1.3 (a) and (b), RC 1.4.)

Particularly important are those mitigation measures listed as "Municipal," which are under the City's direct control and discretion (e.g., Conservation Policies RC 4 (f) and (j), and 8(j).) Where a mitigation measure is within the City's direct control (such as setting energy efficiency standards for municipal buildings), and where the environmental impacts to be mitigated are as dire as violating the AQMP, the City *must* enact mitigation measures that are fully enforceable. (CEQA Guidelines §15126.4(a)(1) and (2).)

DEIR mitigation measures specific to the Project must also be made mandatory. Specifically, MM AIR 2.1's full list of controls for diesel-powered construction equipment should be made mandatory unless individual measures are proven infeasible under clearly defined standards, and MM AIR-3.1's measures to control emissions of Toxic Air Contaminants should be mandated for *use*, not merely for identification.

In addition, many measures in the DEIR could be made enforceable by defining terms in the measures (such as "feasible" in MM AIR-2.1) or by setting schedules and enforceable deadlines for measures calling for the adoption of controls or plans, or for the setting of standards. (E.g., Resource Conservation Policies RC-4(b), 4(g), and 4(k), RC-8(j), and others.)

We also note that several mitigation measures that should be made mandatory for individual developers for projects within SEDA could also be used to provide offsets for their projects' pollutant emissions, if also carried out outside SEDA. These include creation of off-site renewable energy projects, such as installation of solar panels on rooftops in existing Fresno neighborhoods, tree planting, and replacement of inefficient appliances in

homes in existing neighborhoods, and installation and maintenance of electric vehicle charging stations in Fresno neighborhoods or at facilities like shopping centers and sports facilities.

5. Because The DEIR is Inadequate as an Informational Document, Vital Information Must be Added, and the DEIR Recirculated.

The CEQA Guidelines require an agency to "use its best efforts to find out and disclose all that it reasonably can" in an EIR. (Guidelines § 15144.) The City has failed to do so here. Table 3.3-9, at page 3.3-55, which is the only table showing operational pollutant emissions from the Project, is an example of how uninformative the EIR is. It shows only a single year's emissions total: 2050, the year of full build-out of the Project, and seven years after the last year (2043) for which construction emissions are projected.

Presumably, many individual SEDA projects, from housing developments to transportation facilities, will be completed in the years prior to 2050 but their emissions are undisclosed. This is a critical failure of the DEIR to provide full disclosure of environmental impacts from the Project; the public has no clue about operational emissions from the Project for 46 years prior to 2050. There is not even information as to when the first individual SEDA projects will begin to operate and will have operational emissions.

The SEDA projects' expected operational emissions appear for the first and only time as they are expected to be in 2050. It is beyond credulity to assume to none of the SEDA component projects will emit any conventional pollutants until 2050, and that all of the individual SEDA projects will begin emitting at once, several years after construction emissions end. The DEIR states that "[r]egional construction and operational emissions reported in this analysis were modeled using CalEEMod using version 2020.4.0" (DEIR, p. 3.3-40), so the City presumably has at least some of this information. If it does not have it, the City must have, or must generate, this information to the extent it is feasible to do so, and the DEIR must provide it. The DEIR does state that, if climate change causes temperatures to rise, the number of days when ozone will form in the Valley:

> If temperatures rise to the medium warming range, there could be 75 to 85 percent more days with weather conducive to ozone formation in Los Angeles and the San Joaquin Valley, relative to today's conditions. This is more than twice the increase expected if rising temperatures remain in the lower warming range. This increase in air quality problems could result in an increase in asthma and other health-related problems.

(DEIR, pp. 3.8-9 to 10.) Further, the DEIR states:

> [Fresno] temperatures are predicted to increase by 4.5°F (degrees Fahrenheit) under the medium emission scenario and 8.5°F under the high emissions scenario.

DEIR, p. 3.8-10.)

The increase in pollutant emissions and the increase in temperatures and number of days when ozone is likely to form add up to a potential public health crisis, necessitating the fullest information that can be provided. Further, since this information is essential to any understanding of the health impacts of the Project, the DEIR must be recirculated with that information prior to certification. (CEQA Guidelines § 15088.5.) It is imperative that the decision makers and the public have this information.

Further, Table 3.3-8, at DEIR page 3.3-53 shows projected unmitigated yearly emissions of conventional pollutants from construction over the life of the Project. In the first year, 2024, the Table shows 1770.60 tons of volatile organic compounds VOC), a precursor of ozone, projected to be emitted. In the second year, 2025, the figure drops by more than half, showing 668.30 tons of VOC projected to be emitted. After those two years, projected VOC emissions plummet, with the 2026 VOC emissions projected to be 30.45 tons. No reason is given for this remarkably high and the subsequent drop-off and extreme drop-off, respectively, of the next two years' VOC emissions. Clearly, there must be a reason for this weird pattern of VOC emissions that must be disclosed by the EIR.

The emissions of nitrogen oxides (NOx) from construction listed in the Table show a steady decline over the years, as do other pollutants. Notably, PM2.5, which almost certainly contains carcinogenic DPM from construction equipment and diesel trucks, remain fairly steady throughout the years, with

2024's emissions and 2043's emissions being within 6 tons per year of each other.

Possible explanations for the high early VOC numbers are that the City knows of specific projects planned for construction in 2024 and 2035 that emit high levels of VOC, or that the emissions modeling failed to accurately predict or report VOC emissions in the first two years of the Project. However, the City is not sharing those- or any - explanations with the public. This is a further failure of the DEIR to provide full information to the public.

Finally, the DEIR does not predict pollutant concentrations in the ambient air that will result from both construction and operation of the Project.

6. The DEIR does not Correlate Pollutant Emissions From the Project with Resulting Health Impacts.

The California Supreme Court, in *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502 ("Friant Ranch"), held that that the EIR on the Friant Ranch Project approved by the County of Fresno "fail[ed] to provide an adequate discussion of health and safety problems that will be caused by the rise in various pollutants resulting from the Project's development." (6 Cal.5th 502, at 527.) The DEIR here also fails to comply with the requirements of the *Friant Ranch* decision.

We first note that the DEIR does describe some health effects of ozone and PM2.5. (DEIR, pp. 3.3-12 to 3.3-12.) However, its description of the health impacts of PM10 and PM2.5 fails to point out the disproportionate impact of airborne particulate matter on disadvantaged communities. The APCD stated in a 2021 letter to the California Air Resources Board:

> "As recent research indicates, there is a disproportionate health impact of PM2.5 exposure to people of color, and the burden of mobile sources to the Valley contribute significantly to these health effects. The State's CalEnviroScreen 3.0 tool indicates that a significant number of communities in the Valley are among the most disadvantaged in California for a number of indicators, including overall pollution burden, and diesel PM exposure (Figure 1). In fact, 20 of the top 30 most disadvantaged communities in California are within the San Joaquin Valley. As emissions from mobile sources contribute a

> significant portion to the overall pollution burden in these disadvantaged communities, achieving emissions reductions from mobile sources is paramount to improving the health of the most impacted residents in the State."

(APCD Comment Letter on Revised Draft 2020 Mobile Source Strategy, May 14, 2021, footnotes omitted. (https; ww2.arb.ca.gov/sites/default/files/2021-05/8-SJVAPCD_Comment_RevisedDraft2020MobileSourceStrategy.pdf; last accessed 4/6/23.) Here, the DEIR does not discuss the disparate effects air pollutant emissions increases may have on the disadvantaged communities within SEDA and elsewhere within the City.

In fact, the DEIR does not predict the impacts of its pollutant emissions on the ambient air at all, except to say that those emission will not be consistent with the AQMP. (DEIR, p. 3.3-45 ["implementation of the proposed Specific Plan would result in an increase in the frequency or severity of existing air quality violations; cause or contribute to new violations; or delay timely attainment of the AAQS."]) Beyond that, the DEIR says nothing about the magnitude of the increase in frequency and/or severity its new emissions will cause. Instead, it says tersely: "Air dispersion modeling is not applicable at a program level." (DEIR, p. 3.3-42.) No further explanation is provided. However, the California Supreme Court in *Friant Ranch* was presented with a similar claim, and held that "if it is not scientifically possible to do more than has already been done to connect air quality effects with potential human health impacts, the EIR itself must explain why, in a manner reasonably calculated to inform the public of the scope of what is and is not yet known about the Project's impacts." (*Friant Ranch*, *supra,* 6 Cal.5th at p. 520.) Here, the DEIR has not done the analysis of the impact on human health of the Project's new emissions (or even shown what all emissions are projected to be). Nor has the public been given an explanation of why it cannot provide that impact analysis, other than one short sentence saying it can't be done. As the Supreme Court in *Friant Ranch* made clear, more explanation is required.

Further, such an analysis *can* be done. When Cal State San Diego proposed a master plan to develop a new community, it eventually certified an EIR that did perform a *Friant Ranch* analysis, correlating the project's emissions with impacts on human health (although it acknowledged that the

analysis was not perfect). That analysis is available at https://missionvalley.sdsu.edu/pdfs/feir/appendices/4-2-3-sdsu-mv-health-effects-memo.pdf, and is hereby incorporated into this letter by reference. We also formally submit it into the administrative record for this Project by reference, as demonstrating that an analysis correlating emissions from a major project with impacts on human health is feasible.

The City has proposed a huge, multi-year Project that will transform Fresno. It must perform an analysis of the effects on human health of that Project's pollutant emissions, with the degree of precision that is currently possible and has been demonstrated in practice. The DEIR must be recirculated with the analysis when it is completed. CEQA and the public health demand no less.

C. GHG/Climate Change Impacts Are Not Adequately Analyzed or Mitigated.

As with its analysis for conventional air pollutants, the DEIR's analysis for greenhouse gas (GHG) emissions fails to provide the most basic information to the decision makers and the public. It also fails to adopt all feasible mitigation measures for the impacts of its emissions of climate-forcing gases, and it appears to be self-contradictory as to what the standard is as to the significance of those emissions.

1. The GHG Analysis Fails as an Informational Document

While the DEIR bestows considerable attention on the existing legal framework of the federal and state laws and regulations applicable to GHG emissions, it is remarkably short on information as to the GHG emissions to be expected from the Project. Like its description of SEDA emissions of conventional and toxic pollutants, described above, the DEIR provides only very limited information on the GHG emissions to be expected from the Project, and downplays the significance of those it does acknowledge.

In Table 3.8-2, at page 3.8-44, the DEIR sets out the Project's expected GHG emissions from construction. These are reported year by year for the years 2024 to 2043 (only 19 years from now, despite the DEIR's statement

that "[b]uildout of the proposed project would occur over approximately 25 years, or longer" at page 3.3-57).

The emissions expected from construction total 2,316,578 tons of carbon-dioxide equivalent GHGs.[10] The DEIR downplays the potential significance of this emission of over two million tons of GHGs by saying that "[s]hort-term construction GHG emissions are a one-time release of GHGs and are not expected to significantly contribute to global climate change." (DEIR, p. 3.8-44.) This is nonsensical, since the fact that construction emissions are "one-time" for each individual project is somewhat meaningless, given that the DEIR has already shown that GHGs can remain in the atmosphere for decades or even centuries; carbon monoxide itself has a residency time of 50 to 200 years. (DEIR, p. 3.8-4.) It is their long period of residence in the atmosphere that enables GHGs emitted anywhere in the world able to affect the entire planet, as the DEIR observes at page 3.3-6 ("GHGs have long atmospheric lifetimes, several years to several thousand years. GHGs persist in the atmosphere for a long enough time to be dispersed around the globe.")

The DEIR itself states that "although it is unlikely that a single project will contribute significantly to climate change, cumulative emissions from many projects affect global GHG concentrations and the climate system." (DEIR p.3.8-7.) The Project's construction emissions cannot be made less than significant by calling them "one-time," since their effects will last for many decades or even for centuries.

As it does with the Project's expected emissions of conventional pollutants, the DEIR provides the Project's expected operational GHG emissions for only one year: 2050. (DEIR, Table 3.8-3, at p. 3.8-45.) The DEIR reports a surprisingly low total: 515,791 tons of GHGs. (*Id.*) We note that 2050 is the time by which the state is expected to carry out its many programs to reduce GHG emissions, including mandating zero-emission cars, setting low carbon fuels, reducing the carbon footprint of transporting water, and mandating electricity that is mostly or exclusively produced by non-

[10] Because of the widely divergent longevity in the atmosphere of various GHGs, they are usually described in terms of the amount of their climate-forcing ability when compared with a single GHG, viz., carbon monoxide. This is called carbon monoxide equivalence. (DEIR, p. 3.8-3.)

carbon, renewable sources. (DEIR, p. 3.8-49.) Therefore, the 2050 GHG figure is almost certainly not representative of the Project's GHG emissions in all, or even most, of the years of its operation, before all the state programs have had full effect.

The DEIR is required to make a good-faith effort to discover and provide all the information it can. (CEQA Guidelines §§ 15003(i), 15144.) Here, the City had enough information to provide the expected total 2050 GHG emissions from operations. It also had enough information to provide the expected the GHG emissions from construction for each year between 2024 and 2043, showing that it has data on the expected year-by-year pace of construction and, by extension, on the pace at which SEDA projects would begin to operate. The DEIR used a widely accepted computer modeling system to predict the GHG emissions from the Project.

> The short-term construction-related *and long-term operational GHG emissions* associated with future buildout of the Plan Area allowed under the proposed Specific Plan were estimated using California Emissions Estimator Model (CalEEMod) Version 2020.4.0. CalEEMod is a Statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify GHG emissions from land use projects. The model quantifies direct GHG emissions from construction and operation (including vehicle use), as well as indirect GHG emissions, such as GHG emissions from electricity use, solid waste disposal, vegetation planting and/or removal, and water use. Emissions are expressed in annual metric tons of CO2 equivalent units of measure (i.e., MT CO2e), based on the GWP of the individual pollutants.

(DEIR, p. 3.8-43, italics added.) CalEEMod would have given the City information on the operational GHG emissions from the Project. With all this information, the DEIR could -and should- have provided approximate figures on the Project's operational GHG emissions year by year, giving the decision makers and the public a much better understanding of the amount of GHGs that would be emitted by SEDA. As it is, the DEIR has not performed a good-faith analysis and has not provided all the information it can. It does not comply with CEQA and cannot support the approval of the Project.

D. The EIR Fails to Address the Consequences of the City's General Plan Deficiencies.

1. The City General Plan is Inadequate and its Deficiencies Preclude Approval of SEDA, Since Such Approval Relates to the General Plan's Deficiencies.

The general plan is the "constitution for future development ... located at the top of the hierarchy of local government law regulating land use .... " (*DeVita v. Napa* (1995) 9 Cal. 4th 763, 773, internal citations omitted.) Government Code section 65300.5 requires that all general plan elements be consistent with one another. County and city zoning ordinances also must be "consistent with the general plan." (Gov. Code § 65860(a); *San Francisco Tomorrow v. City and County of San Francisco* (2014) 229 Cal.App.4th 498, 508-509.) If a city or county's general plan is inadequate, it cannot support project approvals. (*Camp v. Board of Supervisors* (1981) 123 Cal. App. 3d 334, 352 [County could not approve subdivisions because some of its general plan elements were inadequate].) A permit may be challenged due to general plan inadequacy where the inadequacy is factually related to the characteristics or implications of the permit. (*Garat v. City of Riverside* (1991) 2 Cal.App.4th 259, 293.)

2. The General Plan Does Not Comply With AB 170.

AB 170, passed in 2003, enacted as Government Code section 65302.1 subdivision (b), requires that all cities and counties in the San Joaquin Valley amend their General Plans to add specific information on air pollution in their jurisdictions. This information must include "(1) A report describing local air quality conditions including air quality monitoring data, emission inventories, lists of significant source categories, attainment status and designations, and applicable state and federal air quality plans and transportation plans. (2) A summary of local, district, state, and federal policies, programs, and regulations that may improve air quality in the city or county. (3) A comprehensive set of goals, policies, and objectives that may improve air quality consistent with the strategies listed in paragraph (3) of subdivision (a). (4) A set of feasible implementation measures designed to carry out those goals, policies, and objectives." (Govt. Code section 65302.1(c).) Government Code section 65302.1, subd. (e), set a deadline for compliance with GC 65302.1 of "no later than one year from the date

specified in Section 65588 for the next revisions of its housing element that occurs after January 1, 2004."

A publication by the Air District (bearing the revision date of 04/02/09) reads, "AB 170 requires cities and counties to comply no later than one (1) year from the date specified in Government Code Section 6588 for the next revision of the housing element after January 1, 2004 (Section 65302.1.e). *Based upon the schedule outlined in the bill, jurisdictions in Fresno and Kern counties are required to adopt these amendments by June 30, 2009.* Jurisdictions in Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare counties have until June 30, 2010 to comply."] [Emphasis added.]

3. The City General Plan Has No Environmental Justice Element, an Element Mandated by SB 1000.

Effective January 1, 2017, SB 1000, codified as Government Code section 65302, subdivision (h)(2), required the adoption into cities' and counties' general plans of an Environmental Justice Element, or adoption of the objectives and policies of an Environmental Justice Element in other General Plan Elements, such Element to be adopted on the first occasion after January 1, 2018, when the city or county adopts or revises two or more general plan Elements. Until it actually adopts an Environmental Justice Element that fully complies with SB 1000, the City does not have an adequate General Plan, and may not approve development projects, including SEDA.

4. The Project's GHG Emissions Will Undercut the Effectiveness of Fresno's Sustainable Communities Strategy.

Fresno's Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS), adopted in 2014 and updated in 2018 and 2022, was "intended to identify integrated land-use and transportation strategies that lower per capita GHG [greenhouse gas] emissions from cars and light-duty trucks, and foster communities that are more equitable, healthy, and

sustainable."[11] As required by SB 375, the Fresno RTP/SCS is based on assumptions about future development "that are consistent with adopted local general plans."[12] And the RTP/SCS specifically relies on the City of Fresno's 2014 General Plan as a basis for changes in land use and transportation that will help meet state-mandated GHG reduction targets:

> Scenario B [the basis for the land use projections in the 2022 RTP/SCS] was built primarily from existing local general plans, regional growth projections and insights from the REMI economic forecasting model. . . . *The City of Fresno's updated general plan calls for 50 percent of new growth in designated infill development areas and proposes no sphere of influence expansion through 2035, which will help rein in fringe development in a traditionally sprawling region.*[13]

Construction of thousands of acres of low-density development to the southeast of Fresno would vitiate these benefits, dramatically increase vehicle miles traveled, and make it impossible to meet state-mandated GHG reduction goals as contemplated in the RTP/SCS.

E. The EIR's Water Supply Analysis Is Inadequate.

The water supply for SEDA is only shown to be adequate up to 2035, and only if groundwater conditions do not change due to climatic changes or regulatory changes due to the Sustainable Groundwater Management Act.

The DEIR does not show that adequate water will be available to meet the anticipated demand from SEDA in addition to the demand from the rest of the City of Fresno past 2035, and not out to the purported build-out date

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[11] Fresno Council of Governments. 2022. Regional Transportation Plan & Sustainable Communities Strategy. Available at https://www.planfresno.com/sustainable-communities-strategies-fall-outreach/.
[12] Fresno COG, 2022.
[13] Fresno COG, 2022 (Emphasis added).

(and the build-out date used in the Air Quality and Greenhouse Gas sections of the DEIR, as discussed earlier in these comments.)[14]

The City has long relied heavily on pumped groundwater to satisfy its water needs, as set out at DEIR, page 3-18-3. The DEIR states that prior to 2004, the City obtained 100 percent of its water from groundwater, but had reduced that by half in 2019 and 2020. (DEIR, p. 3.18-5.) However, the City is located over, and has been obtaining pumped groundwater from, the Kings River Subbasin, which has been designated as a critically overdrafted (i.e., over-pumped) basin. (DEIR, p. 3.18-4.) The Kings Subbasin is within the jurisdiction of the North Kings Groundwater Sustainability Agency (GSA), which is required under the Sustainable Groundwater Management (AB 1739 [Dickinson], SB 1168 [Pavley], and SB 1319 [Pavley]) to attain sustainability of groundwater basins by 2040. (DEIR, p. 3.18-3 to 4.)

Accordingly, the City has increased its purchases of surface water, obtaining surface water from the US Bureau of Reclamation (USBR)'s Central Valley Project and the Fresno Irrigation District (FID). The City is now attempting to recharge the Kings Subbasin, but the amount of water it can devote to recharge is less in dry years. (DEIR, p. 3.18-4 to 5.) The DEIR acknowledges that the water from the Central Valley Project is not always available, stating that "there have been extremely dry years in which no water is [sic] supplied"; this previously occurred in 2014 and 2015. (EIR, p. 3.18-6.) In those years, Fresno received only somewhat more than half of its usual Central Valley Project water.

The addition of 45,000 people in the SEDA Project will, of course, increase demand for water in Fresno. (DEIR, p. 3.18-7 ["Water supply for the Specific Plan Area will be met with existing supplies initially but will require additional supplies to meet buildout demands."]) The DEIR acknowledges that additional pipe infrastructure will need to be planned, sited, and laid (DEIR, p. 3.18-10). Plans for doing so are sketchy, at best, and it is not clear

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[14] The DEIR is riddled with analyses that focuses on 2035 at the expense of analyzing to the 2050 horizon year. For example, see pages 3.14-13 (Land Use), 3.15-8 (Public Services), 3.15-33 (also Public Services), p.3.17-32 (Transportation), and pages 2-5 and 406.

that the air quality and GHG impacts of that construction were included in the emissions totals in Tables 3.3-8 and 3.8-2. If they are not so included, those Tables are incomplete and misleading, and must be revised in a recirculated DEIR. The effects of supplying water in future years is it will impact other water users must also be analyzed.

However, there is another, fundamental, problem with the DEIR's analysis of water supply for the Project. The DEIR appears to analyze only the impacts of the Project on water supply to Fresno up to 2035 and *not* to 2050, when the full expected buildout and population of SEDA is expected. (Appndx. F, Water Technical Study, p.1.) The Fresno General Plan's Horizon" date is 2035, although full buildout is not expected until 2050 or beyond. (*Id.*).

The DEIR analyzes water demand for SEDA only out to 2035. (Water Technical Study, pp. 24-25.) The analysis makes clear that the DEIR is not exact; many "reasonable assumptions" about demand have been made. (Water Technical Study, p. 19.) Still the most favorable (to the City and future developers) conclusion that the Technical Study can reach is that "existing City of Fresno water supplies *could* be sufficient to supply the future development in SEDA in addition to the existing demands." (Water Technical Study, p. 24, italics added.). However, the Technical Study's estimate of water supply to Fresno, including SEDA, bears the disclaimer that the conclusion is valid only "assuming groundwater characteristics are not altered due to climatic events or regulatory influences from SGMA." (Water Technical Study, p. 24.) That same disclaimer appears in many discussions of groundwater in the main text of the DEIR (see DEIR, pp. 3.18-4, 5, 66, 67 and 68).

The DEIR appears to base much of its analysis of groundwater availability on the premise that climate conditions will not change, and the North Kings GSA will not impose conditions that change the current situation. Given both the DEIR's Table 3.8-2 (at p.3.8-11) showing the alarmingly high expected temperature increases in the Fresno area, and given the over-drafted condition of the Kings Subbasin together with the North Kings GSA's legal mandate to restore over-drafted basins by 2040, it seems more than likely that the Kings Subbasin will experience changes that would not be in the DEIR's favor. The DEIR simply has not shown that water

supply will be adequate for the Project to the buildout date of 2050, or even to the date most discussed in the Water Technical Study, 2035. The DEIR is both procedurally and substantively deficient as to water supply, and it should be revised and recirculated.

F. The Final EIR Must Respond in Writing to Comments Made on the NOP.

When the Notice of Preparation (NOP) was circulated for the SEDA project, you received various letter regarding the scope of the EIR. We request that you respond to each of these NOP comment letters as if they were a comment on the Draft EIR, especially the letters of the California Department of Fish and Wildlife and the California Department of Conservation.

Additionally, we specifically incorporate by reference the letter of Leadership Counsel for Justice and Accountability, CCEJN, Fresno Building Healthy Communities, and Fresno Barrios Unidos dated March 25, 2022. (https://www.fresno.gov/wp-content/uploads/2023/07/Appendix-A-EIR-Noticing-and-Public-Involvement-COMBINED.pdf, p. 70.) This letter rightfully comments as follows; we request that you respond to each of these points and every other point made in this letter:

> First, given the significance of the SEDA to the future development of Southeast Fresno communities, it is of the utmost importance that the City proactively and meaningfully engage residents within and around the planning area. This means that the City must incorporate residents' input into the SEDA and EIR by revising land use designations to include community-led development like higher density housing, green space, affordable commercial and residential spaces, and so on. It must also have policies and implementation measures for active investment into Southeast Fresno neighborhoods by businesses and the City alike in essential infrastructure, services, amenities, and community greening. To do less is to perpetuate the long-held City practice of denying Southeast Fresno residents their rights to shape the future of their neighborhoods and access to opportunity on the same terms as other Fresno residents.
> Below you will find additional comments in response to the Notice of Preparation:

> I. The Proposed Land Use Map is Inconsistent with Local and State Climate, Housing, and Transportation Goals and Policies to Build Equitable Climate Resilient Communities
>
> As previously noted, it is unclear and of significant concern to what extent authentic public participation took place during this process from over a decade ago. The former process took place at the tail end of the housing bubble when building single-family homes in the outskirts of the city limits was the priority and norm. This type of "leapfrog" development remains reflected in the SEDA land use map as a large portion of the 9,000 acres is zoned for low-density single-family housing. This is inconsistent with the current climate, housing, and transportation goals that aim to build communities with a variety of development and density to make them accessible to various incomes and for communities to get around by alternative modes of transportation.
>
> Further, the second-largest land use is zoned for flexible research and development, which leaves space for more light industrial use, further industrializing south Fresno BIPOC communities. This current process is in stark contrast with other specific plans prepared and adopted by the City in recent years, which have emphasized resident self-determination in shaping their built environment, planning for complete and healthy communities, smart growth-promoting land use compatibility, and investment strategies and implementation measures designed to bring those plans' vision to life. The City must not proceed with its efforts to further cement unjust and exclusive land-use patterns in City planning practices.
> Fourteen years later, we have learned that this growth pattern is economically and environmentally unsustainable as the City now struggles to balance the need to build out the infrastructure and maintain public services in these communities while attending to decades of deferred maintenance in established neighborhoods. This is reflected in the 2015 General Plan praised for limiting unsustainable sprawl growth and focusing on efficient infill development.

(Letter of Groups, pp. 1-2, available at https://www.fresno.gov/wp-content/uploads/2023/07/Appendix-A-EIR-Noticing-and-Public-Involvement-COMBINED.pdf, pp. 70 et seq of PDF.)

Conclusion.

The DEIR must be revised and circulated properly to the public and to public agencies.

Thank you for your consideration of these comments.

Sincerely,

Douglas P. Carstens
Michelle Black

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August 30, 2023

Adrienne Asadoorian, Planner III
City of Fresno
Planning and Development Department
2600 Fresno Street, Room 3065
Fresno, California. 93721
Adrienne.Asadoorian@fresno.gov

Subject: Draft Program Environmental Impact Report (PEIR) for the Proposed Southeast Development Area (SEDA) Specific Plan Project (Project) State Clearinghouse Number (SCH No.): 2022020486

Dear Adrienne Asadoorian:

The California Department of Fish and Wildlife (CDFW) received a Program Environmental Impact Report (PEIR) from the City of Fresno for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code. While the comment period may have ended, CDFW would appreciate if you would still consider our comments.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statue for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Water Pollution: Pursuant to Fish and Game Code Section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. It is possible that without mitigation measures, implementation of the Project could result in pollution of Waters of the State from storm water runoff or Project-related erosion. Potential impacts to the wildlife resources that utilize any aquatic resources within Project limits include the following: increased sediment input from road or structure runoff; and toxic runoff associated with development activities and implementation. The Regional Water Quality Control Board and United States Army Corps of Engineers also have jurisdiction regarding discharge and pollution to Waters of the State.

In this role, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (e.g., CEQA), focusing specifically on Project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Fresno

Objective: The proposed Project is a Specific Plan for the Southeast Development Area (SEDA) of Fresno that would provide for increased density and accelerate housing production throughout the Plan Area. The proposed Project has the potential to accommodate approximately 45,000 homes and 37,000 jobs within the 9,000-acre planning area by the year 2050. The proposed Project would link a series of complete communities and mixed-use town centers with a multimodal transportation network.

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Additionally, the proposed Project would include residential districts, employment districts, open space, agriculture, and green infrastructure.

Location: The City of Fresno (City) is located in Fresno County, California, within the San Joaquin Valley. The City is located approximately 200 miles north of Los Angeles and 170 miles south of Sacramento. The City is located on the State Route (SR) 99 corridor and bounded by Madera County to the north, the City of Clovis to the northeast, and unincorporated land and communities to the east, south, and west. The City encompasses approximately 115.18 square miles and has a population of approximately 542,000 people.

The location of the nearly 9,000-acre Plan Area is in the southeast portion of the City and the Plan Area is bounded by the Gould Canal on the north, Highland and McCall Avenues on the east, Minnewawa, Temperance, and Locan Avenues on the west, and Jensen and North Avenues on the south.

Per Google aerial imagery (2023), the proposed Project site currently contains predominantly agricultural crops south of SR 180 with existing residential development to the north and west of the proposed site. Waterways including Fancher Creek Canal, Briggs Canal, Mill Ditch, Gould Canal, and Redbank Slough flow through the Project site. There is also a large pond located immediately northwest of Gould Canal within Project limits. It is just south of East Dakota Avenue and North Thompson Avenue with agricultural fields surrounding it and another ponded area to the west within the Project site.

Project information states that approximately 53% of the vegetation community contains deciduous orchards, approximately 34% contains irrigated row and field crops, approximately 12% of the Project site is urban, and riverine, lacustrine and pasture each comprise less than 1% of the total plan area.

Timeframe: Estimated Build-Out Completion by 2050

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the CEQA document.

The proposed Project does not lie within the boundaries of any adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or State HCP.

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There are many special-status resources that may utilize the Project site and/or surrounding area, and these resources need to be evaluated and addressed prior to any approvals that would allow ground-disturbing activities. CDFW is concerned regarding potential impacts to special-status species including, but not limited to, the federal threatened (FT) and State threatened (ST) California tiger salamander (*Ambystoma californiense*), the State candidate endangered (CE) Crotch's bumble bee (*Bombus crotchii*), the ST Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird (*Agelaius tricolor*), the FT vernal pool fairy shrimp (*Branchinecta lynchi*), and the State species of special concern (SSC) burrowing owl (*Athene cunicularia*), American badger (*Taxidea taxus*), Northern California legless lizard (*Anniella pulchra*), California glossy snake (*Arizona elegans occidentalis*), coast horned lizard (*Phrynosoma blainvillii*), pallid bat (*Antrozous pallidus*), western mastiff bat (*Eumops perotis*), western pond turtle (*Emys marmorata*), western spadefoot (*Spea hammondii*), California linderiella (*Linderiella occidentalis*) (State Rank S2S3), and listed plants including the federal endangered (FE) and State endangered (SE) California jewelflower (*Caulanthus californicus*) (1B.1) and the California satintail (*Imperata brevifolia*) (2B.1). While this list may not include all special-status species present in the Project area, it does provide a robust source of information as to which species could potentially be impacted.

The primary purpose of a PEIR is to consider all the potential impacts associated with the suite of projects that would eventually tier from the PEIR over time. As such, the PEIR should serve primarily as a planning level Environmental Impact Report and consider, in detail, the cumulative impacts of the past, present, and reasonably foreseeable future action/projects, in this case a Specific Plan for the City of Fresno to accommodate City population growth through 2050, on the environment, and on the species CDFW has identified in this comment letter. CDFW recommends that habitat assessments be conducted in and surrounding all locations for planned work in the PEIR and identify all the potential plant, animal, invertebrate, and fish species that could be present. Then, for those species, CDFW recommends that a robust cumulative impacts analysis be conducted for each biological resource identified herein and that the analysis focus more specifically on each resource, not on the Project, and include avoidance, minimization, and mitigation measures that could be implemented to reduce harm. These measures should include not only project by project measures but large-scale conservation measures to reduce harm. For many species, subsequent protocol level surveys may be required during biological studies conducted in support of the future CEQA documents that will be tiered from this PEIR and, depending on the results, avoidance and minimization measures, permits, and mitigation may be required.

Please note that implementation of certain mitigation measures such as the relocation of listed species would constitute take of listed species under the California Endangered Species Act (CESA), and erecting exclusion fencing could also result in take of listed species under CESA. Such take of any species listed under CESA would be unauthorized if an Incidental Take Permit (ITP) pursuant to Fish and Game Code Section 2081(b) was not acquired in advance of such actions. It is recommended to

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consult with CDFW before any ground-disturbing activities commence and to obtain an ITP if take (including capture related to salvage and relocation) cannot be avoided.

Mitigation Measure BIO-1.4 (Protection of Nesting Birds)

The PEIR lists the appropriate nesting bird season timeframe as February 1 through August, however; CDFW recognizes the nesting bird season as February through mid-September.

Project information states that the proposed Project may result in the removal or alteration of existing trees within the boundaries of the Plan Area. CDFW encourages that Project construction occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February 1 through September 15), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified biologist conduct a habitat assessment and analysis of impacts to nesting birds as part of the biological technical studies conducted in support of the CEQA document. Pre-activity surveys for active nests should be conducted, regardless of the initial results, no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. Surveys should cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction areas would be concealed from a nest site by topography. CDFW recommends that a qualified biologist

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advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

EDITORIAL COMMENTS AND/OR SUGGESTIONS

Lake or Streambed Alteration Agreement (LSA Agreement): It is likely that some projects and their activities will be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. If an LSA Agreement is needed, CDFW is required to comply with CEQA in the issuance or the amendment of an LSA Agreement. Therefore, for efficiency in environmental compliance, we recommend that any potential impacts to lakes or streams that may result from project activities be described, and mitigation for the disturbance be developed as part of the project's CEQA document. This will reduce the need for CDFW to require extensive additional environmental review for an LSA Agreement in the future. If inadequate or no environmental review has occurred for project activities that are subject to notification under Fish and Game Code section 1602, CDFW will not be able to issue the Final LSA Agreement until CEQA analysis for the project is complete. This may lead to considerable project delays.

Cumulative Impacts: CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the project, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the project, even if those impacts are relatively small (i.e. less than significant). Cumulative impacts should be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and should be focused specifically on the resource, not the project. An appropriate resource study area should be identified and utilized for this analysis. CDFW staff are available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

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FILING FEES

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CDFW appreciates the opportunity to comment on the Project to assist the City of Fresno in identifying and mitigating the Project's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols). If you have any questions, please contact Kelley Nelson, Environmental Scientist, at the address provided on this letterhead or by electronic mail at Kelley.Nelson@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

ec: Krista Tomlinson, Environmental Program Manager
Larry Bonner, Senior Environmental Scientist Supervisor
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LITERATURE CITED

California Department of Fish and Wildlife (CDFW). 2023. Biogeographic Information and Observation System (BIOS). https://www.wildlife.ca.gov/Data/BIOS.

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Subject:	In opposition to SEDA
Date:	Monday, August 28, 2023 11:51:44 AM

External Email: Use caution with links and attachments

The first objective documented by the SEDA-EIR is to "accommodate between 40,000 and 45,000 dwelling units". The population of the State of California has now declined by close to 1 million people over the last two years. This population decline was not forecasted. According to a June 2023 LA Times survey, 40% of the people in California are seriously considering leaving. The EIR and SEDA plan have failed to recognize the quickly changing current population statistics and need to be reconsidered in light of the potential for this trend to continue.

1. Have you accounted for an un-forecasted decline or flat population for Fresno? What will be the taxpayer and environmental cost of annexation on every key element of the SEDA plan if Fresno's population declines along with current California trend?

2. If Fresno's population does decline or stays flat, how would this annexation still make sense? Would you allow massive housing development without the new people to fill it? Would it result in people abandoning city apartments for new housing? Might this cause Fresno home resale values to plummet and the inner city to crumble? Or would it just result in abandoned housing projects spoiling our prime agricultural land....Like the old Running Horse project?

3. What alternatives have you considered should the California population trend continue? Would it be wiser to focus on investing the state's 250 million dollar gift to improve infrastructure inside the current city limits instead of promoting this urban sprawl; potentially without the population to support it? Would it make better sense to postpone this plan for a few years to understand

if the current population trends will continue?

Given the uncertainty about California's declining population trend, a massive city expansion via annexation is too risky. Ignoring this possibility and continuing with outdated population assumptions is simply irresponsible. It has the potential for a huge wasted investment that only benefits a few real estate developers at the expense of prime agricultural land, county property owners and residents, and the people of the City Fresno.

Virtually every resident and property owner in this area is against the plan. Please let us vote on it. Or are you afraid of what we'll say with our votes?

Alan Cederquist
735 N. Locan Ave
Fresno, CA

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August 28, 2023

City of Fresno
c/o Adrienne Asadoorian, Planner
2600 Fresno Street
Third Floor, Room 3065
Fresno, CA 93721

Sent by email: adrienne.asadoorian@fresno.gov

RE: Public Comment on Southeast Development Area Plan and draft Program Environmental Impact Report

Dear Ms. Asadoorian:

On behalf of the Fresno Madera Tulare and Kings Counties Central Labor Council, the Central Valley IAF, and Regenerate California Innovation (RCI), please incorporate the following comments regarding the City's Southeast Development Area Specific Plan and draft Program Environmental Impact Report into the record of this matter.

The Southeast Development Area Plan and draft Program Environmental Impact Report (PEIR) are not ready for public discussion, let alone Council action.

There are great gaps and fatal flaws in the Plan and the draft PEIR—missing information that will be essential to a fiscally, politically, and environmentally responsible decision about this project. These flaws and gaps are all correctible, but they will require additional time, attention, and analysis. It is far more appropriate that the SEDA plan be considered, and evaluated, in the context of the City's next General Plan update.

Vital but unanswered questions at this point include:

- **Who pays for infrastructure, and how?**

  SEDA infrastructure (at 2022 prices) has been estimated to cost somewhere between $1 and $2 billion. But either the SEDA infrastructure assessment has not been completed[1], or has not been made public: it is definitely not in the Plan or in the draft PEIR.

[1] This despite the fact its preparation was among the deliverables in FirstCarbon Solutions' scope of work: see, Consultant Service Agreement between City of Fresno (City) and FirstCarbon Solutions (Consultant), Southeast Development Area Specific Plan, executed November 4, 2020, Exhibit A, Attachment A: Scope of Services, Subtask 1.1.2, and Task 2.

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In fact, the Plan includes neither the infrastructure finance plan[2], nor the fiscal nexus study[3], nor the fiscal impact analysis[4], needed to ensure adequate resources to cover this billion-ish infrastructure price tag.

The City itself has admitted as much: its 2020 application to the California Department of Housing and Community Development (HCD) for a $625,000 SEDA planning grant acknowledged that "an infrastructure assessment, and a fiscal nexus study *must be completed prior to adoption*."[5] [emphasis added.] That was, and remains, true: approval of the Plan and PEIR without these crucial components would be foolhardy and premature.

Especially pertinent to the fiscal wisdom of City investment in SEDA infrastructure: the Consultant Service Agreement required a Qualitative Fiscal Review, but no such review has been made public. Such a review would clarify "whether or not the existing targeted tax sharing parameters will remain feasible with the development of the SEDA Specific Plan."[6]

Given that the existing City/County 32%/68% tax-sharing agreement is extremely disadvantageous to the City, and that efforts to persuade the County to a more equitable division of revenues have reportedly been stalled for many, many months and show no promise of reviving, it is vital that the public and the City Council be fully apprised of the fiscal hole the City digs for itself when it dumps money into annexation-area investments such as SEDA. The Council must have this information before deciding whether to greenlight SEDA planning at this time.

The draft PEIR promises[7] that the Plan will provide "self-financing for the development and ongoing maintenance of the SEDA that does not reduce City of Fresno resources dedicated to other areas of the City or burden Fresno residents outside of the SEDA." This commitment to private financing is consistent with the City's draft 6th Cycle Housing Element, which insists that any growth in low-priority development areas (including SEDA) "would require all infrastructure costs to be borne by the new development."[8]

However, the draft PEIR then contradicts itself, asserting later in the document that infrastructure costs will be "funded through a **combination** of public and private funding."[9] If the idea is to commit *any* public funding to SEDA's infrastructure, the City must calculate

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[2] Also a deliverable per the November 2020 Consultant Service Agreement, *id*. at Subtask 1.1.3 – 1.1.7.

[3] Also a deliverable per the November 2020 Consultant Service Agreement, *id*. at Subtask 1.1.8 – 1.1.9.

[4] The City Council in 2020 approved a budget of $215,000 for a Fiscal Impact Analysis and interactive modeling tool to analyze the various impacts on the City's general fund of infill and greenfield projects in the context of its General Plan. (See, June 18, 2021, Agreement for Consultant Services between City of Fresno and Economic & Planning Systems, Proposed Work Program.) On information and belief, that analysis and tool were designed for large-scale projects such as SEDA, have been completed and are suitable for application to the SEDA project, and have already been usefully applied to at least one similarly large-scale Specific Plan. However, with respect to SEDA, the City has either not requested that analysis, or has not disclosed its conclusions.

[5] Fresno City SB 2 Planning Grants Application, Section E, Project Description, p. 6.

[6] November 2020 Consultant Service Agreement, *id*. at Task 1.2.

[7] SEDA draft PEIR, p. ES-2.

[8] Fresno Multi-Jurisdictional Housing Element | July 2023, p. 1E-3-81.

[9] SEDA draft PEIR, p. 2-3.

those costs (including, for example, debt service on bonds), develop a plan to pay for them, and make those costs and payment structures public well before plan adoption.

The City admits that it has such documents, but refuses to make them public, claiming (without evidence) that they are "privileged," and that the public interest in keeping them secret outweighs the public interest in disclosing them, because the studies are "ongoing," and disclosure of cost estimates would provide "incomplete information."

We are informed and believe and on that basis assert that the City is in possession of its departments' and consultants' best and final estimates of projected infrastructure costs. Of necessity these costs will be *estimates*, since they involve projections into the future; this does not make them "incomplete" or otherwise disqualify them as a basis for considering the adequacy of the SEDA plan and its EIR.

Moreover, both the California Environmental Quality Act and the Public Records Act require maximum disclosure of information the government holds. In this case, the very fact that the studies are incomplete (if they *are* incomplete) is of public interest. Whether the available numbers are "final" or not, the public, and the City Council, are entitled to know what information is available at this time on this vital question, to what extent and in what way(s) it is claimed to be "incomplete," what further studies or analyses still need to be conducted, and when that work will be completed.

These important questions of "how much?" and "who pays?"—to which the City itself offers conflicting answers right now—must be answered *before* the Plan can be approved. With such inadequate information, the City cannot legitimately make findings of overriding consideration that effectively commit us all to writing a blank check for likely unneeded and massively expensive new infrastructure investments in the SEDA area.

- **Will there be enough new Fresnans to populate SEDA?**

  The draft PEIR relies on old and inaccurate population growth figures, and therefore grossly overstates the actual increase in numbers of new Fresnans over the next three decades. (See Keith Bergthold's August 28, 2023 comment letter.) As a result, the Plan assumes a demand for housing, and associated infrastructure, that current, accurate population growth figures do not support.

  Moreover, a recent study shows that, to the extent new residents *are* moving into Fresno from elsewhere, on average they are families with incomes *below* Fresno's median income:

  > "The data show that the inflow of residents to Fresno County are in households with lower incomes than the City and County averages, suggesting that in-migrants may be seeking a more affordable cost of living that is available in the county; these households thus increase the demand for housing that is at and below the median price in the Fresno market."[10]

  Since new Fresnans will be competing for existing *affordable* housing, they will not be creating demand for SEDA housing. Instead, we can expect the historical pattern in Fresno to be also true for SEDA: new housing developments drive internal migration within the city rather than drawing new residents from other areas. That dynamic, in turn, lowers property values in existing neighborhoods, as homeowners relocate to a newer fringe

[10] See, Fresno Urban Decay Analysis, Economic Decay: Migration (source: Internal Revenue Service).

development; blight and physical decay reliably follow.[11]

- **Will SEDA meet the housing needs of Fresnans who already live here?**

  The Plan itself does not commit to any particular number of homes at any particular price point; nor does it require as a mitigation measure that developers build so as to ensure any proportion of affordable-to-market-rate homes. But based on the SEDA proposed zoning map[12], and on the City's application for the SEDA planning grant[13], the SEDA Plan anticipates at most 9,000 *potentially* affordable multifamily units[14] and 35,200 single-family units.

  As it happens, the City's own One Fresno Housing Strategy acknowledges that the City's pressing needs are *not* for the single-family market rate housing SEDA will supply, but for housing affordable to low-income residents: "Historic poor land use planning, inequitable fair housing practices and the basic imbalance of supply and demand have all led Fresno to its current state of needing approximately 15,000 new and converted affordable housing units between now and 2025 to meet our residents' needs." One Fresno Housing Strategy, April 2022, Mayor's Message, p. 2.

  The One Fresno Housing Strategy makes clear that "Fresno needs 21,001 units for households who can afford no more than $500 on monthly housing costs," and "the City of Fresno has a glut of 28,310 single-family detached units over and above what Fresno households need based on household size." *Id.* at p. 38. These are not housing needs that SEDA's 35,200 additional single-family market rate homes will meet.

  The City's own quantified assessment of Fresno's housing needs[15] over most of the next decade shows more than adequate inventory for that new housing; not a single parcel from SEDA is needed to meet those goals.[16]

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[11] "The city has seen various changes to population density over the past 50 years, indicating a shift in residential patterns. Outmigration in established centers perpetuates economic decay through a decline in support for commercial services." *Id.*, Economic Decay: Population Density (source: Community Survey and Decennial US Census).

[12] Southeast Development Area Specific Plan, Map 2.5—SEDA Proposed Land Use, p. 22.

[13] Fresno City SB 2 Planning Grants Application, Section E, *Project Description, p. 6*.

[14] Based on HCD's zoning standard of at least 16 units per acre (see, HCD By-Right Program Minimum Densities Table). However, density standards are only a rough proxy for affordability; at this point—since the PEIR includes no enforceable mitigation measures imposed as conditions of entitlement—it is possible that not a single unit to be built in SEDA will be affordable to low-income families.

[15] See, FRESNO MULTI-JURISDICTIONAL HOUSING ELEMENT, July 2023: Figure 1E-2.2 Sites Inventory, Fresno 2023, p. 1E-2-33; and Table 1E-1.1, Summary of Quantified Objectives, 2023-2031, p. 1E-1-35.

[16] The SEDA PEIR admits as much at p. 2-1: "While there is still ample residential capacity within the current city limits and in Growth Area I (which includes the Southwest Fresno and the West Area Neighborhoods Specific Plan areas), there is a sense of urgency about the current housing crisis and the City's ability to provide housing for the existing population and its natural growth as well as the unanticipated in-migration occurring at this time." The PEIR includes no evidence justifying this supposed "urgency," and California Department of Finance population growth figures flatly contradict it. Moreover, they do not reflect any "unanticipated in-migration occurring at this time," and the EIR offers

The SEDA Specific Plan's claim that "the acceleration of the current housing crisis has created a 'substantial shortage' of homes and therefore prioritized completion of the SEDA Plan"[17] is demonstrably untrue. This claim cannot therefore be the basis for legitimate, evidence-based findings of overriding consideration.

- **The PEIR fails to use reasonably available tools**

  In preparing the PEIR, the consultants have failed to use readily available analytic tools to assess SEDA's air quality, transportation, human health impacts[18], and fiscal impacts[19], among others.

  Certification of this draft PEIR's many conclusory statements, unsupported by scientific or objective data, would constitute an abuse of discretion.

- **Impact numbers are just wrong, or missing**

  Internal trip capture is overstated

  The PEIR must correct the counterfactual assumptions it makes about internal trip capture within SEDA. Professionally adequate analysis would recognize that only *second-generation* SEDA residents will be able to work, go to school, shop, and recreate within SEDA's boundaries to the extent claimed, since commercial and employment centers will lag a decade or two behind housing development and occupancy. This serious analytic error in turn generates drastically underestimated traffic impacts, which in turn results in material undercounting of air quality impacts, which in turn would invalidate any human health impact analysis based on these data, if such an analysis had been done.

  The draft PEIR must include ozone calculations

  The draft PEIR's Air Pollution Description and Health Effects discussion (at pp. 3.3-11 – 3.3-31) lists criterion pollutants, generally describes their adverse effects on human health, and identifies the regulatory programs intended to curb air pollution, including (3.3-23 – 24) the ozone reduction/prevention plans for the San Joaquin Valley Air Basin nonattainment area. There is no discussion of the human health impacts of the additional pollution load this project contributes to Fresno's already-dirty air.

  The PEIR does not calculate the anticipated parts per million (ppm) of ozone resulting from SEDA construction and operations; although NOx and ROG are estimated, the reader has no idea how much ozone will be produced (i.e., whether the amount of ozone resulting from the ROG and NOx pollution will bring the ozone ppm within the 0.10 to 0.40 range). Given that the measures for both exceed the thresholds of significance, this omission renders the draft PEIR's air quality analysis inadequate. *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 520.

  The ozone discussion must, of course do more than calculate the NO_x + ROG figure but must also factor in the rising temperatures actually being experienced and expected to

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no evidence in support of this apparently fictitious phenomenon.

[17] Draft SEDA Specific Plan, p. 9.

[18] See, e.g., tools referenced at SJVAPCD's 2015 Plan for the 1997 PM2.5 Standard, Chapter 3: Health Impacts and the Health Risk Reduction Strategy, p. 3-20.

[19] See fn. 4, *supra*.

increase over the project implementation period. See SJVAPCD Redesignation Request, Appendix B: Analysis of Meteorology Affecting Ozone Levels, p. B-8:

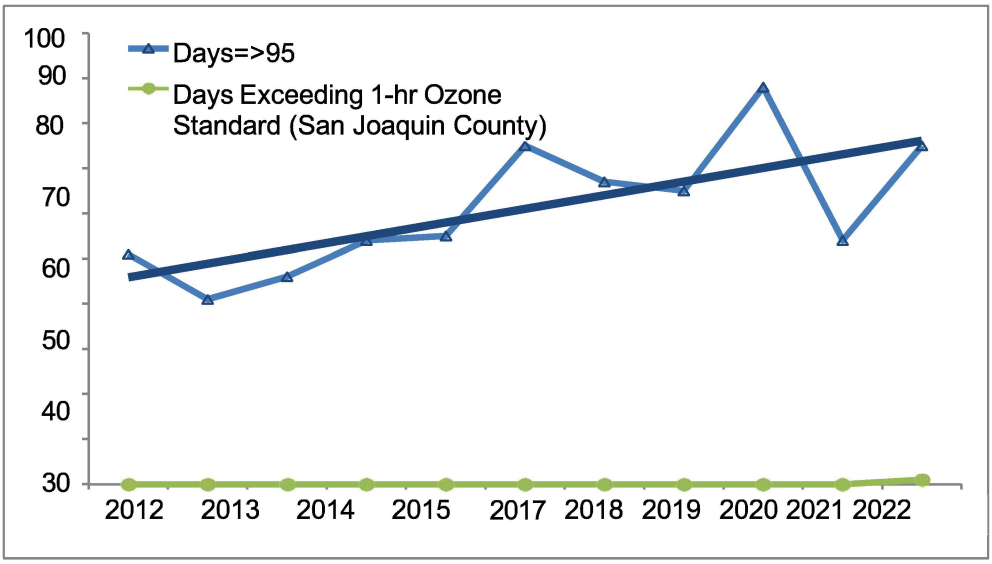

Figure B-7 Number of Days per Year with High Temperatures ≥ 95°F at Stockton Airport (May-October) and Days Exceeding the 1-hour Ozone NAAQS (2012-2022)

As importantly, ozone calculations must be based on an accurate VMT figure derived from realistic, evidence-based VMT projections that correct for the excessively optimistic internal trip capture assumptions of this Draft PEIR.

The draft PEIR must include a human health impact analysis

The PEIR fails to include an analysis that correlates the project's emissions of air pollutants to its impacts on human health, rendering the draft PEIR's air quality analysis inadequate. *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, at pp. 517-520.

Because ozone is not confined to the site where it is generated, piecemealing human health impact analyses on a development-by-development basis, as the draft PEIR proposes, both grossly understates the health impacts, and makes their mitigation almost impossible.

Moreover, the draft PEIR deliberately misleads the public and decision makers about the seriousness of the air quality impacts SEDA will create, by discussing ROG separately from NOx, and asserting that "direct exposure to ROG would not … result in health effects." See, p. 3.3-58. There is no mention of the toxic cocktail that ROG creates when it combines with NO_x in the heat of a Central Valley summer afternoon. But ozone's effects on humans, especially children, are not trivial:

> SJVAPCD describes ozone impacts in its Community Emission Reduction Program approved for SEDA-adjacent South Central Fresno[20]: "Breathing ozone can trigger a variety of health problems, including chest pain, coughing, throat irritation, and congestion. It can reduce lung function and inflame the linings of the lungs. Repeated exposure may permanently scar lung tissue. Children are at a greater risk of experiencing negative health impacts because their lungs are still developing and they are more likely to be active outdoors when ozone levels are high, thus increasing their

[20] *http://community.valleyair.org/selected-communities/south-central-fresno*

exposure. Studies have linked rising hospital admissions and emergency room visits to higher ozone levels." Appendix G: Health Impacts of Air Pollution, p. G-17.

Fresno State University's Central Valley Health Policy Institute studied emergency room and hospital admissions in Fresno, Bakersfield, and Modesto on a daily basis for selected conditions, such as asthma and acute myocardial infarction (MI), that had been previously linked to air pollution in other studies. They determined that ozone was strongly linked to increased risk for asthma ER visits in children during the hottest summer months. Moreover, asthma ER admissions are also strongly linked to increasing PM2.5 across the Valley, with a higher risk in children. Further, risk for asthma hospitalizations increased dramatically with PM2.5 in children and adults across the region. A moderate increase in risk of acute MI (heart attack) was also linked to PM2.5 levels regionally, as were pneumonia ER visits in children and acute bronchitis ER visits in adults.[21]

Water impacts are egregiously underestimated

It appears the City has not factored drought conditions or climate change projections into its water supply sustainability calculations. Figure ES-2, Projected Water Supplies[22], shows an increase of almost 21,000 AFY in available groundwater between 2025 and 2045, plus another 6,500 AFY increase in surface water over the same period.

However, the draft PEIR recognizes that across California, climate change will result in a "reduction in the quality and supply of water from the Sierra snowpack,"[23] a source on which the City of Fresno is heavily reliant for both surface water and groundwater recharge. The Draft PEIR reports that by 2050, such impacts in the Fresno area will reduce the average water supply from snowpack to two-thirds historical levels, and "If emissions reductions do not occur, water from snowpack could fall to less than one-third of historical levels by 2100."[24]

Not only are these concerns not discussed in the Plan or the draft PEIR, but they are explicitly minimized in the discussion of hydrology and water quality. There, the PEIR proposes a cheerful water outlook, repeating in multiple places the phrases "during normal water years" and "assuming groundwater characteristics are not altered due to climatic events or regulatory influences from SGMA."[25] These are objectively unreasonable assumptions, but there is no discussion of a fallback position in the (likely) event the PEIR's sunny projections are inaccurate.

Mitigations for hydrology impacts are ill-considered; City taxpayers will bear the cost

Not only are the projections unreasonably optimistic, but this is yet another place where the City's failure to do the program-level work of infrastructure planning, accurate environmental assessment, and imposition of mandatory, system-wide, coordinated

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[21] Capitman & Tyner, *The Impacts of Short-Term Changes in Air Quality on Emergency Room and Hospital Use in California's San Joaquin Valley*, California State University, Fresno, June 2011.

[22] Draft PEIR, Appx. F, p. ES-7.

[23] Draft PEIR, p. 3.8-9.

[24] *Id.*, p. 3.8-10.

[25] *Id.*, p. 3.10-40.

mitigation measures predictably exacerbates environmental impacts.

Mitigation measures HYD-2b and HYD-2c require the City to refuse to approve proposed SEDA developments that would exceed "existing water supply capacity," and to "secure additional water supplies by securing additional water sources" prior to any such development approvals. This post-facto proposed mitigation—the costs of which are scheduled to be borne by City taxpayers and not by SEDA's developers or ultimate residents—is far inferior to plan-level mitigations prescribed in the Program EIR.

But to achieve plan-level efficiencies and effectiveness, the draft PEIR would have to include the information in the "pending" SEDA Public Facilities Financing Plan (no due date disclosed) and/or "EIR-related water infrastructure planning tasks" (whatever those may be)[26]. Apparently this vital information will be developed after SEDA approvals.

- **The PEIR is inconsistent with other public planning documents**

  Air quality attainment status

  The draft PEIR's air quality impact analysis is inconsistent with the San Joaquin Valley Air Pollution Control District's "Proposed 2023 Maintenance Plan and Redesignation Request for the Revoked 1-Hour Ozone Standard" (SJVAPCD Redesignation Request) adopted by the Air District Board on June 15, 2023.[27] That document is intended to persuade the federal Environmental Protection Agency to terminate anti-backsliding provisions for the revoked 1-hour ozone standard, including Section 185 nonattainment fees. Toward that end, the document includes both proofs of compliance and a maintenance plan. It clearly does not factor in the ozone contributions SEDA would make to the Valley's pollution load.

  Specifically, SJVAPCD's Redesignation Request, Appendix A: Emissions Inventory (pp. A-1 through A-4), projects annual anticipated pollution levels for NOx through 2036. A layperson—including a member of the public, the Planning Commission, or the City Council—must be confounded comparing the Air District's all-Valley numbers in identified years to the numbers this project alone will generate.

NO_x —summer average in tons/day

Year	Entire San Joaquin Valley, per SJVAPCD[28]	SEDA, per PEIR	SEDA % increase over total SJV
2026	119.50	180.529	151.07%
2031	97.49	170.8218	175.22%
2036	84.13	168.2333	199.97%

[26] SEDA Specific Plan, pp. 100-109, *passim*.

[27] See, SJVAPCD 2023 Maintenance Plan and Redesignation Request for the Revoked 1-Hour Ozone Standard —see https://ww2.valleyair.org/rules-and-planning/air-quality-plans/ozone-plans/.

[28] SJVAPCD Proposed 2023 Maintenance Plan and Redesignation Request for the Revoked 1-Hour Ozone Standard, Appendix A: Emissions Inventory, p. A-4. The document provides changes in VOC over time and does not sum up ROG separately; it will therefore be important for an adequate SEDA ozone analysis to determine, and to include as a point of comparison, how SEDA ROG emissions will compare to regionwide ROG production during the identified years, in order to report accurately the extent to which SEDA will impede achievement of regionwide air quality improvement goals.

This chart illustrates the huge impact of SEDA on Valley air quality: by 2036, SEDA alone is projected to produce double the amount of NO_x being produced *across the entire rest of the San Joaquin Valley*.

The PEIR must acknowledge these data, explain them in the context of the SEDA proposal, and provide fact-based analysis of the proposal's air quality impacts that take these data into account. The draft PEIR's passing confession that "Emissions of VOC and NO_X that exceed the Valley Air District regional threshold would cumulatively contribute to the ozone nonattainment designation of the SJVAB" (p. 3.3-56) is inadequate. Exceedances at this scale require some effort beyond falling back on General Plan mitigation measures that never anticipated impacts of this scale.

2035 General Plan

The Draft PEIR is inconsistent with the City's 2035 General Plan. Although the draft PEIR claims that construction of the 45,000 new SEDA dwelling units by 2050 "would be considered planned growth" consistent with the vision of the 2035 General Plan (SEDA draft PEIR, p. 3.14-13), the Draft PEIR fails to acknowledge that the General Plan's proposed growth trajectory puts SEDA development in third place, after Development Areas 1 and 2.[29] To allow SEDA to jump the line into first place is *not* how the City has planned its growth; such reorganizing of development priorities is inconsistent with the General Plan, and creates significant adverse fiscal and environmental consequences for the City and its existing neighborhoods that the General Plan specifically strives to avoid by its new-growth priorities hierarchy.

Moreover, accurate population projections contradict the draft PEIR's claim that "full buildout of the proposed project would…provide housing to meet the demand for new residential units."

Housing element

The draft PEIR is inconsistent with the City's draft Housing Element. The Draft PEIR uses outdated Regional Housing Needs numbers from the 2015-2023 cycle, rather than current 2023-2031 numbers already available and cited in the City's own proposed 6th Cycle Housing Element.

More importantly, it undermines the Housing Element's corrective approach to decades of poor planning. Fresno's 6th cycle draft Housing Element acknowledges that "growth in the City of Fresno over the past few decades has traditionally been low density suburban development, which has resulted in conditions of sprawl in various areas of the city." Fresno Multi-Jurisdictional Housing Element July 2023, Appendix 1E: City of Fresno, 1E-4-1.

The Housing Element therefore proposes to fill a perennial critical gap in the City's capacity to provide and upgrade housing in legacy neighborhoods: "As part of the implementation of the Housing Element, programs are identified to upgrade the city's infrastructure as needed in low- and moderate-income neighborhoods with the greatest needs. Priority for infrastructure projects will be given to serving established neighborhoods, including generally south of Herndon Avenue as shown in Figure 1E-3.36: Priority Areas for Development Incentives, along BRT and enhanced transit corridors, and in the Downtown Planning Area, consistent with General Plan policies." Housing Element, 1E-3-81 [emphasis

[29] Housing Element, Figure 1E-3.37, which shows Growth Area 2 to include SEDA, labeled "DA-3."

added].

A City decision to invest $1 billion in SEDA infrastructure is inconsistent with the Housing Element's commitment to correct the City's history of neglecting older neighborhoods. In the zero-sum game of municipal finance, and especially in the absence of a SEDA infrastructure financing plan, there is no way to ensure adequate resources to fund "Priority Investments in Established Neighborhoods" as already identified in the General Plan[30]. Committing now to massively expensive infrastructure not needed for new housing directly conflicts with the General Plan by privileging new growth over strengthening established neighborhoods. In addition, it foreseeably, substantially, contributes to physical blight and decay, with resulting economic decline, in all non-SEDA areas of the City[31].

Again, consistently with the General Plan, the 6th Cycle Housing Element inventory does not identify parcels in SEDA as necessary to meet Regional Housing Needs between now and 2031. See, Figure 1E-3.39 at p. 1E-3-82. Instead, the Housing Element identifies SEDA as Development Area 3, as does the General Plan—the last in priority for development on the fringe areas. See, Housing Element, Figure 1E-3.37, which shows Growth Area 2 to include SEDA, labeled "DA-3" for Development Area 3. "Growth Area 2 has significantly less access to completed infrastructure. Any development in these areas would require all infrastructure costs to be borne by the new development." 1E-3-81.

City of Fresno Greenhouse Gas Reduction Plan

By 2035, SEDA's own carbon dioxide emissions per year (510,000 tons) will almost equal the reduction to which the City committed in its 2021 Greenhouse Gas Reduction Plan (559,000 tons annually).

The draft PEIR fails to itemize or quantify the benefits of the theoretic mitigation measures it mentions. As with transportation impacts, the decision to urbanize 9,000 rural acres 10 miles from the nearest urban center makes it very difficult to achieve efficiencies in energy use and transportation emissions, requiring a higher level of effort and analysis to achieve measurable mitigations.

The fact that the task of mitigation is complicated does not relieve the City of its obligation to seriously consider feasible mitigation measures, and to make them mandatory conditions of entitlement for any development in the SEDA. This it has failed to do.

- **The PEIR piecemeals assessments of environmental impacts, and mitigations**

The City's 2020 application to HCD for the SEDA planning grant committed to project streamlining as one of the SEDA plan's deliverables by incorporating "environmental analyses that eliminate the need for project-specific review."[32] This makes sense, in light of the City's claim that it needs SEDA in order to expedite thousands of urgently needed new homes.

If the City *had* conducted those environmental analyses it promised to do, it would have been able to keep another of the promises it made to HCD: a Program EIR under which "future development will also utilize an expanded exemption under Government Code

[30] See summary in June 2023 draft Housing Element, p. 1E-3-80.

[31] See, Fresno Urban Decay Analysis, ECONorthwest, 2023.

[32] Fresno City SB 2 Planning Grants Application, Section D, *Proposed Activities Checklist, item 3, p. 5.*

Section 65457 that will apply to certain residential, commercial, and mixed-use projects that are consistent with a specific plan adopted pursuant to Government Code, Article 8, Chapter 3 and would be exempt from CEQA."[33]

The Plan pays lip service to streamlining, promising "Fiscal Responsibility" by "holistically coordinat[ing] infrastructure to integrate efficiencies that piecemeal planning cannot," and otherwise coordinating systems and networks for efficiency and economy.[34]

But the Plan and the draft PEIR fail so utterly to provide either plan-scale impact analysis or plan-scale mitigation measures that the draft PEIR itself repeatedly prescribes both environmental assessment and imposition of mitigation measures only during the City's approval process for subsequent discretionary projects within the SEDA footprint—for air quality impacts, transportation impacts, water supply impacts, etc. That is, the City will need to subject every new project to environmental review in order to determine if its impacts are potentially significant, and what mitigation measures should be imposed—exactly the process streamlining is intended to avoid.

Statements by City officials in recent days make this only too clear, most explicitly from City spokesman Brandon Johansen, whose email to a reporter admitted "As individual projects are filed within the Southeast Development Area, they will be evaluated under CEQA to determine project impacts and mitigation measures."[35] Planning Director Jennifer Clark listed "some follow up things that will need to occur, including the impact fees, and the financing plan for the infrastructure."[36]

Obviously, this approach makes streamlining impossible (unless the idea is to use the PEIR to evade environmental review and mitigation for follow-on projects, which has been known to happen in Fresno). Absent streamlining, the City cannot accomplish its claimed goal of expediting housing production.

As importantly, this approach renders impossible "holistic coordination of infrastructure to integrate efficiencies that piecemeal planning cannot," much less creating systems and networks for efficiency and economy.

Finally, a project-by-project evaluation of air quality, water supply, and transportation impacts makes effective mitigation of SEDA's large-scale environmental degradations illusory at best. A 9,000-acre project area, planted at such a remove from the city's center, requires creative and transformative approaches to the environmental consequences of its placement and its population. Piecemealing precludes effective mitigation.

These are all good reasons to put SEDA on hold until adequate environmental analysis, and especially real mitigation measures, can be incorporated into the draft PEIR.

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[33] SB 2 Planning Grants Application, Section E, Project Description.

[34] Draft PEIR at p. ES-2.

[35] Greg Weaver, Another Clovis, but in southeast Fresno? City moves forward on mega-development plans, *Fresnoland*, August 25, 2023; https://fresnoland.org/2023/08/25/city-of-fresno-eyes-seda/; *accessed August 27, 2023.*

[36] *Ibid.*

- **Mitigation measures are inadequate at best**

  The draft PEIR fails to propose mitigation measures that will have any mitigating effect on air quality impacts, although many tools and other resources are available for this purpose. The PEIR takes the position that plan-scale mitigations are infeasible, but this is inaccurate: the City's own 2020 VMT threshold guidelines document provides multiple mitigation options for community and general plans[37]. It is objectively unreasonable, and an invitation to piecemealing that will defeat the whole purpose of a mitigation program, to suggest that it is impossible to impose plan-scale mitigation measures as enforceable conditions of development in SEDA.

  The draft PEIR falsely claims that it has adequately canvassed and incorporated available air quality mitigation measures, but that "due to the magnitude of emissions generated by the residential, office, and commercial land uses proposed as part of the proposed project, no mitigation measures are available that would reduce cumulative impacts below the Valley Air District's thresholds." That the PEIR cannot find measures to reduce (for example) 2026 NO_x emissions from 180 tons per year to 10 does not mean there are *no* possible mitigations that would reduce NOx emissions to (for example) 50: "Mitigation measures need not include precise quantitative performance standards, but they must be at least partially effective, even if they cannot mitigate significant impacts to less than significant levels." *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404; §§ 21051, 21100; Guidelines, § 15370. It is not an option in 2023 to effectively abandon the effort, when air pollution from this project would so massively exceed the entire total NO_x output for the rest of the San Joaquin Valley, creating avoidable illness and death, and torpedoing City efforts to reduce climate change impacts.

  Moreover, the draft PEIR does not sufficiently account for its lack of specificity by assurances that a "Health Risk Assessment" (HRA) will be prepared later in the CEQA process, in connection with development-specific EIRs. (See, e.g., MM Air 3.1, 3.2.) *Sierra Club v. County of Fresno*, supra, 6 Cal.5th at p. 521. For one thing, an HRA is required by the California Health & Safety Code, § 44306, only to evaluate and predict the dispersion of hazardous substances. Secondly, a project-specific HRA is inadequate for assessing plan-scale impacts or for devising plan-scale mitigation measures—the very purpose of a Program Environmental Impact Report, but not remotely achieved by the SEDA draft PEIR.

  The draft PEIR also fails to propose mitigation measures that will significantly reduce transportation impacts. Although the project triples vehicle miles traveled to almost 1 million per day, mitigation measures are inadequate. For the first two decades of the project's operation, its transportation and consequent air quality impacts are huge, both as a result of the concept itself—a new city of 145,000 planted in rural Fresno, 10 miles from the city's urban center—and of an apparent determination to impose no mitigation that might inconvenience or cost SEDA developers and builders.

- **There is plenty of time to fill in the missing information and analysis**

  There is no emergency requiring immediate approval of this development plan. The City's own draft Housing Element establishes that there is more than adequate site inventory in the City to accommodate anticipated housing demand for at least eight years. More

[37] CEQA Guidelines for Vehicle Miles Traveled Thresholds, adopted June 25, 2020, City of Fresno; *see*, Appendix C, Vehicle Miles Traveled Mitigation Measures for Community Plans and General Plans. See also, SJVAPCD Emission Reduction Clean Air Measures—among many others.

importantly, adoption of this plan at this time will utterly defeat its claimed principal purpose, to facilitate streamlined housing production by anticipating and mitigating at a program scale the environmental impacts of such development.

Certainly within the next year, the City will be able to correct erroneous population projections and otherwise gather corrected data, use the correct tools to assess impacts, identify effective and enforceable plan-scale mitigations, and fully disclose those facts and analyses. Given the size and scale of the SEDA proposal, it may make most sense to roll its environmental assessment into the next General Plan update, which appears to be due in 2024.

Either way, as the situation now stands, it will be impossible for the City Council to make evidence-based findings that "specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment" (Public Resources Code, § 21081 (b)), or that the "unmitigated effects are outweighed by the project's benefits." (*Laurel Heights, supra*, 47 Cal.3d at p. 391.)

Please include my clients (see cc's, below) and me on the notification list for next steps in this process. Thanking you for your attention to these matters, I remain,

Very truly yours,

Patience Milrod

PATIENCE MILROD
Attorney for Central Valley IAF, Fresno Madera Tulare and Kings Counties Central Labor Council, and Regenerate California Innovation

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August 28, 2023

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Subject: Additional Comments on the SEDA EIR from the Fresno, Madera, Tulare and Kings Counties Central Labor Council, Central Valley IAF, and Regenerate California Innovation, Inc. Please incorporate the following comments regarding the City's Southeast Development Area (SEDA) Specific Plan and draft Program Environmental Impact Report (EIR) into the record of this matter.

COMMENT SUMMARY: The SEDA EIR is fatally flawed for many reasons, as noted in a separate comment letter submitted on our behalf to the City of Fresno by Patience Milrod, Lawyer. Certainly not the least of these SEDA EIR deficiencies is the assumption and employment of out-of-date and questionable population growth projections in the EIR document, which do not recognize the accelerating trends of dramatically declining population growth in California and Fresno County as recently published by the California Department of Finance in July 2023. As a result of this critical flaw, the SEDA EIR materially overstates demand factors and the need for the SEDA Specific Plan to be seriously considered any time before 2060. Proceeding now with proposed SEDA Plan/EIR approvals and debt obligations for costly, unnecessary, uneconomic and potentially stranded public infrastructure investments in SEDA, will create significant debt service risks and a potential disaster for the City's long-term fiscal sustainability. These negative fiscal consequences from prematurely approving and implementing SEDA will further negatively impact existing city residents, businesses, and institutions who have and will be forced to continue to bear the stress and cost burdens of decades of cumulative and increasing urban decay and blight not effectively addressed by the City. We recommend that the deficient draft SEDA Specific Plan and EIR be shelved until the City of Fresno General Plan can be updated to comprehensively and factually reflect all changing trends, impacts, and resource constraints, and that the City of Fresno focus on addressing cumulative and increasing urban decay, and meeting housing and public infrastructure and service needs within the current Fresno city limits.

Questionable population growth projections in the SEDA EIR document are utilized to directly justify the extreme scale of new greenfield population and housing unit development proposed, and indirectly support the implied massive front-end public infrastructure costs required to

launch the scale of development suggested of SEDA Specific Plan. The SEDA Plan/EIR reference and apply out-of-date City of Fresno General Plan population estimates for 2035 (771,000 people) that reflected 1.5% annual population growth rates in the decade previous to General Plan adoption, and Fresno COG estimates for 2035 (621,540) and 2050 (COG: 728,200), that were apparently published pre-pandemic. Carrying these assumptions forward to current SEDA plan consideration is profoundly inconsistent with dramatically declining recent population growth trends for California and the central San Joaquin Valley. The California Department of Finance (DOF) released updated interim population projections in July 2023 that show no population growth for California as a whole over the next 37 years, and 3% net population growth for Fresno, Madera, Tulare and Kings Counties combined by 2060, which equates to an average annual compounded growth rate of barely 0.1% in Fresno's regional market area population and resulting related economic demand for Fresno.

The state of California Department of Finance (DOF) interim population projections issues in July 2023[1] indicate that in 2060, there will be 39,508,000 residents in the state, equating to 12,000 fewer residents than in 2020. This forecasts an actual long-term reduction in the Golden State's growth outlook, a dramatic decline in the population growth assumptions built into all California business demand and government funding models, which should cause all of us pause to reassess assumptions about major long-term investments and prospective returns on these investments throughout the state. The recent DOF projections come ***"after accounting for factors including declining births, aging residents, and more people moving away in the years leading up to and during the pandemic, officials now project the population will hold steady at around 39.5 million. . . A stagnant population could mean a shrinking labor force as the state fails to replace retiring Baby Boomers, potentially resulting in a flagging economy mirroring the decades-long malaise from which some Rust Belt states are still struggling to emerge."***[2]

When population growth baselines were developed for the current City of Fresno General Plan in 2008-2010, referenced in the SEDA EIR published in July 2023 as relevant population growth data, Fresno County was projected to have about 1.9 million in population by 2050. Fresno County is now projected by the State DOF to have about 1,095,000 people by 2060, up from 1,016,000 today, a little over 800,000 fewer people than forecasted 13-15 years ago. This new State DOF projection represents marginal Fresno County population growth of 79,000 people net over nearly four decades, better than the whole state losing 12,000 people net over the

[1] https://dof.ca.gov/forecasting/demographics/projections/ (P-2: County Population Projections (2020-2060)

[2] https://www.msn.com/en-us/travel/article/california-exodus-once-growing-rapidly-state-population-projected-to-remain-the-same-through-2060/ar-AA1eoT8j

same period, but not much net growth demand when compared to the Golden State's and our local area growth history.

The SEDA draft EIR states on Page 3.14-13: ***"The population potential for the Plan Area is within the population growth anticipated by the General Plan, which anticipates growth of up to 226,000 additional residents by 2035, consistent with the proposed project. Accordingly, implementation of the proposed project would not exceed the City's anticipated population growth."***

The statement above in the SEDA draft EIR as it relates to anticipated additional residents by 2035 is no longer realistic or supportable based on recent State of California Department of Finance (DOF) interim population projections that indicate Fresno County on the whole will only add 79,000 residents over 37 years– see breakdown and references below.

The planned population capacity proposed for the SEDA Plan Area now actually exceeds population growth forecasted by the State for all of Fresno County by 2060 by a factor of nearly 2 times. If city of Fresno population growth represents approximately 54% of County population growth as it has in the past, then planned SEDA population holding capacities now reflect nearly 3 times forecasted growth for all of Fresno County by 2060. These are serious and material growth area demand overestimates and miscalculations in the SEDA EIR with extremely negative potential fiscal and economic consequences. The SEDA draft EIR simply and dangerously reprises now stale references from Fresno COG as noted above and below, and population estimates contained in the Fresno General Plan (GP) approved in late 2014 that projected a Fresno SOI (Fresno's Shere of Influence containing incorporated and unincorporated planning areas) population of 771,000 in 2035 (Table 1.5, Page 1-24, Fresno GP). See comparisons below.

July 2023 State DOF Population Projection Numbers versus Those in SEDA EIR

Year	*July 2023 State DOF for Fresno County*	*Fresno City/SOI as 54% of County*	*SEDA EIR Numbers*
2020	*1,007,344*	*543,965*	
2023	*1,015,793*	*548,528*	
2030	*1,047,382*	*565,586*	
2035	*1,065,641**	*575,446**	*COG: 621,540** / City:771,000****
2040	*1,083,901*	*585,306*	
2050	*1,098,503*	*593,196*	*COG: 728,200***
2060	*1,095,205*	*591,410*	

**2030+2040 divided 2 = estimate of 5-year interval growth to 2035*
***SEDA EIR Page 3.14.2*
**** SEDA EIR Page 3.14.13 – references Fresno GP Page 1-24*

So, future population growth trends forecasted by the State of California have dramatically declined, but SEDA Plan/EIR numbers reflect a past era of faster growth applied to the future. If these out-of-date growth numbers for SEDA are used as the basis for current public finance decision making, such decisions would likely jeopardize the future fiscal sustainability of entire City enterprise if bond financing or other types of debt financing are used to advance massive front-end new growth area public infrastructure costs. Substantially less growth would equate to inadequate debt service revenue from new hoped for development, portending bond payment defaults or substituting other City funds for growth area debt service needed for other essential purposes. Not researching and employing up-to-date State population forecasts in the SEDA Plan and EIR are fatal flaws and critical misrepresentations of demand for SEDA plan area development with potentially perverse consequences for the municipality and all our city's existing and future residents, businesses, and institutions.

The SEDA Plan then, as currently conceived, is rendered an anachronism in terms of relevant population projections even before public hearings about the plan and infrastructure financing approvals, and a dangerous anachronism at that. If the SEDA plan is approved and piecemeal developed as proposed, with huge sums of money borrowed to finance the massive front-end public works and utility infrastructure required by the plan, Fresno's much slower growth now forecasted by the State DOF could end up stranding very expensive nonproductive public assets with little revenue for debt coverage at the best, or could be a bankruptcy in the making for our municipality at the worst. The SEDA Draft Plan and EIR also do not address urban decay and blight production linked to new growth area residential and retail commercial development, the costs of which should be mitigated by adoption of significantly expanded growth area development impact fees.

We recommend an economically prudent and fiscally sound alternative course for the City of Fresno related to SEDA. Do not take these unnecessary public resource risks by prematurely approving an already outdated SEDA plan and EIR with its current massive front-end public financing scheme. In light of recent State DOF projections, take SEDA off the table and shelve it until it can be properly assessed at a more relevant time, scale, and cost, as part of a comprehensively updated Fresno General Plan that fully considers how the world has changed and continues to change and disrupt old private and public business models since the last General Plan update, and properly assesses the many new risks to sound public financing in an era of specious growth prospects.

In the interests of existing city residents, businesses, and institutions who have and will be forced to continue to bear the stress and cost burdens of decades of cumulative and increasing urban decay and blight until effectively addressed by the City, we also recommend:

- The City of Fresno focus on addressing cumulative and increasing urban decay, and meeting housing and public infrastructure and service needs within the current Fresno city limits, which contain more than enough vacant and underutilized land

given the much slower growth anticipated for the state and our county and the Fresno market area region, and

- The City of Fresno work diligently with existing community, business and institutional leaders to investigate and genuinely consider expanded urban decay impact mitigation fees be applied to newly annexed residential and retail commercial development which is linked to urban decay and blight production.[3]

Submitted By:

Dated: 8/28/23

Dillon Savory FRESNO MADERA TULARE and KINGS COUNTIES CENTRAL LABOR COUNCIL

Dated: 8/28/23

Keith Ford CENTRAL VALLEY IAF + State Center federation of Teachers

Dated: 8-28-23

Keith Bergthold REGENERATE CALIFORNIA INNOVATION (RCI)

[3] Fresno Urban Deacy Analysis: https://www.greenfieldcoalition.org/urban-decay-data

AUGUST 25, 2023

VIA EMAIL: ADRIENNE.ASADOORIAN@FRESNO.GOV
PLANNING AND DEVELOPMENT DEPARTMENT
ADRIENNE ASADOORIAN, PLANNER III
2600 FRESNO STREET, ROOM 3065
FRESNO, CA 93721

Dear Adrienne Asadoorian:

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE FRESNO SOUTHEAST DEVELOPMENT AREA SPECIFIC PLAN PROJECT, SCH# 2022020486

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Environmental Impact Report for the Fresno Southeast Development Area Specific Plan Project (Project).

The Division monitors and maps farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. Public Resources Code, section 614, subdivision (b) authorizes the Department to provide soil conservation advisory services to local governments, including review of CEQA documents.

Protection of the state's agricultural land resources is part of the Department's mission and central to many of its programs. The CEQA process gives the Department an opportunity to acknowledge the value of the resource, identify areas of Department interest, and offer information on how to assess potential impacts or mitigation opportunities.

The Department respects local decision-making by informing the CEQA process, and is not taking a position or providing legal or policy interpretation.

We offer the following comments for consideration with respect to the project's potential impacts on agricultural land and resources within the Department's purview.

PROJECT ATTRIBUTES

The proposed project is a Specific Plan that would provide for increased density and accelerate housing production throughout the Plan Area. The proposed project would offer flexibility in meeting the evolving needs of households in the region through a multimodal transportation network and diverse housing types and affordability levels. It has the potential to accommodate approximately 45,000 homes and 37,000 jobs within the nearly 9,000-acre planning area by the year 2050. The proposed project is framed

with three interrelated goals: fiscal responsibility, social equity, and environmental sustainability. The proposed project would link a series of complete communities and mixed-use centers with a multimodal transportation network. Additionally, the proposed project would include major transit lines, mixed-use centers, diverse residential districts, employment districts, open space, agriculture, and green infrastructure. The project site contains Prime Farmland, Farmland of Statewide Importance, and Unique Farmland as designated by DOC's Farmland Mapping and Monitoring Program. The project site may also contain lands subject to Williamson Act contracts.

PROJECT CONSIDERATIONS

The conversion of agricultural land represents a permanent reduction and impact to California's agricultural land resources. The Department generally advises discussion of the following in any environmental review for the loss or conversion of agricultural land:

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

WILLIAMSON ACT

Where the project site is located on land subject to a Williamson Act contract, the Department advises that the environmental review discuss the compatibility of the project with the contract and local Williamson Act program requirements.

MITIGATING AGRICULTURAL LAND LOSS OR CONVERSION

Consistent with CEQA Guidelines, the Department advises that the environmental review address mitigation for the loss or conversion of agricultural land. An agricultural conservation easement is one potential method for mitigating loss or conversion of agricultural land. (*See* Cal. Code Regs., tit. 14, § 15370 [mitigation includes "compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."]; *see also King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814.)

Mitigation through agricultural conservation easements can take at least two forms: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements. The conversion of agricultural land may be viewed as an impact of at least regional significance. Hence, the search for replacement lands may not need to be limited strictly to lands within the project's surrounding area.

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

California Council of Land Trusts

Of course, the use of conservation easements is only one form of mitigation, and the Department urges consideration of any other feasible measures necessary to mitigate project impacts.

Thank you for giving us the opportunity to comment on the Draft Environmental Impact Report for the Fresno Southeast Development Area Specific Plan Project. Please provide the Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner via email at Farl.Grundy@conservation.ca.gov.

Sincerely,

Kealii Bright

Keali'i Bright

Division Director

2907 S. Maple Avenue
Fresno, California 93725-2208
Telephone: (559) 233-7161
Fax: (559) 233-8227

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

August 25, 2023

Adrienne Asadoorian
Planner III
Planning and Development Department
City of Fresno
2600 Fresno Street, Room 3065
Fresno, CA 93721

RE: Notice of Availability of a Draft Program Environmental Impact Report for the Proposed Southeast Development Area Specific Plan (State Clearinghouse [SCH] No. 2022020486) for the City of Fresno
FID Facilities: Various

Dear Ms. Asadoorian:

The Fresno Irrigation District (FID) has reviewed the Notice of Availability of a Draft Program Environmental Impact Report for the Southeast Development Area Specific Plan for the City of Fresno (Project). We appreciate the opportunity to review and comment on the subject document for the proposed project. FID's comments are as follows:

Impacted Facilities

1. FID previously commented on the subject project on March 25, 2022, in response to the Notice of Preparation of a Program Environmental Impact Report for the subject project. Those comments and conditions still apply and a copy has been attached for your review.

Thank you for providing us the Notice of Availability of a Draft Program Environmental Impact Report of the Southeast Development Area Specific Plan. We appreciate the opportunity to comment on the subject Notice for this project. While it is difficult to envision all of the potential impacts without all of the improvement details, we look forward to working with you to address our concerns as the developments occur. We reserve the right to provide additional comments when more detailed information becomes available. Should you have any questions,

BOARD OF DIRECTORS President RYAN JACOBSEN Vice-President JERRY PRIETO, JR. CHRISTOPHER WOOLF
GEORGE PORTER GREGORY BEBERIAN General Manager BILL STRETCH

please feel free to contact me at (559) 233-7161 extension 7103 or LKimura@fresnoirrigation.com.

Sincerely,

Laurence Kimura, P.E.
Chief Engineer

Attachments

2907 S. Maple Avenue
Fresno, California 93725-2208
Telephone: (559) 233-7161
Fax: (559) 233-8227

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

March 25, 2022

Jennifer Clark
Development and Resource Management Department
City of Fresno
2600 Fresno Street, Room 3065
Fresno, CA 93721

RE: Notice of Preparation of a Program Environmental Impact Report of the Southeast Development Area Specific Plan for the City of Fresno
FID Facilities: Various

Dear Ms. Clark:

The Fresno Irrigation District (FID) has reviewed the Notice of Preparation of a Program Environmental Impact Report of the Southeast Development Area Specific Plan for the City of Fresno (Project). We appreciate the opportunity to review and comment on the subject documents for the proposed project. FID's comments are as follows:

Impacted Facilities

1. FID has many canals within the Project Area as shown on the attached FID exhibit map. The facilities include: Fresno No. 3, Fancher No. 6, Mill No. 36, Briggs No. 7, Gould No. 97, Gray Colony No. 111, Eisen No. 11, Temperance No. 37, Hanson No. 129, East Branch No. 5, and Kutner Colony S. Br. No. 329. FID's canals range from smaller diameter pipelines to large open canals. In most cases, the existing facilities will need to be upgraded to meet then-current urban standards or relocated by the developer to accommodate new urban developments which will require new pipelines and new exclusive easements. FID will impose the same conditions on future projects as it would with any other project located within the common boundary of the City of Fresno and FID. FID will require that it review and approve all maps and plans which impact FID canals and easements.

    a. Small/Medium Canal Crossings – The majority of the proposed planned will impact existing pipelines and small open channel canals. FID will require all open channels and existing pipelines impacted by the project area development be upgraded to meet FID's then-current standards for

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GEORGE PORTER GREGORY BEBERIAN General Manager BILL STRETCH

urban, rural, industrial areas. The majority of FID's facilities that lie within the proposed Planning Area do not meet FID's urban specifications, including road or highway crossings. The majority of the existing pipelines are monolithic cast-in-place concrete pipe (CIPCP), low head/thin wall PVC, and non-reinforced mortar jointed concrete pipeline. These pipelines were designed for a rural environment and will fail if they are not replaced as development occurs.

b. Large Canal Crossing – There are large canals called Gould No. 97, Fresno No. 3, Mill No. 36, and Fancher No. 6 that will more than likely be too large to be contained within a pipeline. Development impacts to these facilities shall require designs that protect the canal's integrity for an urban setting including the need for access and full right-of-way widths for FID's operations and maintenance needs.

2. FID's facilities that are within the Planning Area carry irrigation water for FID users, recharge water for the City of Fresno, and flood waters during the winter months. In addition to FID's facilities, private facilities also traverse the Planned Area.

3. Canal Access – FID will continue to access the Canal from public roads. In order to access the maintenance bank with our larger equipment, FID requires a drive approach wide enough to accommodate the equipment. FID requires a 50-foot wide drive approach narrowing to a 20 feet wide drive banks. The 50-foot width is defined as starting from the end portion of a bridge/railing outward (away from the bridge). Every road and canal intersection is different and therefore each access will be different. The major factors affecting the proposed width will be the angle of the road intersecting the Canal, grade of canal bank vs. City road, median vs. no median, etc.

    a. If guard railings extend beyond attachment points at each wing-wall, they will obstruct FID's access to the canal and additional right-of-way will need to be acquired. FID will require the developer demonstrate FID's longest vehicle will be able to make the turns onto the drive banks. FID's right-of-way is a minimum 20-feet from the canal hinge on both sides of the canal, and FID will require the developer acquire and dedicate to FID exclusive easements for this purpose.

4. Canal Banks – If there will be any work on canal banks, the following will apply:

    a. All in-channel disturbed soil shall be concrete lined (both side slopes and bottom). FID will require reinforced concrete to limit the on-going maintenance that typically occurs with gunite or shotcrete slope protection.

b. Drive banks must be sloped a minimum of 2% away with a maximum of 4% from the canal with provisions made for rainfall. Drainage will not be accepted into the Canal and must be routed away from FID property/drive banks. Runoff must be conveyed to nearby public streets or drainage system by drainage swales or other FID acceptable alternatives outside FID's easements/property.

c. All existing trees, bushes, debris, old canal structures, pumps, canal gates, and other non- or in-active FID and private structures must be removed within FID's property/easement and the City's project limits.

5. Trail - It is FID's understanding that many trails are master-planned within the Southeast Development Area. As with other developments with trails along the canals, FID will not allow the trail to encroach/overlap FID's canal easement unless an agreement is in place for this purpose. The following requirements are intended for trail projects adjacent to FID-owned properties and right-of-ways for open canals:

   a. FID will not allow the trail easement to be in common use with FID-owned property or easements.

   b. FID requires all trail improvements be placed outside of FID-owned properties and easements.

   c. FID will not allow any portion of a tree canopy to encroach within its properties or easements.

   d. FID's canals will not accept any drainage from the trail or the canal bank.

   e. FID may require some improvements be made to the canal depending on the existing canal condition, the proposed trail, and the adjacent development.

   f. City parks that are adjacent to open canals are treated the same as trails, therefore the same requirements shall apply.

Water Supply Impact

1. The project encompasses the City of Fresno Growth Area 1 and 2 and portions of the project are not entitled to water under the current City of Fresno Conveyance Agreement. Under the executed agreement between the City of Fresno and FID development within Growth Area 2 will not result in an increase in the City's surface water allocation from FID. The document must consider how

to best handle future developments, if any, within the areas designated Growth Area 2 and areas outside of the agreement to evaluate all potential impacts.

2. The document must evaluate whether the City's Water Master Plan needs to be updated and how the Cooperative Agreement between the City of Fresno and FID may impact the developments within the Planning Area. The report must evaluate the City's growth with the recent water issues , including climate change, and whether the City's Water Master Plan can still provide the necessary guidance for the City.

3. The City of Fresno has implemented many of the projects previously proposed in the City's Water Master Plan. The Proposed document should consider and evaluated whether the constructed projects have resulted in benefits that were anticipated.

4. The proposed land use (or changes in land use) should be such that the need for water is minimized and/or reduced so that groundwater impacts to the proposed project area and any surrounding areas are eliminated.

5. If treated surface water will be used and the City has a deficit water supply or groundwater levels continue to drop, the City must acquire additional water from a water purveyor, such as FID for that purpose, so as to not impact water supplies to or create greater water supply deficits in other areas of the City or in the groundwater basin. Water supply issues must be resolved before any further "hardening" of the water supply demand is allowed to take place.

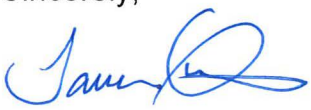
6. The potential for increase in water consumption by the project will result in additional groundwater overdraft. There is a significant cone of depression beneath the City of Fresno. FID is concerned that the increased water demand due to a change in land use may have a significant impact to the groundwater quantity and/or quality underneath the City of Fresno, FID and the Kings Groundwater Sub-basin. The "demand" side of water consumed needs to be evaluated or scrutinized as much as the "supply" side of the water supply. Many of the areas are historically native, and/or rural residential with minimal to no water use. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed project result in a significant increase in dependence on groundwater, this deficit will increase. FID recommends the City of Fresno require proposed projects balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft problem.

7. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their

local water basins and adopt locally-based management plans. FID and the City of Fresno are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater basin within the FID service area. This area is in an over drafted groundwater basin and SGMA will impact all users of groundwater and those who rely on it. The City of Fresno should consider the impacts of the project on the City's ability to comply with the requirements of SGMA.

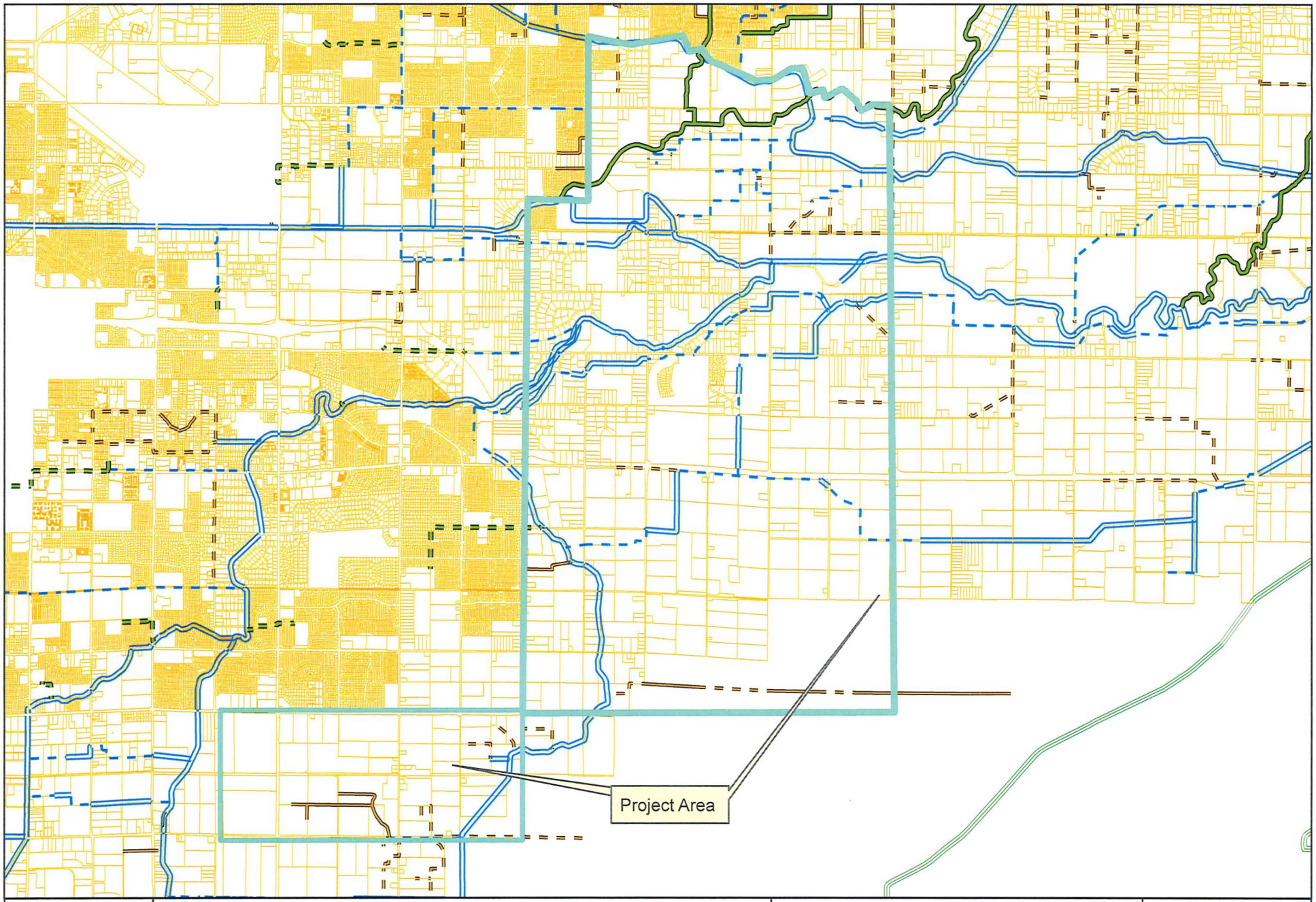
Thank you for making available to us the Notice of Preparation of a Program Environmental Impact Report of the Southeast Development Area Specific Plan for our review and allowing us the opportunity to provide comments. We appreciate the opportunity to comment on the subject Notice for this project. While it is difficult to envision all of the potential impacts without all of the improvement details and impact report, we have attempted to provide you as much information as possible. We reserve the right to provide additional comments when more detailed information becomes available. If you have any questions please feel free to contact me Jeremy Landrith at (559) 233-7161 extension 7407 or jlandrith@fresnoirrigation.com.

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

Attachments



FRESNO IRRIGATION DISTRICT

Legend

- FID Canal
- Private Canal
- Abandoned Canal
- FID Pipeline
- Private Pipeline
- Abandoned Pipeline
- Stream Group
- Other-Creek\River
- Other-Pipeline
- FID Boundary
- Railroad
- Streets & Hwys
- Parcel
- FMFCD Acquired Basins
- FMFCD Proposed Basins

This map was produced by the Fresno Irrigation District and is provided for reference and informational purposes only and is not intended to show map scale accuracy or all inclusive map features, nor for legal purposes. FID makes no statements regarding the accuracy of this map as the features shown are in their approximate location. Please contact the FID Engineering Dept. at (559) 233-7161 for further information on FID facilities.

Path: G:\Fidgis\20220103 FID Master.mxd
Spatial Reference
Name: NAD 1983 StatePlane California IV FIPS 0404

0 2,600 5,200
Feet
1 inch = 5,416.67 feet

Fresno Metropolitan Flood Control District
Capturing Stormwater since 1956

File 310. "BG", "BL", "BM",
"BS", "CS", "DS", "DV"
410.214

August 28, 2023

Ms. Adrienne Asadoorian, Planner
City of Fresno Planning and Development Department
2600 Fresno Street, Rm. 3065
Fresno, CA 93721

Dear Ms. Asadoorian,

Fresno Metropolitan Flood Control District (FMFCD) Comments on the Notice of Availability of a Draft Program Environmental Impact Report for the Proposed Southeast Development Area Specific Plan Project, Fresno, California

**Adopted Drainage Areas "BG", "BL", "BM", "BS", "CS", "DS", "DV"
and Proposed Drainage Areas "DT", "DU", "DW", "DX", "DY", "DZ"**

The Fresno Metropolitan Flood Control District (FMFCD) has reviewed the adopted and proposed Master Plan storm drainage systems for the areas located within the Southeast Development Area Specific Plan (SEDA Plan). The adopted Master Plan drainage systems were designed using the previously adopted General Plan land uses and the proposed Master Plan drainage systems are based on the SEDA Plan land uses as shown on Exhibits 1-1 and 2-2 of the DPEIR.

As noted in FMFCD's prior letter dated March 25, 2022, in Master Plan areas where no drainage facilities have been constructed, the Master Plan can be planned to accommodate the new land uses and pipe alignments within the SEDA Plan. FMFCD has located the proposed basin locations, as shown on Exhibit No. 1, needed to serve the SEDA Plan and recommends that the City incorporate the proposed basin locations into the SEDA Plan Proposed Land Use Map. Additional language to provide for an alternate land use designation for the proposed basins should be included in the SEDA Plan. FMFCD previously requested that the proposed basins, not yet acquired by FMFCD, be shown in its tentative location, but may be relocated within a mile of the proposed site. This will allow FMFCD to purchase land in the general vicinity of the proposed site without a Specific Plan update should the proposed basins not be located exactly on the parcel as shown on the SEDA Plan. The proposed basin locations are an essential element to the proposed Master Plan drainage systems as they take into consideration topography, land use, existing/proposed street alignments, pipeline collection system layout, and other planimetric features. This is an important element that must be addressed in the SEDA Plan.

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www.fresnofloodcontrol.org

Upon review of the SEDA Plan land uses for the areas within the adopted Master Plan drainage systems it is determined that the Master Plan can accommodate the new land uses with revisions to the existing drainage system. Approximately 55 acres located northwest of McKinley and McCall Avenues is located within the SEDA Plan but not within an adopted drainage area. This area currently drains to the FMFCD Fancher Creek Basin. FMFCD has identified 94 acres outside of the SEDA Plan, located southeast of Temperance and Jensen Avenues that is planned to be served by a proposed Master Plan drainage system. This area is bounded by the Briggs Canal and does not have an alternate solution to be served due to the topographic constraints.

FMFCD shall be notified of any revisions to the SEDA Plan Proposed Land Use as changes may effect the existing and proposed Master Plan drainage systems.

Upon adoption of the SEDA Plan and EIR by the City of Fresno, FMFCD will prepare an update to its Municipal Services Review (MSR), for Fresno LAFCO consideration. The MSR is a LAFCO requirement and will demonstrate that FMFCD has the ability to extend flood control and drainage services into the SEDA Plan, as development occurs. Once the District's MSR update (covering all of the SEDA Plan) has been approved by LAFCO, FMFCD can proceed with a Sphere of Influence (SOI) Amendment designed to fold SEDA into the FMFCD SOI.

LAFCO is the CEQA Lead Agency for the Sphere of Influence Amendment, and FMFCD is the CEQA Lead Agency for subsequent annexation into SEDA, which is why it is critical that the SEDA EIR evaluate actions and impacts specific to the extension of flood control and drainage services into the SEDA Plan. Should the EIR fail to address extending FMFCD services into the SEDA Plan and fail to extend tax sharing services to FMFCD, the City/County will be required to fund the design and implementation of the Master Plan storm drainage system. LAFCO and FMFCD will rely on the City's analysis and treatment of environmental impacts in formulating their own CEQA responses to the demands of SEDA.

FMFCD may request that it's progressive annexation into SEDA take the form of LAFCO reorganizations, where our annexations mirror the sequence and configuration of City annexation. In this case, in the course of City pursuit of each annexation into SEDA, the City would present LAFCO with a reorganization proposal, where one LAFCO action simultaneously authorizes the City annexation, the FMFCD annexation, annexation by other urban service providers, and detachment from the County and special districts providing services to the unincorporated area (e.g. rural fire protection districts).

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Comments specific to the Southeast Development Area Specific Plan
FMFCD offers the following comments specific to the review of the SEDA Plan (The individual pages are included, and the section or sentence has been highlighted for your reference):

1. In all references to proposed basins located within the SEDA Plan, FMFCD suggests the proposed basin locations be identified on Exhibits 1-1 and 2-2 of the Specific Plan Map as previously outlined on Exhibit No. 1 of FMFCD prior letter dated March 25, 2022. Identifying the proposed basins within the SEDA Plan is essential to the available land use acreages prior to approval of the Specific Plan.

2. Page 2-6, 2.3.2 – Proposed Specific Plan Buildout Table 2-1: Flood Control Basin are included in the proposed specific plan acreages. FMFCD suggests the proposed basin locations be identified on Exhibits 1-1 and 2-2.

3. Page 2-14: Replace the word Municipal with Metropolitan.

4. Page 3.2-19, Impact AG-2 and Exhibit 3.2-2: Informational purposes only, FMFCD has identified one (1) proposed basin site, Basin "DY" is located on properties within the Williamson Act Contract.

5. Page 3.10-11, Hydrology and Water Quality Paragraph 2: Correct 164 to 165. Replace "…of 2-year storms and for at least" with "…not less than". Replace "…rainfall" with "…annual runoff". Delete "…or relocated".

6. Page 3.10-12, Hydrology and Water Quality Paragraph 3: Replace "…a 2-year storm and for at least" with "…not less than". Replace "…rainfall" with "…annual runoff".

7. Page 3.10-12 and 13, Table 3.10-1: FMFCD was not given the opportunity to review the SEDA Specific Plan Storm Drain Technical Study dated June 10, 2022. We are therefore providing the most current information available and suggest revisions be made to Table 3.10-1 to most accurately address the Drainage Area summaries.

8. Page 3.10-34, Hydrology and Water Quality, Paragraph 1 and 2: Replace the word Municipal with Metropolitan.

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9. Page 3.10-37, Hydrology and Water Quality, Paragraph 6: Replace "…a 2-year storm and for at least" with "…not less than". Replace "…rainfall" with "…annual runoff".

10. Exhibit 3-17.1 Proposed Major Street Circulation: FMFCD's Basin "DS", located at the northwest corner of Clinton and Leonard Avenues, was acquired in anticipation of Clinton Avenue not going through between Leonard and DeWolf Avenues. FMFCD requests the SEDA plan remove this circulation plan for Clinton Avenue based on the proposed vacation documents to be submitted by CUSD to the County.

11. Page 3.18-19, Utilities and Service Systems, Paragraph 3: Replace "…of two year storms and for at least" with "…not less than". Replace "…rainfall" with "…annual runoff".

12. Page 3.18-19, Utilities and Service Systems, Paragraph 5: Delete "…Community Block" and add "…from the Federal and State governments".

13. Page 3.18-20, Utilities and Service Systems, Paragraph 5: Replace "…a 2-year storm and for at least" with "…not less than". Replace "…rainfall" with "…annual runoff".

Thank you for the opportunity to comment. If you have any questions or concerns regarding our comments, please feel free to contact the District at (559) 456-3292.

Respectfully,

Denise Wade
Master Plan Special Projects Manager

DW/lrl

Attachment(s)

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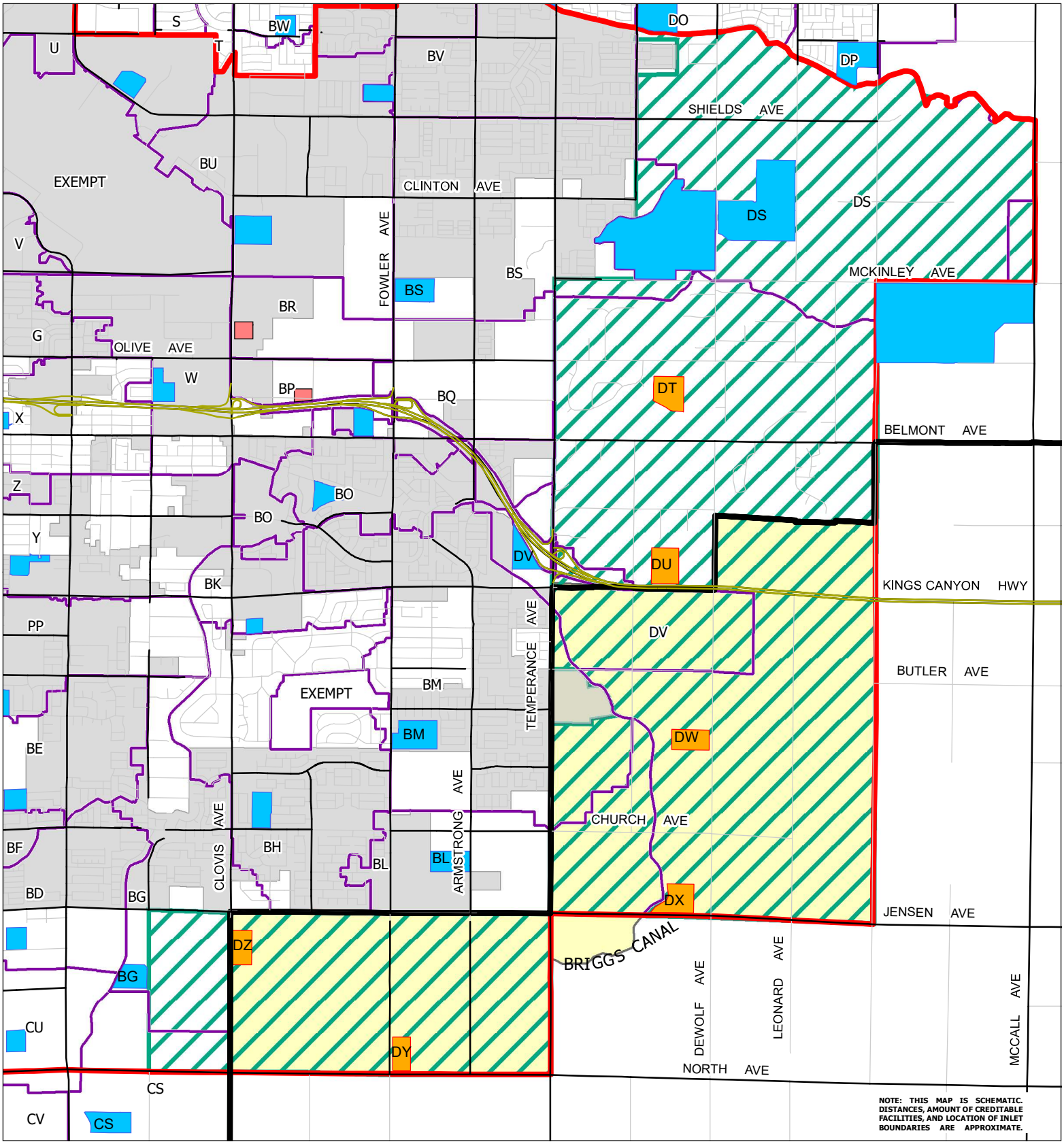
www.fresnofloodcontrol.org



FMFCD BOUNDARY
CITY OF FRESNO SPHERE OF INFLUENCE
DRAINAGE AREA
CITY LIMITS
SOUTHEAST DEVELOPMENT AREA
FMFCD ANNEXATION AREA

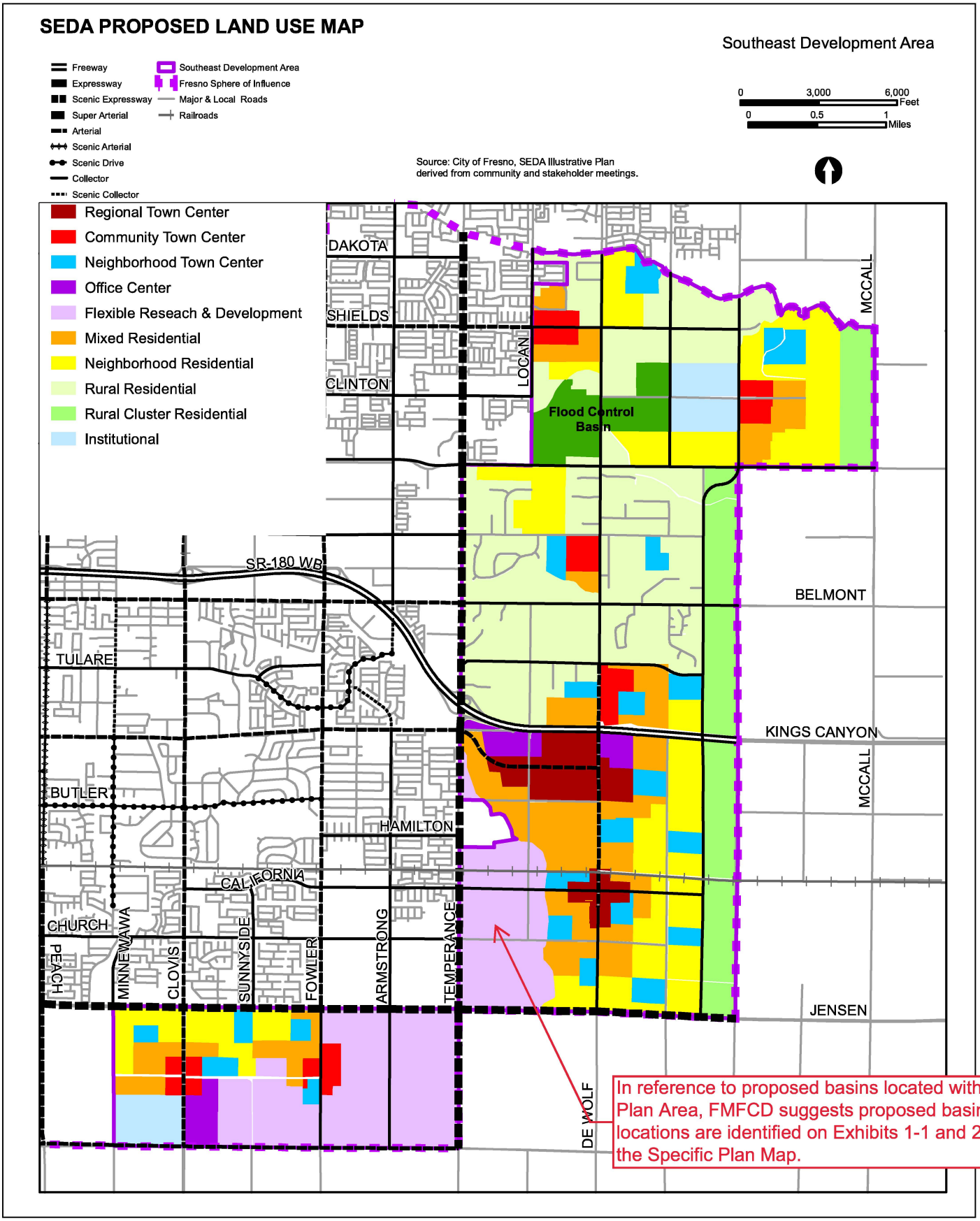
BASINS
EXISTING
PROPOSED
PROPOSED SEDA

Prepared by: rebeccal
Date: 8/22/2023
Path: I:\Projects\Accounting\Maps\SoutheastDevelopment.mxd

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

EXHIBIT NO. 1

1 " = 4300 '



Source: City of Fresno, SEDA Regulating Districts, 07/2023.

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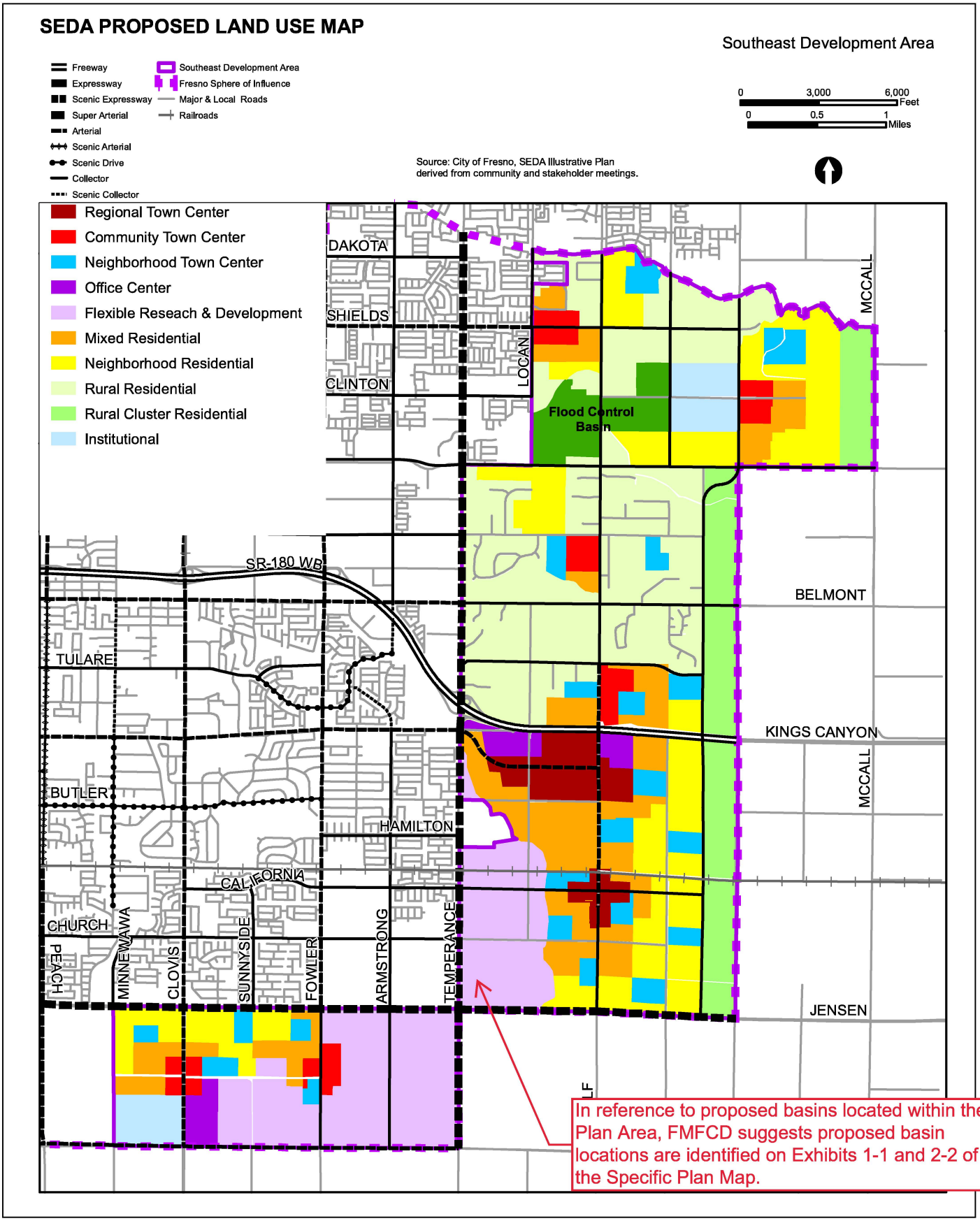
Exhibit 1-1
Specific Plan Map



Source: City of Fresno, SEDA Regulating Districts, 07/2023.

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Exhibit 2-2
Specific Plan Map

would include major transit lines, mixed-use centers, diverse residential districts, employment districts, open space, agriculture, and green infrastructure.

2.3.2 - Proposed Specific Plan Buildout

The Land Use Map defines the physical extent of Land Use Districts, as well as major roadway alignments which constitute the buildout of the proposed project as shown in Exhibit 2-2. It also identifies potential locations for certain open space and institutional features. These locations, as well as certain roadway configurations and specific transit alignments, are more closely specified in the Infrastructure Plan. The implementation of the Land Use Map is administered through the application of Land Use District Standards and Street and Circulation Standards. The proposed project land use categories by district are shown in Table 2-1 along with the total proposed acreage. Descriptions of each of the associated land use categories are further discussed below.

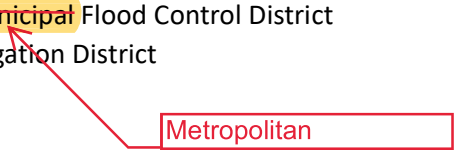
Table 2-1: Proposed Specific Plan Acreages

Land Use	Proposed Plan Acres	Percentages
Mixed-Use Land Uses		
Regional Town Center	310	3.5%
Community Town Center	290	3.3%
Neighborhood Town Center	520	5.9%
Mixed-Use Land Uses Total	***1,120***	***12.7%***
Residential Land Uses		
Mixed Residential	1,090	12.4%
Neighborhood Residential	1,520	17.3%
Rural Residential	2,160	24.5%
Rural Cluster Residential	810	9.2%
Residential Land Uses Total	***5,580***	***63.4%***
Employment Land Uses		
Office Center		1.8%
Flexible Research and Development		15.7%
Institutional		3.2%
Employment Land Uses Total	***1,820***	***20.7%***
Other Land Uses		
Flood Control Basin	280	3.2%
Total	***8,800***	***100%***
Source: City of Fresno 2022.		

FMFCD suggests proposed basin site locations be shown on the Specific Plan Map Exhibits 1-1 and 2-2.

the proposed project. This Draft PEIR will provide environmental information to these agencies and other public agencies, which may be coordinated with other agencies, as part of project implementation. These agencies may include, but are not limited to, the following:

- California Department of Transportation
- California State Water Resources Control Board (State Water Board)
- California Department of Fish and Wildlife (CDFW)
- Central Valley Regional Water Quality Control Board (Central Valley RWQCB)
- Fresno Local Agency Formation Commission
- San Joaquin Valley Air Pollution Control District (Valley Air District)
- Fresno ~~Municipal~~ Flood Control District
- Fresno Irrigation District



Level of Significance After Mitigation

Significant and unavoidable impact.

FMFCD has identified one (1) proposed basin site located on parcels identified within Williamson Act Contract

Conflict with Existing Zoning or Williamson Act Contract

Impact AG-2: **The proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act Contract.**

According to the General Plan, the City and its SOI includes lands under Williamson Act Contract, and the majority of these lands are located within the Plan Area. Exhibit 3.2-2 shows the locations of the Williamson Act Contract parcels within the Plan Area. Comparing these parcels to Exhibit 2-2, the majority of land within the Plan Area that is under Williamson Act Contract would be designated for non-agricultural land uses (such as various types of residential, regional and community center land uses) with implementation of the Specific Plan. The General Plan PEIR identifies that implementation of the approved General Plan would conflict with land under Williamson Act Contracts, which would result in a significant and unavoidable impact.

Therefore, the continued implementation of the approved General Plan as well as implementation of the proposed Specific Plan could conflict with existing Williamson Act Contracts because non-agricultural uses would be allowed on lands under a Williamson Act Contract. As a result, the continued implementation proposed Specific Plan could result in a significant impact on existing Williamson Act Contract land.

Therefore, project impacts would remain significant and unavoidable. No feasible mitigation measures are available.

Level of Significance Before Mitigation

Potentially significant impact.

Fresno General Plan PEIR Mitigation Measures

None.

Project Specific Mitigation Measures

No feasible mitigation measures are available.

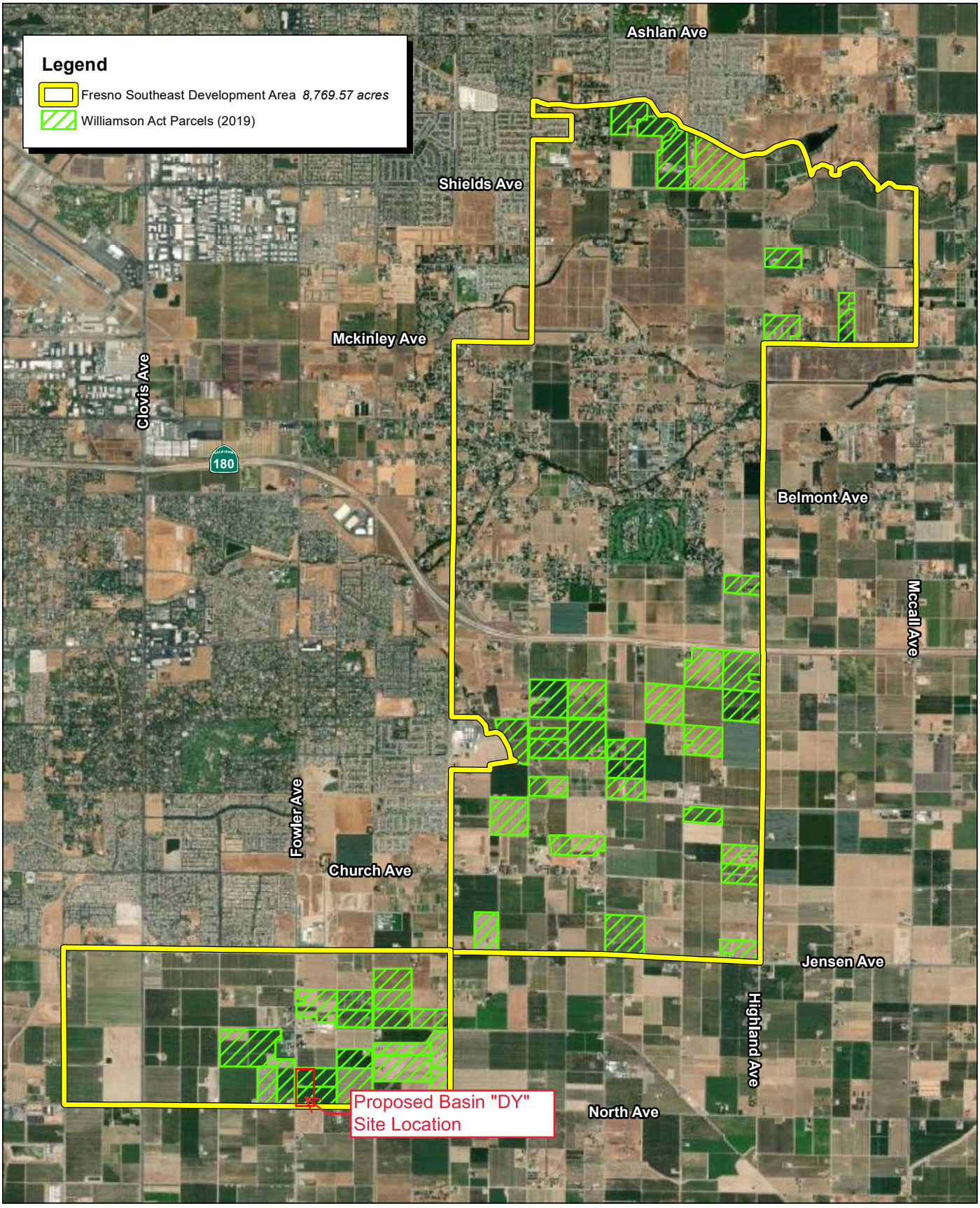
Level of Significance After Mitigation

Significant and unavoidable impact.

Forest Land and Timberland

Impact AG-3: **The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).**

As identified in the General Plan, no land within the City or SOI is used for forestry purposes and no land within the City or SOI is designated or zoned for forestry resources. Therefore, the Plan Area



Source: ESRI Aerial Imagery. City of Fresno (2019). LSA

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4,600 2,300 0 4,600 Feet

Exhibit 3.2-2
Williamson Act Contract Parcels

the Storm Drainage and Flood Control Master Plan (Storm Drain Master Plan), which is developed and updated by FMFCD. FMFCD's Storm Drain Master Plan divides the service area into many local drainage areas of 1–2 square miles throughout Fresno. Drainage area boundaries are determined by geographic and topographic features and the economics of providing storm drainage service to the watershed. Storm drainage facilities within a drainage area typically consist of storm drain inlets, pipelines, retention basins, urban detention (water quality) basins, and stormwater pump stations. Surface grading improvements such as streets, curbs, gutters, and valley gutters are part of the City of Fresno infrastructure, but the general grading of these features is governed by the Storm Drain Master Plan to provide a coherent implementation of drainage within Fresno.

All inlets, pipes, and pump stations within each drainage area are maintained by the FMFCD. The gutters, along with public streets and sidewalks, are maintained by the City's Street Maintenance Division. It is assumed that this maintenance agreement will remain in place for the foreseeable future. The FMFCD's Storm Drain Master Plan includes ~~164~~ 165 adopted or proposed drainage areas, most served by a retention or detention facility.[30] FMFCD basins have been sized for capacities ~~of 2-year storms and for at least~~ not less than 60 percent of average ~~rainfall;~~ annual runoff;[31] FMFCD allows a 20 percent change in volume before basins need to be resized ~~or relocated.~~ Delete: or relocated.

Stormwater collection in the City begins with street gutte[illegible]y stormwater runoff to storm drain inlets. The runoff is collected in these inlets and delivered to FMFCD's pipe networks, pump stations, and infiltration basins for groundwater recharge. Most runoff is discharged into recharge basins, but during heavy rainfall events, excess runoff overflows into a system of relief channels and canals that discharge to the San Joaquin River, its tributary streams, local agricultural canals, and FID facilities.

Storm drain inlets are located at low points in the topography as determined by the Storm Drain Master Plan. Pipeline alignments and sizes are also shown on the Storm Drain Master Plan. Pipeline alignments are subject to change as development proposals are put forward by development projects. Retention basin and urban detention basin locations and sizes are part of the Storm Drain Master Plan as well. Basins are sited in the topographic low point of the drainage area. All of the storm drainage pipelines within the drainage area are directed to the basin for that area. Retention basins store and percolate stormwater from the drainage area if time between storms permits; otherwise, the water is pumped to designated irrigation canals. Urban detention basins provide quiescent (still) conditions for the removal or settling out of suspended solids prior to discharge of the stormwater to the San Joaquin River.

The Fresno-Clovis Metropolitan area consists of drainage areas that are completed (e.g., all Master Planned facilities are constructed and functional) or in the process of being completed (e.g., portions of the retention basin, pipelines, and inlets are constructed and other portions are not). For the drainage areas that are in the planning stage, the planning area may be planned and documented and the retention basin land may be purchased, but no construction has occurred; other areas may not have the land purchased for the basins yet. Implementation of the Storm Drain Master Plan

[30] Fresno Metropolitan Flood Control District (FMFCD). 2016. 2016 District Services Plan.
[31] Ibid.

occurs in response to development activity in newly developing areas and through Capital Improvement Projects (CIPs) in previously developed areas.

Plan Area

In accordance with the Storm Drain Master Plan and other planning documents, the FMFCD is developing improvements for the Plan Area for storm drain facilities. The Plan Area encompasses all or part of the following existing drainage areas: BG, BL, BM, BS, CS, DS and, DV. Proposed drainage areas for SEDA include DT, DU, DW, DX, DY, and DZ. Most of the existing drainage areas include existing storm drain collection facilities, but the proposed drainage areas generally have no existing storm drain facilities. Areas DS and DV are the exceptions in that they are existing drainage areas with basins but have not been built out to Master Plan conditions. FMFCD improvements include storm drain inlets and piping, which are being analyzed and developed in conjunction with the proposed land uses for the Plan Area. Those portions of the Plan Area encompassed in existing drainage areas include Master Planned utilities designed by FMFCD.

There are seven existing basins contributing to stormwater collection for the Plan Area and six proposed basins within the Plan Area. There are also two existing basins outside of the Plan Area that are not part of existing drainage areas, including the Redbank Basin and the Fancher Creek Basin, which may contribute to additional drainage capacity; however, these two basins ~~were not~~ considered in the analyses completed as part of the Storm Drain Technical Study prepared for this Draft PEIR (Appendix I). FMFCD basins are designed for a capacity of a ~~2-year storm and for at least~~ not less than 60 percent of average ~~rainfall.~~ annual runoff. Per the FMFCD, the proposed drainage areas for SEDA have not been adopted yet, and the basin locations have not been finalized. Table 3.10-1 shows the capacities of both existing basins that serve the P[illegible]oposed basins that will serve the Plan Area.

Table 3.10-1 Drainage Areas and Basin Capacities

Drainage Area Designation	Drainage Area Size [A] (acres)	Basin Volume [B] (AF)	Basin Design Use	Basin Type	Relief Line to FID Facility
Existing Drainage Areas/Basins					
BG	~~755~~ 753.61	232.1	Nonresidential	Recharge	Yes; Washington Colony Canal
BL	~~782~~ 783.63	301.1	Residential	Recharge	No; relief line to Basin BH
BM	1,519	390.4	Residential	Dual Use	No; relief line to Basin BH
BS	~~1,341~~ 1190.39	~~396.7~~401.3	Nonresidential	Recharge	Yes; Mill Ditch
CS	854 860.99	346.5	Nonresidential	Recharge	Yes; Washington Canal
DS [C]	~~1,960~~ 1958.14	1,383.3	Residential	Undetermined [D]	Yes; Mill Ditch and Redbank Basin
DV [C]	505	230.0	Nonresidential	Undetermined [D]	Yes; Briggs Canal and Fancher Creek

Drainage Area Designation	Drainage Area Size [A] (acres)	Basin Volume [B] (AF)	Basin Design Use	Basin Type	Relief Line to FID Facility
Proposed Drainage Area/Basins					
DT	983975.46	232.4	Residential	Undetermined [D]	Yes; Fancher Creek
DU	1,307 1268.94	323.8	Residential	Undetermined [D]	No; relief line to Basin DV
DW	756 749.99	233.9	Residential	Undetermined [D]	Undetermined
DX	879 877.9	304.5	Residential	Undetermined [D]	Yes; Briggs Canal
DY	749 771	295.2	Nonresidential	Undetermined [D]	No; relief line to Basin DZ
DZ	698 694.5	263.6	Nonresidential	Undetermined [D]	No; relief line to Basin BG

Notes:
AF = acre-feet
FID = Fresno Irrigation District
FMFCD = Fresno Metropolitan Flood Control District
GIS = Geographic Information System
[A] Drainage area sizes obtained from GIS Shape Files provided by FMFCD.
[B] Basin volumes obtained from H&H calculation sheets provided by FMFCD.
[C] Existing drainage area and basin but not yet built out.
[D] Approved use of proposed basins will be determined via coordination between FMFCD and City.
Source: Blair, Church & Flynn Consulting Engineers. SEDA Specific Plan Storm Drain Technical Study. June 10, 2022.

Flooding and Inundation

The City of Fresno is located in the alluvial fans of numerous foothill stream sand creeks that drain the western slope of the Sierra Nevada foothills. These streams include Big Dry Creek, Alluvial Drain, Pup Creek, Dog Creek, Redbank Creek, Mud Creek, and Fancher Creek. Numerous smaller, unnamed drainage courses also drain into the City from the rural areas east of Fresno.

Based on a review of the FEMA Flood Insurance Rate Maps (FIRMs) for the City of Fresno,[32] there are areas that are subject to the 100-year flood frequency flood zone as shown in Exhibit 3.10-1. The primary area that is subject to the 100-year flood zone is along the San Joaquin River below the bluffs. There are additional areas in the vicinity of the Fresno International Airport, the SEDA Specific Plan Area in the vicinity of the Redbank Creek Dam, adjacent to SR-180 east of Clovis Avenue, and within an industrial area east of SR-99, south of California Avenue and north of Jensen Avenue. In addition, various detention basins are subject to the 100-year flood zone.

Project Site

According to the FIRMs that include SEDA, a majority of the SEDA Specific Plan Area is outside the 100-year flood zones; most areas are located within Zone X (unshaded) (outside the 500-year floodplain with minimal risk of flooding) as shown in Exhibit 3.10-1.

[32] Federal Emergency Management Agency (FEMA). 2021. National Flood Hazard Layer. Website: https://www.fema.gov/flood-maps/national-flood-hazard-layer. Accessed June 13, 2022.

Metropolitan

Fresno ~~Municipal~~ Flood Control District Post-Development Standards Technical Manual

The FMFCD published a Post-Development Standards Technical Manual[37] in 2014 to provide development and redevelopment standards to address stormwater quality requirements for projects in areas that do not drain to the Regional Stormwater Management Basin System. Per the manual, five drainage areas in the FMFCD service area do not drain into a stormwater management basin and two areas outside the service area do not drain into a regional stormwater management basin. These post-development requirements were developed to comply with the MS4 Permit maintained for stormwater and non-stormwater discharges from MS4 to waters of the United States. The manual provides guidance and recommendations for implementing stormwater quality BMPs with the intention of improving water quality and mitigating potential water quality impacts from stormwater and non-stormwater discharges.

Metropolitan

Fresno ~~Municipal~~ Flood Control District Standard Plans and Specifications

The FMFCD maintains a set of standard specifications and plans intended to serve as requirements for FMFCD improvements and projects. The specifications and plans are maintained and published by FMFCD for use by designers and contractors.

3.10.4 - Methodology

The potential project-related impacts related to hydrology and water quality were evaluated on a qualitative basis due to the programmatic nature of this Draft PEIR. Qualitative impacts were assessed by evaluating the project's potential for impacting hydrology and water quality within the Plan Area based on information regarding the current service commitments and capacities of public service providers within the Plan Area.

Technical studies were developed to analyze the impacts of development under the proposed Specific Plan versus the approved General Plan; the Storm Drain and Water Technical Studies are applicable to this section. General Plan land use classifications and Specific Plan land use classifications were provided by the City of Fresno Planning and Development Department in the form of Geographic Information System (GIS) and Shape files. GIS and Shape files were also obtained from the City of Fresno Department of Public Utilities for the existing facilities in Fresno, including the Plan Area.

The Water Technical Study (Appendix F) focused on the analysis of water demand in the Plan Area and how it may change based on Specific Plan development. For the General Plan land use case, the technical memorandum prepared by West Yost Associates for the City of Fresno General Plan Update Master EIR[38] was used in obtaining projected water demand data for SEDA. For the Specific Plan analysis, the water demand factors used were prepared by Akel Engineering as part of the Metro Plan Update.[39] The GIS files for the General and Specific Plan land uses were used to determine the total areas of each land use classification. The water demand factors were then used with the area of the corresponding land use classification to determine a total water demand for the Plan Area based

[37] Fresno Metropolitan Flood Control District (FMFCD). Post-Development Standards Technical Manual. June 2014.
[38] West Yost Associates. Hydraulic Evaluation of the Proposed 2035 General Plan Land Use Update for the Master Environmental Impact Report. Table 2. Water Demand Comparison for General Land Use Plan Land Changes. January 21, 2013.
[39] Akel Engineering Group Inc. Water and Wastewater Unit Factor Update for Metropolitan Water Resources Management Plan Update. October 2020.

waters or groundwater. Additionally, construction materials such as fuels, solvents, and paints may result in contamination of stormwater and present a risk to surface water quality.

New projects that are 1 acre or larger in size will be required to comply with the General Construction Permit, Order No. 2012-0006-DWQ, issued by the State Water Board, and will need to develop and implement a SWPPP to estimate sediment risk from construction activities to receiving waters, and specify BMPs that would be used by the project to minimize pollution of stormwater.

Future development would be required to prepare, implement, and be consistent with the Construction General Permit, including the SWPPP and BMPs, which would reduce project construction impacts on water quality to less than significant. Therefore, construction impacts associated with water quality standards and WDRs would be less than significant.

Operation

The Plan Area will eventually be under the jurisdiction of the FMFCD for stormwater and flood control management. (Portions of the Plan Area are currently within FMFCD boundaries, with the rest actively being developed and annexed.) Stormwater runoff is collected by FMFCD facilities and will typically end up in retention basins. These basins will sometimes be forced to discharge water to surface waters during periods of heavy or consistent rain. These discharges may increase the concentration of sediment and pollution found in stormwater.

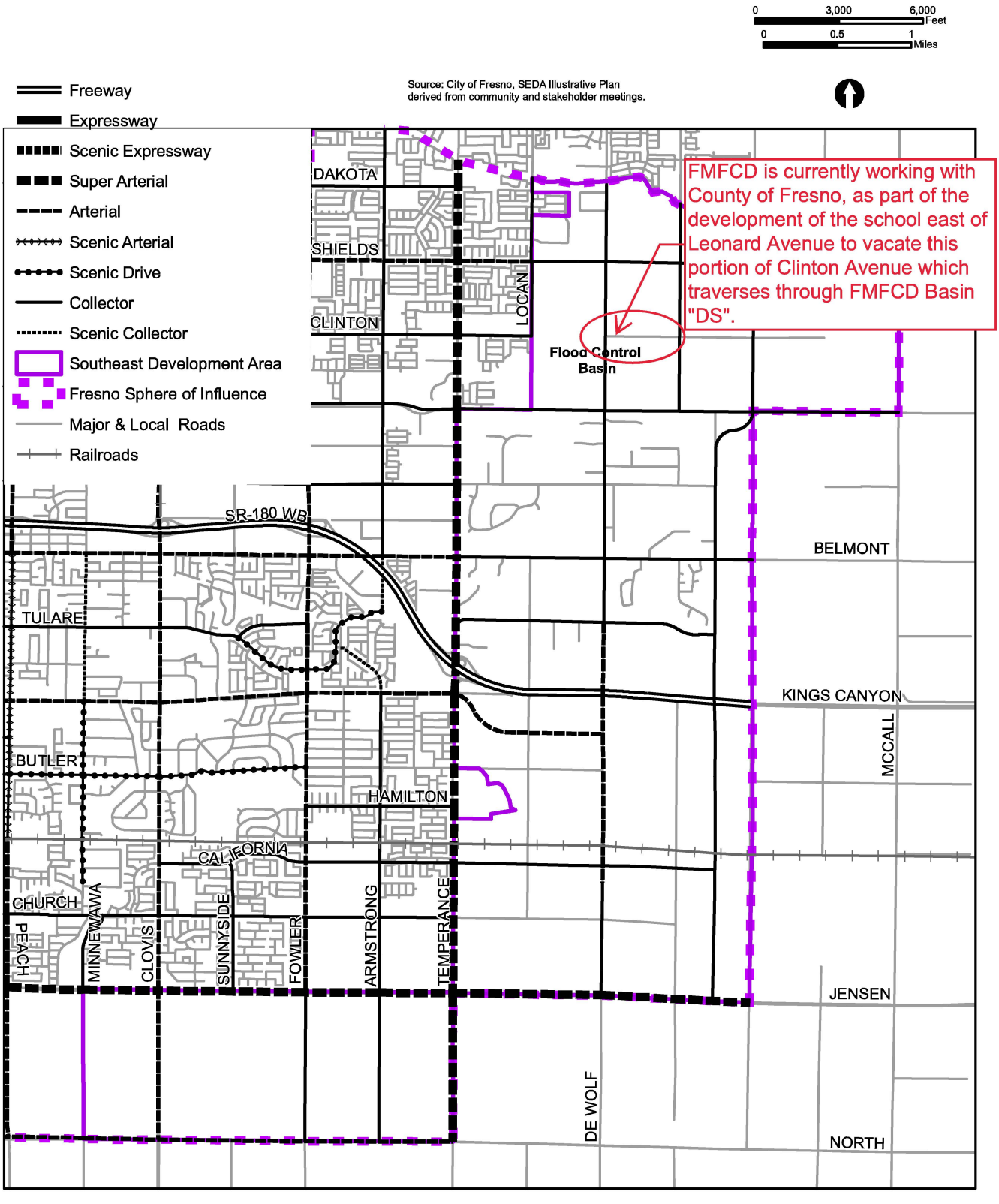
Typically, stormwater runoff from urban development contains an array of constituents, such as automotive fluids (e.g., fuels, oils, antifreeze), combustion and exhaust byproducts (e.g., lead, cadmium, nickel), sediments, fertilizers, pesticides, herbicides, and nutrients and bacteria pollutants from domestic and agricultural animal waste. These constituents are expelled into the environment throughout the year, where they settle onto the ground surface. During the wet season, stormwater runoff conveys these pollutants downstream, resulting in polluted stormwater runoff, especially during the first storm events of the season.

Water quality treatment for post-construction discharges to stormwater in the FMFCD urban flood control system area is provided by retention basins. Development in the FMFCD Master Plan area is exempt from further water quality requirements as long as the FMFCD's Storm Water Quality Management Plan is implemented. Storm drainage improvements are funded by local drainage fees paid by developments and constructed by either FMFCD, developers, or both. Basins are effective at reducing average concentrations of a broad range of contaminants via filtration through soil and are built to design criteria exceeding Statewide Standard Urban Stormwater Mitigation Plan standards. There are seven existing basins contributing to stormwater collection for the Plan Area and six proposed basins within the Plan Area. FMFCD basins are designed for a capacity of ~~a 2-year storm and for at least~~ not less than 60 percent of average ~~rainfall~~ annual runoff.

The City is a co-permittee with the FMFCD, the County of Fresno, the City of Clovis, and California State University Fresno in the Phase 1 NPDES Permit for Stormwater Discharges from MS4s. This Phase 1 MS4 Permit requires that the City and its co-permittees implement water quality and watershed protection measures for all development projects. The WDRs contained in the NPDES Permit have been designed to be consistent with the water quality standards and goals established

PROPOSED MAJOR STREET CIRCULATION

Southeast Development Area



Source: City of Fresno

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Exhibit 3-17.1
Proposed Major Street Circulation Network

rural streams management, local stormwater drainage, stormwater quality management, water conservation, recreation, and related wildlife management. The FMFCD coordinates with cities and the County of Fresno via a framework provided in the Storm Drainage and Flood Control Master Plan (Storm Drain Master Plan), which is prepared by the FMFCD as a specific element within the general plan of each agency. The Storm Drain Master Plan identifies urban and rural drainage area boundaries, computes runoff flows based on planned land use, identifies facility size and location, establishes street grades necessary to accomplish drainage of the runoff from the point of origin to the nearest collector facility, and identifies natural channels requiring preservation.

Stormwater collection in the City is typically completed via FMFCD facilities. It begins with street gutters that collect and convey stormwater runoff to storm drain inlets. The runoff is collected in these inlets and delivered to FMFCD's pipe networks, pump stations, and infiltration basins for groundwater recharge. Most runoff is discharged into recharge basins, but during heavy rainfall events, excess runoff overflows into a system of relief channels and canals that discharge to the San Joaquin River, its tributary streams, local agricultural canals, and FID facilities.

The Storm Drain Master Plan divides FMFCD's service area into many local drainage areas of one to two square miles throughout the City. All inlets, pipes, and pump stations within each drainage area are maintained by the FMFCD. The gutters, along with public streets and sidewalks, are maintained by the City's Street Maintenance Division. It is assumed that ~~thi~~ not less than nt will remain in place for the foreseeable future. The FMFCD's Storm Drain Master Plan includes 164 adopted or proposed drainage areas, with all but five areas served by a retention or detention facility. FMFCD basins have been sized for capacities ~~of two-year storms and for at least~~ 60 percent of average ~~rainfall;~~[45] FMFCD allows a 20 percent change in volume before basins need to be resized or relocated.[46] Retention basins are designed to provide storage for up to 6 inches of rainfall on the drainage are annual runoff l runoff to rainfall ratios used for urban drainage design.

FMFCD pipes range in size from 15 to 108 inches, and basins range in size from 5 to 25 acres. The drainage areas are delineated along topographic boundaries and are limited in size from 200 to 600 acres. This size limitation helps reduce the size requirements of the collection and disposal facilities.

FMFCD utilizes three means to implement drain from the Federal and State governments ropolitan Area. One method is the use of ~~Community Block~~ Grants and low interest infrastructure loans from the State of California to construct drainage facilities in the older, previously developed areas of the City. A second method is to form assessment districts under the provisions of the 1915 Bond Act; assessment districts were formed based on drainage area boundaries, the parcels within the assessment districts were assessed a proportional share of the cost of the collection and disposal system, and the drainage system for the drainage area was constructed. The third and currently employed method is to collect drainage fees from parcels as they develop based on their prorated share of the cost of the drainage area collection and disposal systems. The implementing ordinance for the drainage fee structure is adopted by the City, and the drainage fees are collected by the City when entitlements are granted or building permits are issued.

[45] Fresno Metropolitan Flood Control District. 2016. District Services Plan.
[46] Placeworks. 2017. Southwest Fresno Specific Plan Environmental Impact Report. August.

FMFCD is also a primary participant in groundwater recharge for the City. Unlined retention basins provide recharge of both stormwater runoff and imported water from the San Joaquin River and Kings River. Through a cooperative agreement, the City uses FID canals to deliver allocated water from the San Joaquin and Kings Rivers to these basins for groundwater recharge.

Flood Control

FMFCD provides flood control measures on major creeks and waterways that drain to the City; these waterways include Big Dry Creek, Alluvial Drain, Pup Creek, Dog Creek, Redbank Creek, Mud Creek, and Fancher Creek. The flood control measures maintained are designed for the 0.5 percent exceedance interval (i.e., 200-year-return frequency) flood flow event, which include a series of dams and detention basins. These include the Big Dry Creek Dam, Fancher Creek Dam, Redbank Dam, Friant Dam, Alluvial Drainage Detention Basin, Pup Creek Detention Basin, Redbank Creek Detention Basin, Fancher Creek Detention Basin, and Big Dry Creek Detention Basin.

Project Site

In accordance with the Storm Drain Master Plan and other planning documents, the FMFCD is developing improvements for the Specific Plan Area for storm drain facilities. The Specific Plan Area encompasses all or part of the following existing drainage areas: BG, BL, BM, BS, CS, DS and, DV. Proposed drainage areas for SEDA include DT, DU, DW, DX, DY, and DZ. Most of the existing drainage areas include existing storm drain collection facilities, while the proposed drainage areas generally have no existing storm drain facilities. Areas DS and DV are the exceptions in that they are existing drainage areas with basins but have not yet been built out to Master Plan conditions.

FMFCD improvements include storm drain inlets and piping, which are being analyzed and developed in conjunction with the proposed land uses within the Plan Area. Those portions of the Plan Area encompassed in existing drainage areas include master planned utilities designed by FMFCD.

There are seven existing basins contributing to stormwater collection for the Plan Area, and six proposed basins within the Plan Area. There are also two existing basins outside of the Plan Area that are not part of existing drainage areas, including the Redb er Creek Basin, that may contribute to additional drainage capacity; however, these two basins were not considered in the analyses completed as part of the Storm Drain Technical Study (Appendix I). FMFCD basins are designed for a capacity of ~~a 2-year storm and for at least~~ not less than 60 percent of average ~~rainfall.~~ annual runoff. Per the FMFCD, the proposed drainage areas for SEDA have not been adopted yet and the basin locations have not been finalized; those presented here have been placed by FMFCD staff.[47] The Specific Plan must be analyzed and evaluated for impacts on the aggregate area and each planne

An area's runoff rate and volume are heavily affected by the amount of impervious surfaces within the area. Imperviousness is directly related to the type of land use and can either positively or negatively affect an area's drainage capabilities with a change in impervious surfaces. A common characteristic that can define an area's imperviousness, i.e., its ability to handle drainage during

[47] Wade, Denise. FMFCD Master Plan Special Projects Manager, FMFCD. Personal communication: email. February 22, 2022.

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September 4, 2023

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With a copy to
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Planning and Development Department
c/o Sophia Pagoulatos, Planning Manager
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SUBJECT: Draft Program Environmental Impact Report for the Proposed Southeast Development Area Specific Plan Project (State Clearinghouse No. 2022020486)

This comment letter is being submitted on behalf of our client, the County of Fresno (the "County") Department of Public Works and Planning regarding the City of Fresno's (the "City") Draft Environmental Impact Report ("DEIR") for the Southeast Development Area Specific Plan Project (the "Specific Plan"), which is intended to govern future development of the area commonly referred to as SEDA (the "Project"). Please ensure this letter and its referenced enclosures are included in the Record of Proceedings regarding the consideration of the Project by the City of Fresno (the "City").[1]

A. <u>The Specific Plan Fails to Address the Requirements of LAFCO Resolution USOI-144, and Thereby Omits Discussion of Important Policies Intended to Mitigate the Environmental Consequences of the Project</u>.

Preparation of the Specific Plan for SEDA development is a requirement of the Fresno County LAFCO approval that incorporated SEDA into the City Sphere of Influence, as set forth in LAFCO Resolution USOI-144, a copy of which is attached for convenience of reference. Therefore, the City needs to assure that the Specific Plan incorporates the details intended by Resolution USOI-144. Those elements require a master service delivery plan, and an implementation program for annexing open space areas and rural residential neighborhoods. These items were highlighted in Resolution USOI-144 because they involve significant environmental impacts of the intended development of SEDA. However, those requirements have not been adequately

[1] This letter is being submitted after the 45 day comment period based upon arrangements previously confirmed between the City and the County.

addressed in the Specific Plan. As a result, its companion DEIR fails to adequately evaluate how the Specific Plan's implementation will mitigate the environmental impacts that would be addressed by the intended requirements of Resolution USOI-144.

Resolution USOI-144 does not simply require that those intended programs apply to properties within the boundaries of SEDA. Resolution USOI-144 requires development of a program that addresses annexing rural residential neighborhoods within the City's existing sphere of influence in the vicinity of SEDA, as well as within SEDA. That program, as specified in the Resolution, must address "logical and reasonable development, discourage urban sprawl, preserve open-space and prime agricultural lands, and efficiently provide for government services and encourage orderly development."

Additionally, the intended rural residential neighborhood annexation program is required to "emphasize the retention of characteristics that make the neighborhoods desirable places to live, while making provision for appropriate improvement needed to incorporate characteristics into the urban landscape." These are not programs or policies that were to be deferred to some subsequent time, or to some subsequent SEDA Development Code amendments. Resolution USOI-144 specifically requires that they be reflected in the Specific Plan prepared by the City.

Resolution USOI-144 further requires adoption of policies that address the matters concerning lands subject to Williamson Act contracts. Such policies should address the City's intended approaches to any option the City may hold to terminate such contracts under Government Code section 51243.5, and the policy the City intends apply with respect to nonrenewal of such contracts under Government Code section 51246.

The Specific Plan, unfortunately, does not incorporate any such policies. In fact, it makes no reference to Williamson Act Contracts. The DEIR does make reference to Williamson Act contracts, but simply for the purpose of noting that the Specific Plan is not consistent with existing Williamson Act Contracts, and that it will result in significant impacts on those existing contracts. It further adopts no mitigation measures concerning this impact, and simply confirms this is a significant and unavoidable impact with no available mitigations. It therefore intends to adopt a statement of overriding considerations on such matters.

Regarding the requirements of Resolution USOI-144 that the SEDA Specific Plan incorporate a master service delivery plan, the proposed Plan simply asserts that a "pending SEDA Public Facilities Financing Plan", will address important elements of the Plan. It defers that financing plan, and thereby fails to satisfy the requirement of Resolution USOI-44 that these arrangements be incorporated into the Specific Plan. (See Specific Plan-Planning Context, Complete A Public Facilities Financing Plan, p.3; Policy RC-3.3, Water Recycling-Residential Landscaping and Small Farms and Community Farming, p.104; Policy RC-4.1, Minimizing Groundwater Extraction, p. 105; Policy RC-4.2, Replacement of Extracted Groundwater, p.105; Policy RC-4.3, Maximizing

Groundwater Recharge, p.105; Policy RC-6, Water Supply and Delivery, p. 107; Policy RC-6.1, Site Development-Level Water Supply and Delivery Systems, p. 107; Policy RC-6.3, Flood Control and Stormwater Management-Sub-Area or Development Proposal delivery, p. 108; Policy RC-6.4, Flood Control and Stormwater Management-Shared Resources and Infrastructure, p. 109). The plan to finance these public facilities, which are so important to addressing environmental impacts, were intended to be addressed in the Specific Plan. This has not been done. The DEIR simply notes that the Financing Plan will be a subsequent element of the Project, and assumes its components will adequately address the Specific Plan's requirements, including intended elements of intended environmental mitigations (See DEIR Policy RC-3.3, Small Farms and Community Farming, at p. 3.18-48).

Because the Specific Plan does not conform to the express requirements of Resolution USOI-144, which identified important environmental impacts of developing the SEDA lands, the DEIR violates the requirements of the California Environmental Quality Act ("CEQA") that the environmental consequences of a government decision on whether to approve a project will be considered before, not after, that decision is made. (*Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 190). It also violates the requirement that an EIR "should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." (CEQA Guidelines section 15151)

B. <u>The Project Lacks Sufficient Planning Details to Permit in an Adequate DEIR Analysis of Its Potential Environmental Impacts</u>.

A fundamental purpose of CEQA is to "inform the public and responsible officials of the environmental consequences of their decisions before they are made. (*Stanislaus Natural Heritage Project v. County of Stanislaus, supra*, 48 Cal.App.4th at 190). In addition, an EIR "should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." (CEQA Guidelines section 15151). It is true that the degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR. (CEQA Guidelines section 15146). In this instance, the project is a specific plan, and the City's Specific Plan fails to provide the information generally required for specific plans under Government Code section 65451.2 The DEIR therefore fails to satisfy CEA's

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[2] Because the City is a Charter City, the requirements of Government Code Section 65451 do not apply to it unless it has otherwise confirmed, by ordinance or resolution, an intention to comply with such provisions. (Government Code sections 65700 and 65803). However, in this instance the requirement of preparing the Specific Plan is an element of LAFCO Resolution USOI-144. By accepting the benefits of that Resolution, the City has committed to be bound by its requirements. Whether Resolution USOI-144 intended that the Specific Plan satisfy the minimum thresholds established in Government Code Section 65151 is a matter of interpretation for LAFCO to address. However, in addition to not satisfying the

requirements because the Project which it evaluates is too vague to permit sufficient environmental impact evaluation. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193, *Save Our Capitol! v. Department of General Services* (2023) 87 Cal.App.5th 655, 674).

Standard provisions of a specific plan should include details for the proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities needed to support the land uses described in the plan. (Government Code section 65451(a)(2)). In addition, a specific plan generally includes a program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the development of the land uses intended by the plan. (Government Code section 65451(a)(4)). However, the Specific Plan lacks sufficient detail concerning such matters. As noted above and below, the Specific Plan defers preparation of both its intended infrastructure financing plan, and its zoning standards, which will subsequently establish the intended development densities and other regulations for its land use designations.

Where, as here, a specific plan does not incorporate the information, in sufficient detail, generally required for such a plan, and instead defers such matters to future preparation, the CEQA document cannot meaningfully evaluate the environmental impacts of the intended project. An insufficiently detailed project cannot be adequately subjected to appropriate environmental review (*Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3d 818, 829). The DEIR thereby fails to satisfy its fundamental purpose of CEQA, to "inform the public and responsible officials of the environmental consequences of their decisions before they are made". (*Stanislaus Natural Heritage Project v. County of Stanislaus Court of Appeal, supra*, 48 Cal.App.4th at 190).

For example, the Specific Plan attempts to address the qualities of the size, density, composition and building character of its extensive complement of new Mixed-Use Districts, by requiring that they be consistent with new zone district standards to be adopted in the future, as part of a SEDA Development Code update. (Specific Plan, at Policy UF-2.2 Development Code Update, p. 27). Some density standards are described for some of the new land use categories. However, the Plan confirms that those density standards, and other aspects of the development standards and regulations, are to be set forth in the presently undefined Development Code update. That updated code will replace all previous zoning designations and will supersede the General Plan and all applicable Specific Plans, including the SEDA Specific Plan. (Specific Plan, page 39). The failure to incorporate meaningful details of those standards in the Specific Plan fails

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minimum statutory requirements of a specific plan, as noted in Section A, the Specific Plan also does not satisfy the express requirements of Resolution USOI-144, resulting in its failure to address important environmental consequences of the Specific Plan.

to address these important aspects of the Specific Plan's intended scope of development, and results in an inadequate CEQA evaluation of its environmental impacts.

Public Resources Code section 21155.4 provides that any future project consistent with an adopted specific plan, and which implements certain transit oriented development projects, may obtain exemptions from compliances with CEQA. Here, the Specific Plan lacks appropriate details. As a result, the CEQA evaluations are incomplete. Nevertheless, further CEQA compliances for future projects might not later occur. This adds additional importance to the need to assure that the Specific Plan is sufficiently detailed so its CEQA evaluations are conducted appropriately as part of its adoption.

C. The Project Is Inconsistent With Relevant Provisions of the City's General Plan - The Impacts of This Inconsistency Was Not Analyzed in the DEIR.

Government Code section 65454 mandates that a specific plan must be consistent with the relevant general plan. This provision of the State Planning and Zoning Law is applicable to Charter cities. (Government Code section 65700). In addition, CEQA requires that any inconsistency of a Project with relevant land use policies should be evaluated as a potentially significant impact. (Guidelines, appen. G, section XI, subd. (b).

The Specific Plan intends to assure its consistency with the General Plan by the City later adopting amendments to the General Plan to incorporate its new land use designations. While that is not unusual, what is unusual is that the zoning standards applicable to the implementation of the new land use designations are also being deferred until sometime into the future. As a result, the environmental impacts of the new Specific Plan's land use designations cannot be meaningfully evaluated unless and until those zoning standards are available for public review and comment.

In addition, the City of Fresno General Plan, at Section 1.3 (Development Under the Plan – Dwellings, Population, and Jobs) confirms that the Specific Plan for SEDA is required to include a "comprehensive provision of public infrastructure". However, the Specific Plan does not contain the required comprehensive policies, programs or plans necessary for any comprehensive provision.

Instead, the Specific Plan states that its goal is simply "to set a clear vision for how Southeast Development Area will develop over time". (Specific Plan, page 16, at "Next Steps: Setting the Stage for Implementation"). The Specific Plan's required program for comprehensive provision of public infrastructure is instead deferred by proposing that the City Council will, at some subsequent time, "direct which financing options to pursue", and will then complete a Public Facilities Financing Plan. (Specific Plan, page 17, at "Complete a Public Facilities Financing Plan").

The Specific Plan, while it intends to identify major infrastructure requirements, fails to include the comprehensive provision of public infrastructure required by the

terms of the General Plan. Because the Specific plan does not satisfy these requirements of the General Plan, it is inconsistent with the General Plan. The DEIR, at Table 3.11-1 lists what it perceives to be a Consistency Determination of the various policies of the Specific Plan with the General Plan. However, that listing fails to reference Section 1.3 of the General Plan. The DEIR therefore fails to identify the impacts of this inconsistency with the General Plan. As a result, it violates the requirements of CEQA that an EIR evaluate the impacts of any inconsistency in the Project and land use policies of the lead agency.

In addition, the General Plan, in its commentary under Implementing Policy UF-13.a, confirms that a Specific Plan is intended to further define the requirements and regulations of the General Plan "to coordinate more discreet land use and transportation design integration and intensity with necessary public facilities, maintenance, and services financing" for the relevant development area. Though the Specific Plan does identify some major infrastructure requirements, it does not indicate how such infrastructure is designed to integrate with the intensity of the intended development, because important facets of that density is deferred to a future SEDA Development Code update.

For example, table 2.1 of the Specific Plan identifies types of streets that will be included in various land use districts. However, there is no discussion about how the delineation of those transportation facilities is intended to accommodate the development and uses reflected in the Specific Plan.

The DEIR takes the limited information included in the Specific Plan and makes the conclusion that the Project will be consistent with the General Plan policy that calls for planning and design of roadway systems to meet LOS D on major roadways. The sole assurance of this is the statement that "Roadway improvements to increase capacity and maintain LOS standards would be planned and programmed based on the total overall needs of the roadway system, recognizing the priority of maintenance, rehabilitation, and operation of the existing road system." (DEIR at p. 3.17-30). However, the actual impact on existing roadways is nowhere detailed in either the Specific Plan or its DEIR. This is presumably because, without any understanding of the density of developments in the land use designations, the projected traffic demands on specific roadways cannot be fairly estimated. As a result, the queuing analysis for impacts on the State High system interchanges, requested by Caltrans in its Comment Letter dated August 25, 2023, was not prepared.

The intended density of development that the public facilities will be required to support is not included in the Specific Plan. Those important elements of a legally compliant specific plan are simply deferred to a future adoption of a SEDA Development code update. As a result, the DEIR fails to evaluate the environmental impacts of the Project.

D. The Specific Plan Intends for an Undefined SEDA Specific Plan Development Code to Supersede Its Development Standards (Including Relevant Density Standards) - the DEIR's Analysis of the Environmental Impacts of These Unknown Development Standards Is Therefore Inadequate.

The Specific Plan intends to defer the designation and adoption of density and land use standards until adoption of the SEDA Specific Plan Development Code. (Specific Plan, page 39). This is not simply the deferral of refinements to the Specific Plan's intended policies. These undefined Development Code updates are instead intended to have such importance to the intended development area that they will replace all previous zoning designations and will supersede the General Plan and all applicable Specific Plans, including the SEDA Specific Plan. (Specific Plan, page 39). Where, as here, the most consequential elements the Specific Plan's standards of development are not disclosed to the public or other agencies, no meaningful environmental evaluation of its environmental impacts can be sufficiently conducted.

These deferred Specific Plan elements are not simply limited to the intended density standards of the proposed land use designations. As an example, Section 2.3.2 of the DEIR discusses locations of open space and institutional features intended by the Specific Plan. However, it states that those locations, as well as roadway configurations and transit alignments, are more closely specified in an Infrastructure Plan. That Infrastructure Plan referenced in the DEIR is nowhere identified or disclosed in the Specific Plan (or otherwise in the DEIR).

Deferral of fully binding density standards for the Specific Plan's land uses, and intended location of key public facilities, significantly diminishes the ability of the DEIR to evaluate the project's environmental impacts. This causes the DEIR to fail its obligation to provide information to the public and the elected officials as to the Specific Plan's potential environmental impacts.

E. The Specific Plan Abolishes the "Permanent Buffer" Along Its Eastern Border Intended to Separate and Preserve Long-Term Agricultural Uses Outside Its Borders – the Consequences of Which Are Nowhere Disclosed in the DEIR.

An important public policy goal for the Specific Plan is to minimize its impacts on various classes of agricultural lands. (See LAFCO Resolution USOI-144, Section 8-3). In furtherance of this goal, the Specific Plan states that the Plan will create an agricultural buffer between developed areas of SEDA and the agricultural lands to its east. (Specific Plan, p. 60).

However, the existing land uses allocated to SEDA in the General Plan already establishes a buffer. The General Plan states that this is to be a permanent buffer area, designed to separate and preserve long-term agriculture outside of the eastern SOI boundary from urban uses inside the SOI Boundary. (General Plan, p.3-25). Table 15-802 of the City Development Code sets forth the limited uses that can be conducted

within that Buffer zone, with manufactured housing, and secondary units, being the sole housing type permitted.

The Specific Plan proposes to abolish this existing adopted Buffer zone in the SEDA area. It instead intends to allow Rural Cluster Residential uses in the area of lands previously designated with the Buffer Zone. The DEIR states that this Rural Cluster Residential uses will serve as a transitional buffer, and states that this area will provide average gross density of 0.1 to 0.5 units per acre.[3] This change in the uses permitted in the Buffer can be seen by comparing Map 2.4, SEDA General Plan Land Use (Existing), with Map 2.5, SEDA Proposed Land Use Map, at pages 21 and 22 of the Specific Plan.

The Specific Plan therefore relaxes the existing restrictions that the General Plan established for development within the existing Buffer Zone, and diminishes from permanent to transitional status. The Specific Plan instead intends to allow a greater extent of housing, and potentially other uses. However, this change in the existing Buffer zone is nowhere discussed in the DEIR, and the impacts of allowing greater development within those areas is therefore nowhere analyzed in the DEIR. This is a significant change to an existing land use designation that was previously adopted to help diminish in conversion of farmland to nonagricultural uses.

The DEIR asserts that no feasible mitigation measures to address this impact are available. However, the proposed Specific Plan's change in the General Plan's Buffer zone exacerbates the impact. One feasible mitigation measure would therefore be the retention of the General Plan's established Buffer zone. Where, as here, the DEIR is intending to amend a prior mitigation measure of the existing General Plan, the DEIR must discuss the reasons that justify any change to the Buffer zone, and the potential consequences of allowing new Rural Cluster Residential uses within its environs. That discussion is particularly important where the DEIR otherwise determines this impact is significant, and unavoidable. The DEIR should be updated to include this discussion, and should then be recirculated.

F. Rather Than Rely Upon the Undefined Standards of Mitigation Measure MM Ag-2, the City Should Defer Adoption of the Specific Plan Until It Adopts the Farmland Preservation Program Intended by General Plan Policy Rc-9-C.

The DEIR, at p. 3.2-17, details the intention of the General Plan Policy RC-9-b to implement a Farmland Preservation Program. It seeks to assure that such a program, when adopted, will ensure mitigation of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. Until the program is adopted, the DEIR intends to implement, through MM AG-2, an ad hoc mitigation program whose standards are entirely undefined.

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[3] As noted above, the Specific Plan provides that the densities stated in the Plan can be overridden by whatever standards are set forth in the yet to be developed SEDA Development Code.

The City adopted General Plan Policy RC-9-b nearly a decade ago, on December 18, 2014. It has had much time to prepare an appropriate program that addresses the intentions of that mitigation standard. Continuing in place an arrangement for ad hoc mitigations, based upon undefined standards, is not an acceptable alternative to a defined and adopted uniform program and policy that General Plan Policy RC-9-b intended. (See *Center for Sierra Nevada Conservation v. County of El Dorada* (2012) 202 Cal.App.4th 1156). This is particularly true given the amount of time that has been available to adopt such a program.

Rather than adopting MM AG-2 as a new mitigation measure, the City should defer finalizing this Specific Plan until after the program intended by General Plan Policy RC-9-b is fully adopted. Only then can both the agricultural community and the development community understand the requirements for development within the Plan where relevant farmland is being impacted. MM AG-2, standing alone, has insufficient performance standards to satisfy appropriate standards for deferred mitigation. It includes no mitigation ratio, does not address potentially appropriate exemptions and exclusions, or the locations of lands covered by conservation easements. It thereby leaves too many aspects of the arrangement too ill defined to fully assess its efficacy.

The fact that the impacts on relevant farmlands are identified as an unavoidable and mitigatable significant impact does not allow the DEIR to fail to adopt feasible mitigation measures. The adoption of General Plan Policy RC-9-b intended to allow appropriate deliberation of a comprehensive program to address such impacts. That program should be adopted before annexations within SEDA begin and before the Specific Plan is adopted.

G. <u>The Specific Plan and Its DEIR Should Address Phasing Policies and Assure That Lands in the City's Sphere Adjacent to, but Outside SEDA, Are Prioritized For Development Before SEDA Lands</u>.

The Specific Plan's implementation objectives provides that development of SEDA is to occur in an organized and phased manner. (Specific Plan, p.12, DEIR p. 2-12). The DEIR also states that annexations will be "strategic and proactive to facilitate infrastructure development by the City." (DEIR at p. 2-3). An important value of a phasing plan is that it can help diminish the pressure on early conversion of farmlands and impacts on existing rural residential uses within the Specific Plan boundaries. It may also help extend the period before the development within the Specific Plan pressures conversion of farmlands outside the Specific Plan, or rural residential uses in proximity to the Specific Plan boundaries.

A phasing program is therefore a tool that can help achieve many of the objectives of the Specific Plan's requirements set forth in LAFCO Resolution USOI-144, Section 8-3, regarding the Project's impacts on existing rural residential neighborhoods. It is also an important tool to mitigate the impact on farmland conversions, which is

particularly important where, as here, the DEIR finds that such impacts cannot be mitigated and are otherwise a significant an unavoidable circumstance. Even where that circumstance exists, CEQA nevertheless requires that all feasible mitigation measures are adopted. Yet, in this instance the Phase plan, while promised, is not adopted and is therefore not available as a mitigation tool.

One easy phasing strategy we recommended is a policy of the City to help insure that the unincorporated lands west of Temperance Avenue within the City Sphere of Influence are timely annexed before annexation begins with SEDA. However, an even broader phasing strategy would provide a greater extent of mitigation on the premature conversion of farmlands and impacts of development on existing rural residential uses.

Unfortunately, the Specific Plan does not include any phasing strategies. The accompanying DEIR therefore does not assess all potential mitigations that can be provided by a thoughtful phasing program. Such a program might include advancing construction of relevant public facilities necessary to support development. It might also include milestones before lands in various phases can have development commence.

The Specific Plan should be updated to incorporate the phasing plan that would allow the DEIR to assess the extent to which a proposed phasing will help mitigate the impacts of the project on rural residential neighborhoods and the conversion of farmlands. Such an assessment should be included in a recirculated DEIR.

H. <u>The DEIR Does Not Assess the Adequacy of Existing City Ordinances to Support the Existing Rural Residential Neighborhoods Within the Plan</u>.

LAFCO Resolution USOI-144, Section 8-3, confirms that the Specific Plan is to, among other aspects, emphasize the retention of characteristics in rural residential neighborhoods within the Plan's environs after their annexation into the City. This policy concerns an important environmental impact of the Specific Plan.

The Plan and the DEIR simply state that the existing uses on those parcels will remain protected under the Annexation Overlay Ordinance approved in City of Fresno Bill 2008-10. (Specific Plan, p. 29, DEIR, p. 2-8). Unfortunately, the text of bill 2008-10 is not set forth in the Specific Plan or the DEIR, and it is not a document that is readily available for public review. However, the City's Development Code includes Section 15-1606, that establishes an Annexed Rural Residential Transitional (ANX) Overlay District, which was codified as part of the adoption of the City's most recent comprehensive update to its Development Code in Ordinance 2015-39, effective January 9, 2016. It is unclear whether the provisions in Municipal Code Section 15-1606 is what was intended to be referenced in the DEIR and Specific Plan, or whether other provisions were intended.

The Annexation Overlay Zone in Municipal Code Section 15-1606 does protect a range of existing uses. However, it allocates such uses and their structures to legal

nonconforming status. That status may create difficulties with lenders and buyers of property, and the imposition of those constraints are not consistent with protecting the maintenance of such rural residential uses. That legal nonconforming status will also hinder appropriate expansion of existing legal nonconforming structures that may be reasonable and desirable to maintain thriving rural residential neighborhoods.

In fact, LAFCO Resolution USOI-144, Section 8-3, intends that the Specific Plan's program for retention of rural residential neighborhoods in annexed lands would allow for appropriate improvements needed to incorporate their characteristics into the urban landscape. While the City's legal nonconforming regulations at Municipal Code sections 15-404 and 15-405 allow some expansion in single family residential structures, similar expansion of other ancillary structures is not permitted except with the attainment of subsequent entitlements. In addition, expansions of single-family residential structures requires that the improvements conform to the standards of the newly allocated Base District. (Municipal Code Section 15-405-E-1).

LAFCO Resolution USOI-144, Section 8-3 has emphasized the importance of a program for annexation that is intended to emphasize the retention of characteristics of rural residential neighborhoods that make them desirable places to live. The Specific Plan does not include such a program. Further, the DEIR does not evaluate the characteristics of the existing rural residential neighborhoods. Nor does it evaluate the adequacy of the provisions of Municipal Code Section 15-1606, and the associated noncomforming legal use standards of the City, to assess whether those annexed rural neighborhoods will be able to effectively maintain their qualities intended by LAFCO Resolution USOI-144.

The DEIR should be updated to include an assessment of the existing City ordinances that will govern existing residential neighborhoods within the Plan after annexation, and whether those standards adequately protect their retention. It should also recommend any refinements to the existing City Ordinances where necessary. That information should be included in an updated and recirculated DEIR.

I. <u>Elements of the DEIR's Mitigations of Water Supply Impacts Need Clarification</u>.

The Specific Plan, at p. 105, under Policy RC-4.2, states that the North Kings Groundwater Sustainability Plan was approved in 2019. The Plan approval was subject to subsequent review and approval by the Department of Water Resources, and that plan was conditionally approved by the Department of Water Resources in 2023.

More importantly, Policy RC-4.2 states that all groundwater drawn to serve development in the SEDA will be replaced "with at least an equal volume via infiltration, pumping or other means". However, both the Specific Plan and the DEIR fail to explain how groundwater is to be replaced by pumping, or what the other means are that it intends to reference.

Policy RC-4.2 also states that the necessary recharge may not necessarily occur the same year as withdrawals, but asserts that over time total recharge will match total withdrawals. While all of those goals and intentions are desirable, some maximum period of mismatch between withdrawal and recharge should be identified. Consideration of impacts to sustainable management criteria should also be considered.

The City is situated on top of a single unconfined aquifer. To offset groundwater pumping, recharge must occur within a reasonable distance that demonstrates effectiveness. We are not opposed to regional recharge provided the groundwater pumping does not cause widespread regional impacts. Recharge outside of the North Kings Groundwater Sustainability Agency would not be considered reasonable.

The DEIR includes, as an appendix, a Water Technical Study prepared by Blair, Church, and Flynn Consulting Engineers (the "Water Study"). The Water Study identifies surface water supplied from both the United States Bureau of Reclamation (USBR) and the Fresno Irrigation District (FID) through existing agreements for groundwater recharge and potable use after treatment. According to the Water Study, the most recent FID agreement signed in 2016 provided for a maximum of 29% of FID's Kings River water supply to be available to the City. It is unclear per the FID agreement whether the water supply was intended for use within the Specific Plan boundary. The FID agreement, specifically Section 13.(c), states that "City and District mutually agree that the increase in percentages reflected in this Section 13 include allowances for moderate growth in Growth Area 1 of City's Sphere of Influence as shown in Exhibit C (as depicted as Figure IM-2 of the Fresno General Plan)." The DEIR should be revised to clarify this issue.

Mitigation Measure HYD-2b requires that the City must, prior to exceeding existing water supply capacities, evaluate the water supply system and not approve development in the Specific Plan until additional capacity is provided through water system improvements in accordance with the City Metropolitan Water Resources Management Plan. We recommend that some threshold be adopted to confirm that there is a trigger, prior to the actual point of exceeding existing water supply capacity, when the evaluations will be performed, and when the improvements will be required.

The DEIR, at page 3.10-9, advises that the City is in the process of updating its Metropolitan Water Resources Management Plan (the "Metro Plan"). Mitigation Measure HYD-2d provides that new and expanded groundwater recharge facilities will be in accordance with that plan, and that those measures will be completed prior to new applications for future development in the Specific Plan. However, because the Metro Plan has not yet been updated, it is unclear how HYD-2d can be an effective mitigation measure when the standards that may be included in that Metro Plan update have not yet been determined. It is also unclear whether full construction of all intended recharge facilities within the Specific Plan, as identified by the Metro Plan, will be completed as part of the requirement that new and expanded recharge facilities will be completed prior to new applications for future development. This element of the Mitigation Measure

should be clarified. These requirements could also be better assured if the Specific Plan incorporated a phasing program that focused development of necessary public facilities on the areas intended for priority development.

J. County as a Responsible Agency.

Section 2.5.2 of the DEIR should be updated to identify Fresno County as a Responsible Agency. That is because the County will be required to issue encroachment permits for construction within the County's road right-of-way, coordinate Williamson Act Contract cancellations, and approve required property exchange agreement(s) associated with future annexations in SEDA.

K. Conclusion.

Based on the foregoing, we respectfully request that the City not consider the Project DEIR until after there have been appropriate updates to the Specific Plan and the DEIR, to address the matters detailed above.

Sincerely,
McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

Jeffrey M. Reid

cc: Bernard Jimenez, Planning & Resource Management Officer
Fresno County Department of Public Works and Planning

Enc. LAFCO Resolution USOI-144

RESOLUTION NO. USOI-144

FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA

REQUEST FOR REVISION TO THE CITY OF FRESNO SPHERE OF INFLUENCE	)))	ADOPTED FINDINGS AND APPROVED WITH CONDITIONS

WHEREAS, in order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the County and its communities, this Commission has the authority under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the "Act") to develop and determine the sphere of influence of each local governmental agency within the County and enact policies designed to promote the logical and orderly development of areas within the sphere (California Government Code Section 56425(a); and

WHEREAS, this Commission has the authority to establish spheres of influence, or to revise or amend adopted spheres of influence of local governmental agencies after a noticed public hearing called and held for that purpose (California Government Code Section 56427); and

WHEREAS, a proposal for a revision to a local government's adopted sphere of influence may be made by the adoption of a resolution of application by the legislative body of an affected local agency (California Government Code Section 56654(a); and

WHEREAS, the City Council of the City of Fresno, California, adopted a resolution of application (Resolution No. 2005-507) on the 6th day of December 2005, applying to the Fresno Local Agency Formation Commission (LAFCo) for consideration of an amendment (hereafter referred to as the "Proposal" or "proposed SOI revision") to the City's Sphere of Influence to include the "Southeast Growth Area", consisting of approximately 8,863 acres, as identified in the Fresno 2025 General Plan; and

WHEREAS, the City of Fresno filed a certified copy of said resolution of application with the Executive Officer pursuant to California Government Code Section 56756; and

WHEREAS, the affected territory is generally described as an area bounded on the north by the Gould Canal, to the east by McCall, Highland and Temperance Avenues, on the south by Jensen, and North Avenues, and on the west by the existing Fresno Sphere of Influence boundary along Minnewawa, Temperance, and Locan Avenues, as depicted in "Exhibit A" attached to this resolution and made a part hereof; and

WHEREAS, said resolution of application (Resolution No. 2005-507) stated that Article VI of the City / County Amended and Restated Memorandum of Understanding (hereafter referred to as the "MOU" or "tax sharing agreement") requires the City to meet various conditions before proceeding with development within the Southeast Growth Area; and

WHEREAS, said resolution of application states that the City has met all the conditions identified in Article VI of the MOU with the exception of the preparation and approval of the Southeast Industrial Growth Area Business Park Specific Plan and attainment of the 60% residential development build-out in selected Community Plan Areas, and that provided the SOI amendment is approved, the City will move forward with the preparation and adoption of various Community and Specific Plans; and

WHEREAS, at its March 16, 2005 hearing the Local Agency Formation Commission requested more detailed environmental analysis, especially with respect to issues related to the preservation of agricultural lands; and

WHEREAS, in response to the request for more detailed environmental information, the City caused to be prepared a more detailed initial study to support a new Environmental Assessment (No. SOI-05-01, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR 10130) dated September 29, 2005); and

WHEREAS, the City Council reviewed the more detailed environmental information and found that the information supports and reaffirms the original finding and made a new finding based on the new information that there is no substantial evidence in the record that the "Southeast Growth Area SOI Amendment" may have an adverse impact on the environment; and

WHEREAS, as commended by Section 56425 (b) of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the City of Fresno presented the proposal to the Fresno County Board of Supervisors and requested them to support and concur with the City's request; and

WHEREAS, at its January 31, 2006 hearing, by a vote of three to two, the Board of Supervisors approved its support of a resolution of reapplication to LAFCo for an amendment to the City's SOI to include the Southeast Growth Area; and

WHEREAS, pursuant to Section 56425 (b), when there is an agreement between the County and a city seeking an SOI amendment the Commission shall give great weight to the agreement in its final determination of the city's SOI; and

WHEREAS, said application for an SOI revision was deemed complete and accepted for filing by the Interim Executive Officer and a Certificate of Filing was issued pursuant to California Government Code Sections 56651 and 56658(g), and accordingly Commission proceedings were deemed initiated; and

WHEREAS, the Executive Officer set this matter for hearing on April, 12, 2006, at the hour of 1:30 p.m., and caused notice of said hearing to be published in accordance with California Government Code Section 56153 in a newspaper of general circulation which is circulated within the territory affected by the sphere of influence proposed to be amended; and

WHEREAS, pursuant to Government Code Section 56665 the Executive Officer reviewed said application and all supporting materials and prepared a report to this Commission, including a recommendation for approval with specified conditions, said report having been mailed to the Commission, the officers or persons designated in the application, each local agency whose boundaries or sphere of influence would be changed by the Proposal, and each affected local

agency that has filed a request for a report with the executive officer, at least five days before said hearing; and

WHEREAS, this Commission reviewed the Executive Officer's report and recommendation and all supporting materials, including Initial Study No. SOI-05-01, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR 10130) dated September 29, 2005, the Master Environmental Impact Report, and all other documents that were incorporated by reference into said report, pursuant to Government Code Section 56665(d), which report was duly considered by this Commission pursuant to State law; and

WHEREAS, said Proposal was considered by this Commission at said hearing on the 12th day of April, 2006, at which the Executive Officer presented staff's report and recommended approval of the Proposal with specified conditions, and testimony was presented in favor and against the Proposal; and

WHEREAS, this Commission considered all relevant factors and evidence and heard all affected agencies and interested parties wishing to speak on said application; and

WHEREAS, as Responsible Agency, this Commission independently reviewed and considered the information in the Draft and Final MEIR for the Fresno 2025 General Plan and the City's subsequent "Environmental Assessment / Initial Study" and the City's "Finding of Conformity" issued pursuant to Section 21157.1 of the California Public Resources Code (California Environmental Quality Act "CEQA") prior to taking its action, and determined that the City's finding is appropriate, pursuant to State law, and that the Proposal is consistent with these documents and that these documents are sufficient on which to make a determination on the proposed sphere of influence revision.

NOW, THEREFORE, BE IT RESOLVED that the Fresno Local Agency Formation Commission does HEREBY STATE, FIND, RESOLVE, DETERMINE, AND ORDER as follows:

SECTION #1 – This Commission hereby adopts the findings required by the California Environmental Quality Act (CEQA) listed below:

1. Acting as a Responsible Agency under CEQA Guidelines, the Final Master Environmental Impact Report prepared for the 2025 Fresno General Plan by the Lead Agency, the City of Fresno, has been prepared in accordance with the requirements of CEQA Guidelines (Public Resources Code, Section 21000 *et seq.*) and the Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines – California Code of Regulations, Title 14, Section 15000 *et seq.*).

2. This Commission considered the information in the Final Master Environmental Impact Report and the Initial Study upon which the Lead Agency determined said project to be within the scope of the "Master Environmental Impact Report (MEIR) No. 10130" prepared and certified for the 2025 Fresno General Plan, prior to making a determination about the Proposal, together with any and all comments received during the public review process pursuant to the California Environmental Quality Act (CEQA), and finds on the basis of the whole public record before the Commission, including the Final Master Environmental Impact Report and the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment, and that the Lead Agency's determination pursuant to Section 21151.1 of the California Public Resources

Code (California Environmental Quality Act "CEQA") reflects the Lead Agency's independent judgment and analysis pursuant to CEQA Section 15074, *et seq.* (Public Resources Code Sections 21083 and 21087).

3. Acting as Responsible Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, the Commission hereby finds that the Lead Agency's determination is appropriate, pursuant to Section 21151.1 of the California Public Resources Code (California Environmental Quality Act "CEQA"), and finds that that Final Master Environmental Impact Report and the subsequent Initial Study are sufficient on which to make a determination on the proposed change of organization.

SECTION #2 – This Commission hereby finds that the proposed change of organization is consistent with LAFCo Policies, Standards and Procedures Section 330, "Sphere of Influence Updates and Revisions," and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

SECTION #3 – This Commission hereby finds that the April 12, 2006 public hearing and consideration of the proposed SOI revision were legally noticed pursuant to California Government Code sections 56427 and 56153, and that all notices related to this matter were duly given in accordance with State law, including, but not limited to, the Act and CEQA Guidelines and governing laws.

SECTION #4 – This Commission finds that, pursuant to California Government Code section 56426.5(b)(1)(2) the proposed SOI revision will facilitate planned, orderly, and efficient patterns of land use and provision of services. The public interest in the change of organization substantially outweighs the public interest in the continuation of existing Williamson Act Contracts in the affected territory beyond the current expiration date of said Contracts. Additionally, the change of organization is not likely to adversely affect the continuation of said Contracts beyond their current expiration date. In making this determination, the Commission considered all relevant factors pursuant to California Government Code section 56426.5(b)(2)(A-C).

SECTION #5 - This Commission Determines that the MUNICIPAL SERVICE REVIEW AND SERVICES PLAN dated December 2005 prepared by the City of Fresno conforms to the requirements of Section 56430 of the California Government Code, and hereby adopts the proposed Written Determinations contained therein with the following addition:

Government Structure Options (Page 61) – Add: *4. As the provider of a full range of urban services the City is the logical agency to provide these services in the subject area.*

SECTION #6 – This Commission hereby makes the following determinations pursuant to Government Code Section 56425(e):

1. The proposed Sphere of Influence expansion will accommodate anticipated growth needs of the City of Fresno in the affected area, and, with certain recommended conditions for future annexations therein, will provide for all existing and planned uses.

2. The present and probable needs for public facilities and services in the area will be provided for as identified in the MUNICIPAL SERVICE REVIEW AND SERVICES PLAN

prepared by the City of Fresno. The need for additional facilities will be identified and addressed during the preparation and adoption of the Community or Specific plan for the Southeast Growth Area as required in conditions 1 and 2 of Section 8, below.

3. The present capacity of public facilities and adequacy of public services that the City provides or is authorized to provide have been adequately identified in the MUNICIPAL SERVICE REVIEW AND SERVICES PLAN prepared by the City of Fresno, and additional facilities needs will be identified and addressed during the preparation and adoption of the Community or Specific Plan for the Southeast Growth Area as required in conditions 1 and 2 of Section 8, below.

4. No social or economic communities of interest have been identified in the subject area that are deemed relevant to the Commission.

SECTION #7 – This Commission hereby approves the proposed revision to the City of Fresno Sphere of Influence to include the "Southeast Growth Area" (approximately 8,863 acres) within the City's adopted sphere of influence (LAFCo File No. USOI -144), as depicted in Exhibit "A".

SECTION #8 – If and when the City submits an application for annexation for any affected parcels within the amended SOI, the City shall complete the following plans and programs prior to the Commission's approval of such an application:

1. Prepare and adopt a Community or Specific Plan for the Southeast Growth Area, including the preparation, public review, and certification of environmental documents and findings pursuant to CEQA. This plan shall include, but not be limited to, policies to address the requirements of Section 56426.5 of the California Government Code for lands subject to Williamson Act contracts.

2. Prepare and adopt a Master Service Delivery Plan for the Southeast Growth Area.

3. Prepare, adopt and begin to implement a program for annexing the designated open space areas in the approach corridor of the Fresno Air Terminal (areas designated with an "R" on the 2025 General Plan map), and for rural residential neighborhoods within the City's existing Sphere of Influence in the vicinity of the Southeast Growth Area. This program shall provide for logical and reasonable development, discourage urban sprawl, preserve open-space and prime agricultural lands, efficiently provide for government services, and encourage orderly development.

   The rural residential neighborhood annexation program should emphasize the retention of characteristics that make the neighborhoods desirable places to live, while making provisions for appropriate improvements needed to incorporate such characteristics into the urban landscape. The program should include an outreach effort demonstrating to residents that annexation into the City would provide for an enhanced living environment preferable to staying in an unincorporated enclave, surrounded or substantially surrounded by the City. This program shall also be applicable within the Southeast Growth Area, and shall be reflected in the Specific Plan prepared by the City as required by condition 1, above.

The annexation program for the designated Open Space areas in the Fresno Air Terminal approach corridor should be undertaken as a means to preserving open space lands that would otherwise not be proposed for annexation; thereby providing for the efficient extension of government services to areas beyond the approach corridor, and providing for orderly boundaries that will facilitate annexation of other properties proposed for urban development.

SECTION #9 - The Executive Officer is hereby authorized and directed to mail certified copies of this resolution as provided in Government Code Section 56882 and to file, as appropriate, in the office of the Fresno County Clerk all environmental documents, if any, pertaining to the approval of this Proposal, as required by state law.

* *

ADOPTED THIS 12th DAY OF APRIL, 2006, BY THE FOLLOWING VOTE:

AYES: Commissioners Lopez, Rodriguez, Fortune, Alternate County Commissioner Larson, and Waterston.

NOES: None

ABSENT: Anderson

STATE OF CALIFORNIA)
COUNTY OF FRESNO)

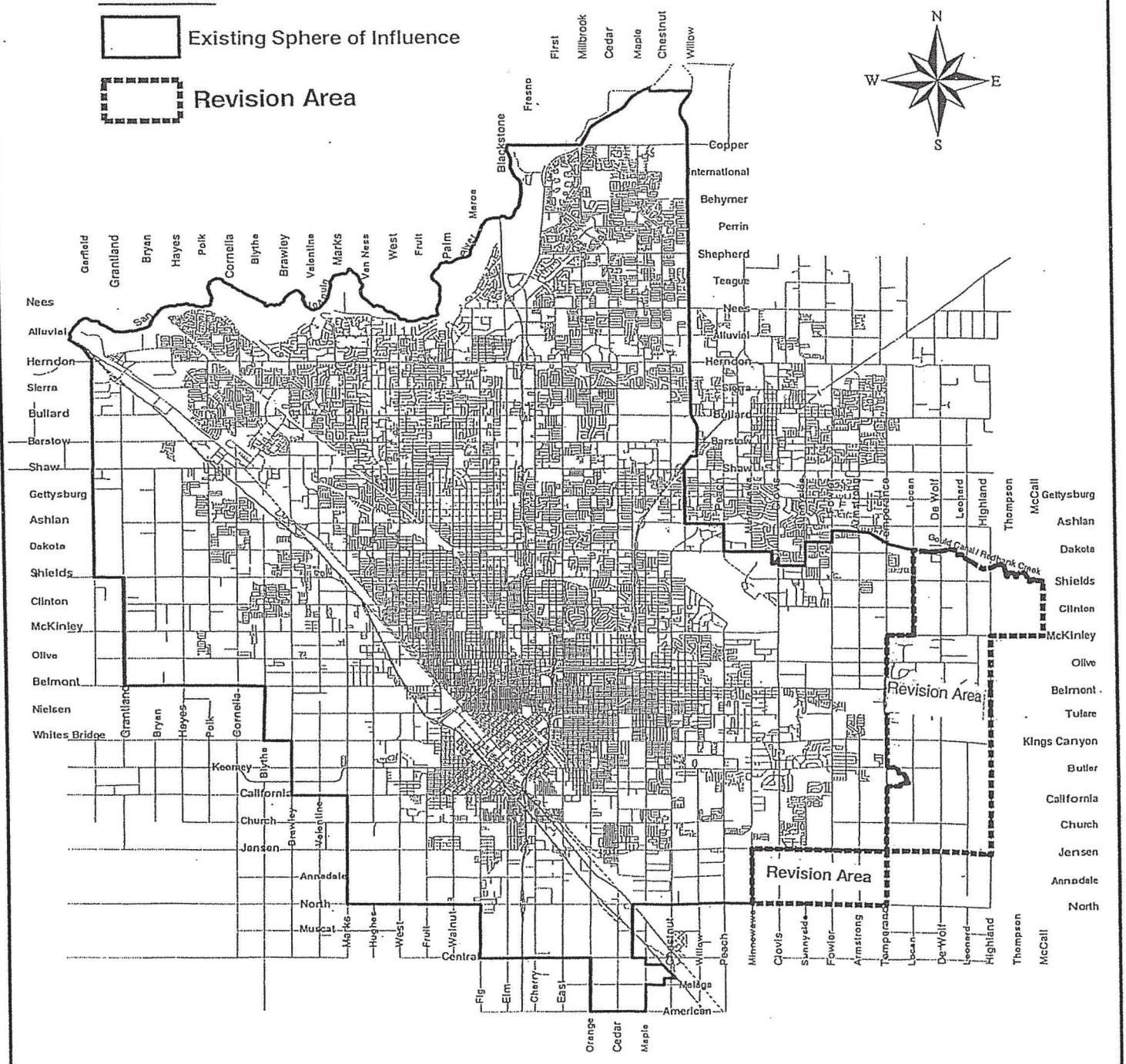
CERTIFICATION OF CHAIRMAN

I, Bob Waterston, Chairman of the Fresno Local Agency Formation Commission, Fresno County, State of California, certify that the foregoing resolution was adopted by the Commission at a regular meeting held on the 12th day of April, 2006.

Bob Waterston, Chairman
Fresno Local Agency Formation Commission

G:\LAFCO WORKING FILES\APRIL 12, 2006\RESOLUTION - FRESNO SOI.doc

EXHIBIT "A"
RESOLUTION NO. USOI-144



GRANVILLE HOMES

August 22, 2023

Ms. Georgeanne White
City Manager
City of Fresno
Georgeanne.White@fresno.gov

Subject: Concerns Regarding City of Fresno's Southeast Development Area Specific Plan

Dear Ms. White,

I am writing on behalf of Granville Homes to express our concerns about the City of Fresno's Specific Plan for the Southeast Development Area. While we support the City's commitment to responsible development, we believe that certain aspects of the plan require careful consideration to ensure a balanced and successful outcome. Below are several Specific Plan items that raise significant concerns for us.

Policy UF-8.1

Cul-de-Sacs

Policy UF-8.1 appears to largely disallow cul-de-sacs. Cul-de-sacs very often improve traffic flow, safety and community interaction. Adding restrictions with respect to the amount of lots located in cul-de-sacs will drive away many potential homebuyers and will also lower the integrity of neighborhoods.

Alleys

While alleyways may offer limited benefits, they also introduce challenges related to aesthetics, accessibility, and overall functionality within neighborhoods. Most importantly, alleyways will greatly reduce backyard space at a time when many homebuyers are demanding to have more backyard. Inclusion of alleyways will also diminish the variety of product available to homebuyers due to constraints on buildable area. We hope the resulting policy will encourage, but certainly not require, alley-loaded products in developments.

Gated Neighborhoods

We are opposed to the suggested elimination of fully-gated neighborhoods. Gated communities provide security and exclusivity, attracting homeowners seeking a certain level of privacy. The City will lose out on a significant number of potential homeowners by eliminating gated neighborhoods in such a large section of the City. With unrestricted pedestrian access, gated vehicular access would become little more than an annoyance, especially for seniors.

Block Length

We are also concerned about the proposed reduction in neighborhood block lengths to 500 feet. I disagree with the assumption that shorter block lengths necessarily increase walkability and pedestrian accessibility. Shorter block lengths will disrupt the organic flow of neighborhoods and can lead to frequent street crossings. While short block lengths may be ideal for a downtown district, that does not mean it would add the same value for residential development.

Policy OS-14.2 - *Infrastructure Requirements*

Policy OS-14.2's requirement for complete infrastructure installation before residential development will result in significant delays and challenges. While we understand the need for comprehensive infrastructure, a more flexible approach would allow for smoother construction progression. We believe procedures and safeguards are already in place to ensure timely completion of infrastructure improvements.

We believe that a collaborative effort involving developers, City officials, and community members will lead to a comprehensive plan that addresses these concerns while aligning with the City's vision. We are eager to engage in further discussions to find balanced solutions that benefit the development and the community.

Thank you for your time and consideration. We look forward to the opportunity to contribute positively to the Southeast Development Area's success.

Sincerely,

Darius Assemi
President
Granville Homes, Inc.

From:	service@grossmayer.net
To:	Adrienne Asadoorian
Cc:	Annalisa Perea; Mike Karbassi; Miguel Arias; Tyler Maxwell; Luis Chavez; Garry Bredefeld; Nelson Esparza; todd.stermer@freno.gov; district1@fresnocountyca.gov; district2@fresnocountyca.gov; salquinterro@frresnocountyca.gov; district3@fresnocountyca.gov; district5@fresnocountyca.gov; clerkbos@fresnocountyca.gov; aolivas@fresnocountyca.gov; Mayor
Subject:	Comment on the EIR Report of the SEDA (South East Development Area) Plan Comments
Date:	Monday, August 28, 2023 3:18:55 PM

External Email: Use caution with links and attachments

As a resident in the proposed **SEDA** area outlined for City annexation and development, I have many uncertainties and reservations regarding the initial plans as laid out in the recently released EIR report that precedes this planned residential/agricultural seizure.

1. **Groundwater Supplies**

The majority of residents of the defined 9,000+ acres have their own sufficient water access via personal pumps: both residential and agricultural
--The EIR suggests that it will not approve any development plans until additional water capacity is provided through "…improvements…" in accordance with the City. I need to know who is going to pay for these improvements, what they may entail, if present residents can maintain their current water access and if not, who will subsidize the ENTIRE costs of upgrading or changing to city requirements.

2. **Light, Glare, Noise, Fire**

Presently, the proposed areas enjoy a less blatant exposure to the negative city atmosphere of street lights that permeate homes, glare that obliterates the evening skies, and incredible noise from hundreds and hundreds of homes, vehicles and properties that inevitably create excessive incursion into others private properties that will create disputes, hostilities and eventually complaints to law enforcement. Increased police and fire requirements will be vital for any area expecting this huge increase of population. Regulations and laws will have to be strictly enforced or it may be "handled" by established residents who find their lifestyles invaded and violated.

3. **Agriculture requirements of crop fertilizers/pesticides/soil enhancements**

Will there be new restrictions on presently used *and accepted* crop airborne soil and crop solutions? Will there be controls/limitations tomorrow what is perfectly fine today?

4. **Large and small animal ownership**

Will there be new restrictions on the animals that many residents typically own but are not customary or approved to city residences, such as cows, sheep, goats, horses, chickens, pigs, etc.

5. Increase on present residential costs, such as sewer and water hook up? Agricultural pumps for water access? Any fencing changes for utility access? The present access to **FID** (Fresno Irrigation District) water canals? Fireplace usage for properties without access to natural gas hookup?

   a. Who will cover the costs for these immense changes in utilities?

b. Will there be property tax increases for the changes forced on the residents?
c. Will there be increased costs for the access for police, fire, and emergency services?
d. What about the insurance cost increases created by companies who see fire dangers with so many homes so close together that can cause immediate need of emergency services?
e. Will the city still provide ditch tenderers, canal management and repair, weed abatement?

It seems like the City of Fresno already has a lot on it's plate without this land grab. Who is this for… developers and political donors?
Property owners and residents in this area don't want to be annexed into the City of Fresno.
We don't want Fresno to become another LA with this urban sprawl. If you care about the people who live here now, **put it to a vote** and let their voices be heard!

Elizabeth J Grossmayer
735 N Locan Ave
Fresno, CA 93737
ejgseda@grossmayer.net

From: Arakel Arisian
To: Adrienne Asadoorian
Cc: kaharco@gmail.com; Mel Kazarian; dakazarian@att.net; Menas Arisian
Subject: SEDA Comments on EIR and Specific Plan
Date: Friday, August 25, 2023 6:17:00 PM

External Email: Use caution with links and attachments

Hello Adrienne –

I wanted to share comments on the SEDA EIR and Specific Plan on behalf of my clients, Harrison Farms. These comments were submitted through the Survey Monkey link, but I also wanted to provide them to you via email in case there was a technical issue with the online submittal. Below are their comments. Have a nice weekend!

"To Whom It May Concern,

Thank you for the opportunity to comment on the Southeast Growth Development Area Program Environmental Impact Report (EIR). Harrison Farms owns approximately 159 acres within the SEDA Specific Plan area (APN: 310-063-05 & 310-143-27), located just south of McKinley Avenue to the Fancher Creek, between Temperance and DeWolf Avenues. Given the opportunity afforded to us collectively with size of these properties, our intention is to master plan the parcels for future development. We are eager to begin that process in conjunction with the City's planning efforts. With that in mind, we want to provide the following comments:

1. Potential Phasing Plan – the current SEDA Policy Draft does not explicitly provide a development phasing plan, although previous versions of the plan and correspondence referred to four distinct phases. We are in support of having no phasing for the SEDA area. If the City decides to phase the project, we request that the Harrison Farms properties be included in phase 1 and that the EIR sufficiently analyzes an alternative that allows for that option. Related to phasing, we would like to provide the following comments:

    a. **Infrastructure** – major facilities for SEDA (e.g. sewer and water) will be installed in Temperance Avenue and the properties are between one-half mile and one-quarter mile from where that infrastructure will be available. In the past, several public meeting attendees have suggested a west-to-east phasing in order to leverage the significant infrastructure investment that is being made to allow development in SEDA.
    b. **Proximity to the Bradley Center** – our property is less than a mile from the future Clovis Unified Bradley Center, which expected to be a major hub for SEDA. Allowing our property to develop with other properties in the first phase, to which we are immediately adjacent, will bring needed housing and other land uses within close proximity to the Bradley Center. Related to 1a, it is recommended that the infrastructure needed for the school is coordinated and installed with the needed infrastructure for development.

c. **Circulation within SEDA –** one of the major challenges to developing SEDA is traffic and circulation. Currently De Wolf Avenue, which is planned to be an important north-south roadway does not connect between Olive and Belmont Avenues, along the east side of our property. Developing this area as part of phase 1 would allow the planning and potentially earlier construction of that needed connection. Completing DeWolf Avenue would alleviate traffic congestion on Temperance Avenue and other roadways in SEDA, particularly when infrastructure is being constructed in Temperance. It is recommended that the EIR traffic study examine the timing of the DeWolf Avenue connection as a part of the traffic mitigation timing.

2. Land Use Density – the proposed residential land use densities do not include an important range from .5 dwelling units per acre to 6 dwelling units per acre. We are requesting the City either to include that missing density range and/or allow for it through plan policies, as doing so would provide for a wider range and variety of housing types. It would also allow for a transitional increase in density for any project adjacent to existing rural residential. It is recommended that the EIR analyze and contemplate a scenario where future projects are developed at less than 6 units per acre. There are also other land use requirements that should be discussed further prior to the adoption of the plan.

We look forward to continuing to participate in the public engagement process and thank you for this opportunity to comment."

Thanks,
Arakel

Arakel A. Arisian
AICP, LEED AP
Arisian Group
389 Clovis Avenue, Ste. 100
Clovis CA 93612
Office: 559-797-4359
Mobile: 559-260-2070

http://www.arisiangroup.com

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August 21, 2023

City of Fresno
c/o Adrienne Asadoorian, Planner
2600 Fresno Street
Third Floor, Room 3065
Fresno, CA 93721

Dear Ms. Asadoorian,

Regarding the Program Environmental Impact Report for the Fresno Southeast Development Area Specific Plan Project (State Clearninghouse Number 2022020486), I am writing to express my many great concerns.

I am fiercely opposed to this plan and find that the Program EIR is deeply flawed. Enclosed are my comments contesting various sections of the EIR, with reference to its corresponding fallacies and distortions therein.

I have also included additional sources of evidence to support my finings. I ask that First Carbon Solutions take these errs and discrepancies into consideration, and take note that the public is widely concerned by this top heavy report (and SEDA plan) which have no substantial foundations to support the following areas:

A. The loss of productive agricultural land

B. The demise of rural subculture and a blunt force blow to our future generations

C. Lack of water, in particular type II

D. Ethical disparity and lack of transparency

E. Discrepancies within the EIR which conflict with the stated plan objectives

F. Defective, incomplete and inadequate timeline for plan execution

G. Lack of resources and infrastructure

The EIR does not account for these major areas of loss, deficiency and discrepancy. For these reasons, I have copied various city, county and LAFCO representatives to urge their objection and request their assistance in avoiding the dramatic ramifications of a faulty EIR and destructive plan.

Sincerely,

Leah Bigham
Grateful product of a Southeast Fresno upbringing
SEPO member

8-27-2023

To whom it may concern:

The Southeast Development Area consists of 9,000 acres located roughly West to East, between Temperance Ave. and McCall Ave. and, South to North, between Jensen Ave. and the Gould Cannel. Also South of Jensen Ave. to North Ave. and from Temperance Ave. to Miniwawa.

This 9,000 acres is made up of dense housing to the North and more rural housing and farmland to the South. About 7,000 acres of the 9,000 acres is prime farmland and has been for over 100 years.

Many of the rural homes properties are of 1 acres or more up to about 40 acres. The farmland is from 2.5 acres going up to 500 acres and more.

My concern is that many of the property owners who have held their property for 50 years and longer and have done their long range planning with the intent of passing their homestead, ranch, orchard or farm onto a family member to continue their planned estates for years to come, have not been treated fairly.

Many of these older property owners do not understand why the City of Fresno thinks that it can disregard everything the property owners have planned for years and threaten them with plans that show the City taking away their property just to build more and more housing.

I have talked to a great many of these 80-year olds and what the City, SEDA, has done and is still doing is nothing short of ‘elder abuse’. Many of these people were not notified by the SEDA group and when they were notified by the SEPO group were greatly disturbed and in some cases upset, threatened and confused to the point of being life threatening.

So the SEDA group continued on with its planned takeover by following plans laid out by the 'Long Range Planning Department' and checking off their checklist.

1. Notification of Property Owners, 'CHECK'. (Poorly Done).
2. Meetings to inform property owners and residents in the affect area, 'CHECK'. ('Very Poorly Done).
3. Postponing the EIR to be released in the hottest time of the year and when families are in their vacation cycle or harvest season and not thinking of what lies ahead for them.
4. Planning 'Drop in' meetings (3) which proved not to be 'Informational' meetings but merely required items to be 'Checked' off and be able to say "Yes we did all the required items to inform the public'.

But the public has NOT all been informed.
At the last 'Drop in' meeting at Long Elementary School in Clovis, I met and had the privilege of informing and bringing up to speed two separate property owners from the affected area who had never been notified of the SEDA plan. These both were hard working family men who just the day before were informed by their neighbors that they needed to contact someone in the SEPO group and find out what was going on. They contacted the SEPO group and were advised to come to the Long Elementary School in Clovis and to talk to the people in the RED shirts.

Again, I go back to the elders that live in the area. The 80+ bunch. I am one of this group. I am 84 and my wife of 63 years and I have lived on our property for approximately 50 years. When we pass on, the property it will automatically belong to our son. Being in the County we have our own well and septic system. I am an engineer and have been building, living with and taking care of wells and septic systems all my life.
The only real danger to our well and septic system is the City of Fresno and the SEDA plan. They are the only and greatest danger to everyone living in the SEPO area.

I/we are very aware of the comments by the SEDA group and the City that no one is going to be forced or removed from their property and that ‘you can live there as long as you like’. BUT all the literature and maps that the SEDA group displayed prove that to be a lie. Each and every one of the maps presented show and display in great detail all of the planned usage for the area and they all are missing one thing. They are missing the people that live there now. Today.

You must remember that ‘elder abuse’ is a real threat to many of the elder population’s lives today. ARE YOU GUILTY?

Lyle R Nelson, President,
SEPO Group, Southeast Property Owners
559-289-9049
LyleN@hughes.net

From:	Tom Lang
To:	Adrienne Asadoorian
Cc:	Aletha Lang; District 5; District4@fresnocountyca.gov; District3@fresnocountyca.gov; District2@fresnocountyca.gov; District1@fresnocountyca.gov; bspaunhurst@fresnocountyca.gov; aolivas@fresnocountyca.gov
Subject:	Comments regarding SEDA Specific Plan and Environmental Impact Report
Date:	Tuesday, August 22, 2023 3:49:25 PM
Attachments:	SEDA Letter Tom and Aletha Lang.pdf

External Email: Use caution with links and attachments

Dear Adrienne Asadoorian, Planner,
Fresno County Board of Supervisors,
Staff and Commissioners of the Fresno
Local Agency Formation Commission
(LAFCo)

Please see our attached signed PDF
comment letter in opposition for
inclusion in the public comment section
of the Environmental Impact Report for
the City of Fresno's SEDA Specific Plan

Sincerely,

Tom and Aletha Lang
5541 Columbia Dr N
Fresno, CA 93727

August 22, 2023

Via email to: Adrienne Asadoorian, Planner
cc: Fresno County Board of Supervisors, Staff
and Commissioners of the Fresno Local Agency Formation Commission (LAFCo)

We are writing to voice our opposition to the City of Fresno's Draft Specific Plan for its massive 8,700+ acre expansion into the re-branded Southeast Development Area (SEDA – formerly SEGA). We are property owners in the Sunnyside area near the SEDA plan area.

Fresno County's LAFCo Commission did the right thing in 2006 when it delayed allowing any annexations within the City's new SEGA Sphere of Influence (SOI) area until the City prepared not only a Specific Plan for the area, but also a full Environmental Impact Report (EIR).

Now, some 17 years later, according to the City's new EIR (Exhibit 3.4.1), we now know that more than 7,700 acres of currently productive Deciduous Orchard and Irrigated Row and Field Crops will be torn out to make way for urban residential and commercial development.

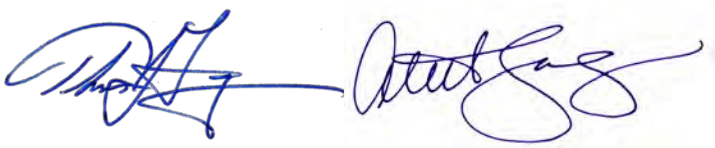
The loss of more than 7,700 acres of valuable San Joaquin Valley agricultural land represents a significant economic impact far beyond the mere value of the crops that cannot be mitigated. Our Valley is one of the most productive agricultural regions in the world and this land must be preserved for farming for our National Security. This impact is avoidable by LAFCo denying this Specific Plan.

Has the City of Fresno achieved its housing goal of 50/50 infill versus fringe development within its current (non-SEDA) boundaries under its current General Plan? Although some progress has certainly been made since the SEGA Sphere of Influence expansion in 2006, the City of Fresno still has more work to do to encourage infill development before proposing such a significant urban expansion as proposed in the SEDA Specific Plan.

Further, new 2023 data from California Department of Finance show that California's (-0.4%) and Fresno's (0.2%) population growth rate is much slower than was anticipated 17 years ago. The housing "crisis" described in the EIR is failing to materialize and there is simply no justification to push sprawl at this time when the need for more new housing has clearly slowed.

We appreciate the opportunity to comment on the City's Draft Specific Plan and hope Fresno LAFCo will vote to deny the SEDA Specific Plan, rescind the 2006 LAFCo Sphere of Influence expansion vote and return full control and jurisdiction of the 8,700+ acre area to Fresno County to avoid all the significant impacts that have now been outlined in the project's EIR.

Sincerely,



Tom and Aletha Lang
5541 Columbia Dr. N.
Fresno, CA 93727

November 28, 2008

TO: City of Fresno
Planning & Development Department
2600 Fresno Street Room 3065
Fresno CA 93721-3604

FROM: Michael & Marilyn Mathew
8126 E. Carmen Ave.
Fresno CA 93727
(559) 251-6343

RE: Comments/Concerns To The Environmental Impact Report (EIR) Pursuant To The Requirement Of The California Environmental Quality Act (CEQA) For South East Growth Area (SEGA) Specific Plan

Dear Sirs:

Our first concern is with the SEGA plan in general. It has been stated during this planning process that a primary goal is "to preserve the rural/ag way of life" within the SEGA. It is impossible for us to envision anything other than a major impact, not only to the current population's "way of life" but also to the environment and landscape of the area, particularly with the addition of 45,000 dwelling units and 120,000 people.

If the concepts used to formulate the SEGA plan are valid, why are they not being implemented on the undeveloped land that lies between the city and western borders of the SEGA? Similarly, we have inquired (without response) as to the plans for the land use to the north, south, and west of Fresno. It appears that no similar plans are available or being considered for these areas.

It has been impossible for us to formulate opposition to the "Open Space/Green Belt" concept of the plan. Our inquiries as to specifics have been met with replies of, "this is conceptual in nature," or "the plans are only tentative". Nevertheless, areas have been designated on the "approved" general plan along Fresno Irrigation District (FID) canals that appear to be parkways which include multiuse trails.

The previously mentioned canals, many of which are not "natural waterways," exist for the sole purpose of conveying water to various agricultural parcels via the FID system. Some of them are strictly man made with banks that exceed natural grade by 4+ feet: they hardly qualify as a natural waterway by any stretch of the imagination.

The use of these areas as greenbelt/parkways with multiuse trails should be avoided for a wide variety of reasons. During the 15 years we have lived at our current

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location, we have acquired an intimate knowledge of the flora and fauna that inhabit our land. Multiple species of mammals and fowl are present; thriving and reproducing in the area. Some are permanent residents and others are migratory. We are also painfully aware of the ill effects to the environment when people encroach into this area. Some of these effects are immediate such as shooting or stoning the wildlife, trashing the landscape, and contaminating the water with liquid products. One of the worst effects, the displacement of the wildlife, is much longer lasting (days, weeks, months). This occurs simply from the presence of humans. It is unfortunate, but people do stupid things, and the vast majority of these infractions are committed by "outsiders" who we assume are ignorant or just do not care. We refer to these individuals as having an "urban mindset". One thing we know for sure, the wildlife must be afforded room to live and reproduce. Even the most benign encroachment into their "space" results in these species immediately leaving the area.

The canal systems we are describing are on privately owned land, with the FID enjoying a non-exclusive right-of-way for their operations. Both the land owners and the FID prohibit or at the very least strongly discourage people from entering the vicinity of these canals. The reasons for restricting access are varied and we have only mentioned a few, but the no trespassing signs and gates erected along these canals are not in place because the present owners lack anything else to do with their time.

If the purpose of the greenbelt/parkway areas is in fact to "preserve" an open space and the flora and fauna contained therein, we have limited objections. However, if these areas are used to mitigate the stark changes that will occur in the high density areas, designate them as an "open space" on the specific plan, and the present land owners will in fact preserve them. The city need not acquire any land, but rather leave all of the current zoning and restrictions in place. The way the plan has evolved, it appears the city really is not interested in having an open space at all, but rather a recreational area with multiuse trails. This plan of action changes these areas from open spaces with restricted human encroachment, to areas that encourage the 120,000 new residents to transiently occupy and thereby permanently change the environment. Make no mistake, the 120,000 people that this plan invites into these canal areas are a population with the afore mentioned "urban mind set". What places this type of individual in the area, is the "high density" life style that the current general SEGA plan promotes and provides for, not the "rural" life style it claims to preserve.

The adoption of the proposed plan, without modification, will present a non-inclusive array of problems to the environment and public such as:

- Increased air pollution
- Increased noise pollution
- Degradation of water quality (surface water in particular)
- Displacement of wildlife (including migratory birds)
- Permanent alteration of the natural landscape
- Devaluation of land to adjoining parcels
- Public safety (from cold and swift water flow during the season, to steep and dangerous rip rap and concrete lined embankment during the off season)
- Vandalism and destruction of existing privately owned infrastructure within the greenbelt areas

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- Vandalism and destruction of private property on adjoining land
- Increased criminal activity due to the remoteness of the trails
- Light pollution if trails are illuminated for night use

Occasionally, there are times when less is more. The specific SEGA plan may be the opportunity for one of these moments. As mentioned before, the city could leave these areas alone and retain current zoning for the greenbelt areas. No land would be acquired by the city and the city's resources could be applied to other infrastructure within the SEGA. Current land owners would not be faced with a major change in their properties or its valuation. The open areas would truly mitigate some of the undesirable effects caused by the "high density" development. The multiuse trails could be moved to the vehicular traffic corridors that are going to require improvements anyway. The public would use these bike/pedestrian trails not only for recreation, but also as a means to safely travel within the SEGA between high density areas by other than vehicular use. The proposed greenbelt trails do not afford this possibility as they start from nowhere and end the same.

Respectfully,

Michael Mathew

Marilyn Mathew

27 mm

Karen Musson

5640 Columbia Drive North – Fresno, California 93727 – kam9883@gmail.com

August 26, 2023

Ms. Jennifer Clark, Director
Ms. Adrienne Asadoorian, Planner
City of Fresno Planning & Development
2600 Fresno Street, Ste. 3065
Fresno, California 93721

Dear Ms. Clark and Ms. Asadoorian,

RE: FRESNO SOUTH EAST DEVELOPMENT AREA SPECIFIC PLAN AND EIR - COMMENT

This letter of comment on the City of Fresno's EIR and proposed South East annexation plan (SEDA) of 8,700 acres is to voice my opposition to the unnecessary taking of more Prime Farmland to promote urban sprawl.

SEDA's proposed plan for consideration will consume 7,700 acres of currently productive agricultural land in Fresno County. Prime Farmland is limited and cannot be mitigated/ replaced by preservation trusts, conservation easements or fees/policies. Ag farmland is in serious jeopardy - not from drought or climate change - but from indifference, urban sprawl, burdensome regulations, and a lack of understanding on the critical role of food production to our freedom, jobs, and health. Agriculture is essential and its destruction should be avoided at all risk.

Urban sprawl fuels flight and blight – and redirects city financial investments to focus on additional costly infrastructure and provide public services for fire and police protection. **Extending the sphere and encompassing more land is not the solution.** The Greenfield Coalition report on Urban Decay points to inefficient utilization of land, decay, deferred maintenance, outdated infrastructure, revenue loss and negative neighborhood effects. https://storymaps.arcgis.com/stories/eb1233cfb60048df8a02ba8b83998da7

In 2019, the City of Fresno used GIS to calculate more than 8,200 acres (or 14%) of vacant land within its existing city boundaries and identified the current zoning of these parcels to determine that this undeveloped land has the capacity to hold over 134,000 housing units. More than enough land and housing for the next 40 years!

Further, the State predicts continued slow to no growth in the Valley over the next 40 years. The City has not grown and population figures show continuing decline, lower birth rates and relocations north and out-of-state locales. It's time for a new vision and investments to revitalize older parts of Fresno and in-fill parcels. https://thesungazette.com/article/news/2023/08/08/state-predicts-population-plateau-for-valley-future/#:~:text=California%20now%20stands%20at%20about,to%208.3%20million%20by%202060.

Again, thank you for the opportunity to comment on the City's Draft EIR. It is my hope that LAFCo will vote to deny the SEDA Specific Plan, rescind the 2006 Sphere of Influence and allow Fresno County to preserve Prime Farmland and avoid the sizeable impacts and costs outlined in the project's EIR.

Respectfully,

Karen Musson

cc: Mayor Jerry Dyer
Fresno County Board of Supervisors
Councilmembers Bredefeld, Karbassi and Chavez
LAFCo

From: Nancy Nelson
To: Adrienne Asadoorian
Cc: Nancy Nelson
Subject: SEDA EIR COMMENTS
Date: Sunday, August 27, 2023 7:48:41 PM

External Email: Use caution with links and attachments

Section 3.1 Aesthetics, Light and Glare

Impact AES-3 and 4 Project will degrade existing character of public views…. (Significant and unavoidable impact)

Concern: This proposes too much – more than necessary - light for the area. Current residents moved to the country to avoid such things as light and glare.

From: Nancy Nelson
To: Adrienne Asadoorian
Cc: Nancy Nelson
Subject: SEDA EIR COMMENTS
Date: Sunday, August 27, 2023 7:50:25 PM

External Email: Use caution with links and attachments

Section 3.1 Aesthetics, Light and Glare

Impact AG-1 Project will convert Prime and unique Farmland and Farmland of Statewide Importance. (Significant and unavoidable impact)

Concern: The proposed Farmland Preservation Program reads like a riddle.

"Restrictive Covenants or Deeds, In Lieu Fees, Mitigation Banks, Fee Title Acquisition, Conservation Easements, Land Use Regulation."

Deeds, Fees, Regulations are not going to help lost Farmland. So they'll analyze on a project-by- project basis – the land will still be used for Non-Farm purposes. It is destruction and a waste of Prime Farmland! Current residents strongly object to this.

From: Nancy Nelson
To: Adrienne Asadoorian
Cc: Nancy Nelson
Subject: SEDA EIR COMMENTS
Date: Sunday, August 27, 2023 7:56:52 PM

External Email: Use caution with links and attachments

Section 3.7 Geology and soils

Impact Geo-2 (N/A Significance after Mitigation.) The proposed project would not result in substantial soil erosion or the loss of topsoil. (N/A - level of significance…)

Comment: Top soil certainly will be lost when project builds on top of it! Unless they scrape the top soil off before building on it – with a plan to sell it back to us later.

From: Nancy Nelson
To: Adrienne Asadoorian
Cc: Nancy Nelson
Subject: SEDA EIR COMMENTS
Date: Sunday, August 27, 2023 7:58:56 PM

External Email: Use caution with links and attachments

Section 3.9 Hazard and Hazardous Materials Impact Haz-2 MM HAZ-2b ….(3)_ Geographic surveys to ascertain the presence or absence of subsurface features of concern such as underground storage tanks, drywells. drain, plumbing, and septic systems.

Concern: While people representing the City of Fresno verbally tell us, on one hand, that property owners can stay in their homes as long as they want to stay, here is the threat of disrupting our septic systems. A good septic system can serve homeowners 50 years or longer without problems. Disruption or removal would cause residents to not be able to stay in their homes another minute!

Connecting to the city's sewer would be an expense many property owners could not afford. We don't want to be forced to pay these expenses when our current *conditions* are serving us well.

From: Nancy Nelson
To: Adrienne Asadoorian
Cc: Nancy Nelson
Subject: SEDA EIR COMMENTS
Date: Sunday, August 27, 2023 8:01:27 PM

External Email: Use caution with links and attachments

Section 3.9 Hazard and hazardous Materials Impact Haz-2 MM HAZ-2c …. If findings and conclusions of the Phase II Environmental Site Assessment…demonstrates the presence of concentrations of hazardous materials exceeding regulatory threshold level,…property owners and/or developers of properties shall complete site remediation….. Potential remediation could include the removal or treatment of water and or soil.

Concern: While people representing the City of Fresno verbally tell us, on one hand, that property owners can stay in their homes as long as they want to stay. While, on the other hand, here is the threat of disrupting our wells. That disruption would cause residents to not be able to stay in their homes another minute!

Connecting to the city's water systems would be an expenses many property owners can not afford. We don't want to be forced to pay those expenses when our current *conditions* are serving us well.

From: Nancy Nelson
To: Adrienne Asadoorian
Cc: Nancy Nelson
Subject: SEDA EIR COMMENTS
Date: Sunday, August 27, 2023 8:02:41 PM

External Email: Use caution with links and attachments

Section 3.9 Hazard and Hazardous Materials Impact Haz 3 - Project could emit hazardous emissions or acutely hazardous materials, substances or waste within one quarter mile of an existing or proposed school

Concern: It irresponsible to consider exposing students in an existing school to hazardous emissions or materials. It's important for students to have outdoor activities and critical for their air to be clean at all times. A quarter of a mile is only about 1300 feet. During outdoor activities students could be exposed to the project's hazardous air. It's wreckless to propose situations where their clean air would be compromised.

From: Nancy Nelson
To: Adrienne Asadoorian
Cc: Nancy Nelson
Subject: SEDA EIR COMMENTS
Date: Sunday, August 27, 2023 8:25:47 PM

External Email: Use caution with links and attachments

Section 3.1 Aesthetics, Light and Glare

Impact AG-2. The proposed project will not conflict with existing zoning for agricultural use or a Williamson Act Contract. (Significant and unavoidable impact.)

Question: Using SEDA's "suggested" project map – and using the intersection of Butler and DeWolf as one example - how can the City build their planned '*Regional Center'* with all of the planned residential and commercial projects in that area when most of the land is protected under the Williamson Act? (Reference: attached most current map available – Fresno County Williamson Act map - 2015).

https://databasin.org/datasets/6871c77c876d421b985b1b70ee1640f5/

August 24, 2023

Adrienne Asadoorian, Planner
City of Fresno, City Clerk
Fresno City Council, Chairman and Council Members
2600 Fresno Street, Third Floor
Fresno, CA 93721

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OPPOSE LETTER – EIR AND EDA/PROPOSED LAND USE/ANNEXATION/ BY THE CITY OF FRESNO

Dear Chairman, Council Members, City Clerk, and Ms. Asadoorian:

Please accept this letter as our **opposition** to the City of Fresno's EIR report and the SEDA development, annexation, proposed land use and the map thereto, which is an item that is expected to go before the City Council in or about October 2023.

Our specific property/land sits next to what is known as the Briggs Canal. It is our understanding that water in the Briggs comes from the Kings River. This water is what irrigates properties for the food that you and I to eat and serves a greater purpose. It is serviced and maintained by Fresno Irrigation District (FID). The District's web page, under About Us, states as follows: The FID is a leader in California water, serving over 200,000 acres of prime agricultural farmland … Farmland sitting next to or that abuts a water structure such as ours is rare in Fresno County and not easily attainable. With our property adjacent to Briggs, it is irrecoverable and we would suffer a great loss. Therefore, we oppose the redevelopment and conversion of prime farmland to serve a purpose as Flexible Research and Development, which by the City's definition means no residential uses will not be allowed. That would therefore leave eminent domain which the City has stated would not be used however if I do not sell and my neighbor does not sell then there is no other recourse but for the city to use eminent domain. We have all seen what has occurred with the Reedley lab and as stated by many of you councilmembers the public is placed at risk and so many other factors such as disease, groundwater contamination were common concerns. If we in this area "Flexible Research and Development" please explain with specificity what occurs to the property/land/farm owners the process and procedures and confirm if our property will be taken from us through eminent domain?

The City's project and plan area consists of Prime Farmland. We own 2.49 acres of farmland in the proposed SEDA plan area. We house two tractors, chickens, apricot trees, as well as house pets on our land. We are current fosters for the county animal shelter and we are able to assist with fostering of

more than one animal primarily due to the land we have. We work our land like most, if not all of the residents in this project area. Removing farmers who grow their own food; and/or who commercially feed this Community, County and State is reckless and negligent so that the City can expand. The City's proposed land use map reflects for our parcel "Flexible Research & Development." You want to take irrecoverable prime farmland for Flexible Research & Development when you can place Flexible Research & Development in the vacant Orchard Supply building (vacant for more than 5 years). Does that mean a lab such as that most recently found in Reedley, CA will go here. What does "Mixed Residential" mean on the City's map? I specifically asked if that meant low income housing, please explain. Again, there are so many other vacant buildings within the City of Fresno that would allow you to do this that we do not need to remove, redevelop and destroy Prime Farmland or Farmland in general.

We have been told on numerous occasions that we would not be required to hook up to City services (water, sewage). We believe that to be incorrect. We were told that the City would not require us to; if not the City then who? If I am the only house that does not hook up, will I be forced to hook up? What will the cost be? Is there the potential for placement of a lien on my home due to the cost of these services? Please also confirm with past projects in this area or within the City (i.e. the area in and around north Jensen and Fowler to Kings Canyon etc.) how that land development was handled and if the landowners that were pre-existing were required to hook up to City of Fresno services (water/sewage). If so, what were the services, what was the process, the cost, who was responsible to pay those charges or for those services; how many complaints did you receive from the landowners verbal and in writing, what was the remedy of said complaints; and if any of these homes resulted in liens being placed on landowners property/homes. Please also provide on current and past projects when property owners choose to stay and not sell, the city is therefore developed around their property, how many wells have gone dry due to the new development? Does this map become the zoning map for this area?

Property owners were also told by the City representatives that eminent domain is not allowed or can or will not be used on property owners and their land located on the Land Use Map for this project, please confirm if this is an accurate statement? When I spoke to Jennifer Clark at the last in-person Drop In meeting she stated that should one homeowner decide not to sell or annex, they (property owner) will not be forced to annex; however, later she stated that they (City) cannot have one house one way while the rest of the area is annexed. Please clarify this statement by Ms. Clark. How will her stated change occur if one home cannot be different from the rest? Please explain who will impose and force the annexation of the land/property owners unwilling and opposing to said annexation? Please explain the process and the impacts to the landowners as well as the changes to zoning affecting the homeowner who did not willingly annex their land. Will I still be able to farm with all these houses around me?

As you know, there is vacant land and buildings in or around Kings Canyon and Clovis Avenue; you have the Orchard Supply building that currently sits empty littered with homeless people. You have vacant land and buildings all throughout the City of Fresno and other cities within Fresno County and your plan is to destroy the Prime farmland of the SEPO (Fresno Southeast Property Owners). Destroy our farmland to build more homes, which thus creates more traffic, more congestion, more land and air pollution, more crime, and homelessness. With the Briggs Canal, if that waterway remains, with the increase in population and homelessness, our canals will turn into bathing facilities and used as restrooms. Please ask your homeless task force if that is a possibility that the homeless population uses waterways as bathing facilities and toilets? If this water is intended to feed the community, is it possible

for fecal matter, urine and other forms of illness to be in said water. Furthermore, take a drive around the City of Fresno, look at their canals and waterways, you currently have homelessness on your canal banks, tents, littered with trash (e.g. McKinley and Chestnut; in front of the Social Services building Phillip and Kings Canyon, the canal located east of Clovis Avenue--north of Kings Canyon by Orchard Supply). The City is unable to handle the demands of the current crisis and you want to spread it out. Your intent is to make a 15 minute city. We have seen the destruction of Paradise, Maui, when you began to impact the rural areas which are not intended to be within the city limits. We have water issues, we were just in a drought and there is no guarantee that we will be blessed with rain in the future. How will you control air pollution? Where will you get water from? How will you get the needed money to build the infrastructure for this plan?

The City of Fresno needs a boundary, do not grow it out here destroying the aesthetic rural southeast farmland.

The EIR REPORT:

Paragraph 1.2.1 lists the potential significant environmental issues that require further analysis. Therefore, this is incomplete. In light of this statement, we oppose this EIR and request that you vote to deny/oppose/reject.

Paragraph located on PDF page number 762 titled (Wild-2) … Pollutant Concentrations from Wildfire impacts under this topic would be less than significant and there is no substantial change. However, we disagree and oppose that statement in that the City has a wide-ranging homeless population. What factors were considered as it relates to the ongoing homeless population within city limits when addressing this issue? We see many fires started due to homelessness. City streets are littered with trash, drugs and/or paraphernalia, and the homeless population utilizing fire in order to cook or stay warm during the winter months. Therefore, we disagree with this report and believe further studies should be done. As a reminder and as stated in paragraph 3.19.7, you would be converting prime ag land to residential and mixed-use land uses. Significant and unavoidable.

Chapter 4 Other CEQA Considerations – Bulletpoint AG-1 (… Conversion of Farmland to Non-ag Uses) states 2,475 acres of land designated as Prime Farmland, 1,352 acres of Farmland of Statewide Importance, approximately 1,189 acres of land designated as Farmland of Local Importance, and 1,725 acres of land designated as Unique Farmland "**scattered" throughout the plan area**. The impact is significant. Based on this information contained in the EIR, we oppose and request that you vote to reject/deny/oppose and that this plan does not move forward. We further request that all maps be amended to identify the land properly in full transparency. Significant and unavoidable.

Bullet Ag-2 (… Conflict with Existing Zoning or Williamson Act Contract) – This paragraph states in part that according to the Williamson Act Property map, the majority of the Williamson Act properties within the SOI and City are located within the Plan Area. It further states that there is a significant impact on existing Williamson Act Contract land. Ultimately, you are still converting Williamson Act land to non-ag land. For this reason, we strongly oppose and request that you vote to oppose and/or deny on this basis. We further request that all maps be amended to identify the land properly in full transparency. Significant and unavoidable.

Bullet Cumulative Ag Resources and Forestry Resources Impacts states and acknowledges that there is a loss of Prime Farmland within the plan area. Under your plan, you destroy existing Prime Farmland, Unique Farmland and small farms to build or develop community farming and small farms. The EIR states that it will be a significant impact on Ag zoning and the Williams Act Contracts and there would be land use changes resulting in the conversion of farmland to non-ag uses and is unavoidable. We were told by the City at Drop-In meeting #1 on July 24, 2023 that we would not be rezoned should property owners choose not to sell. However, Jennifer Clark at the last in person drop-in meeting stated that we cannot have just one home not similarly zoned or annexed; therefore, please confirm what occurs based on Clark's statement. Rezoning would only occur if a neighbor complained, which thus alters my land use. The City's statement clearly is misleading and misrepresents what is occurring. I believe the impacts would be more than significant in that you are displacing property owners who are generational farmers, and farmers of their own land; how many of us current property owners would be physically displaced, and harmed financially. Based on this information we request that you strongly oppose and/or deny based on this statement.

Impact Air-1 paragraph states this projects exceeds the San Joaquin Valley Air Pollution Control District another significant and unavoidable impact. Based on this paragraph we request you vote to oppose and/or deny based on this paragraph. Please note that we asked at the drop-in meetings why the Air Pollution District was not a part of these meetings to share in on the added pollution due to this development.

Air-3 states that since it cannot be foreseen the amount of construction occurring nor the exact location it cannot be determined if the emissions could be adequately controlled or reduced. Based on this statement, we believe the study is not complete as it must be looked at, precise and discussed. We are opposed based on this statement and request that you vote to oppose/deny.

Greenhouse Gas Emissions cumulative impacts are significant and unavoidable. Based on this statement we oppose and request that you vote to oppose/deny.

Impact NOI-1 – This statement states that impacts are significant and unavoidable. It also states that they are unable to quantify therefore there is no true, accurate impact identified and said report is incomplete. Based on this statement we oppose and request that you vote to oppose/deny. The Cumulative Noise impact is again noted as significant and unavoidable.

Exhibit 5-2 of the EIR shows just under 2,500 acres of Prime Farmland, and Farmland of Statewide and Local Importance, Unique Farmland of Importance, etc.

The EIR Table 5-1 under paragraph 5.7 states there is no location in the City where 45,000 homes (yes the Plan calls for 45,000) could be constructed while avoiding environmental impacts to ag land. Ag land would be impacted regardless. However, the land is not your basic ag land, it is Prime Farmland, it is land that sits next to the Briggs Irrigation Ditch which is rare, it's farmland with statewide and local importance, it's my backyard, small farming, however, we the property owners choose to define it, its our land that you want to dismantle, convert, and take so that you can build 45,000 homes, parks, and research and development.

The Orchard Supply Building on Clovis and Kings Canyon has sat empty for a number of years, that can be your research and development. You want to take our farmland, our livelihood, what feeds our

families, our communities, for a bike trail, a park, a residential development to teach people to have a garden (who will teach them there is no guarantee that they will use it for such) all the while destroying the Prime Farmland we landowners have created destroying our way of life and country life. You will add 45,000 homes during a recession, a time when most cannot afford, thereby creating more empty houses. You want to disrupt our way of life and destroy the farmland that we have just to build more homes that most cannot afford. You want to help this community have your builders or developers lower the prices of their homes to sell those existing homes already built. Convert some of these developments/homes already in progress into mixed residential. Ag land should be the last thing we convert, land that currently feeds us. That salad you had for lunch, fruit, etc. came from one of us most likely.

We oppose the alternatives set forth in the EIR due to the type of land we are looking at as referred to in this report: Prime Farmland, Farmland of Statewide and Local Importance, Unique Farmland. Based on the impacts as listed above and based on viable alternatives, we request that you deny/oppose the EIR. Furthermore, we oppose as this EIR shows that the plan is fiscally irresponsible and environmentally irresponsible. Finally, we request that the SEDA Plan be opposed and denied. If you review the Level of Significance as outlined in the EIR, we have listed below just a few that are classified as Significant and Unavoidable; therefore, for these reasons request you oppose and deny the City's Plan and find another area or location in the City of Fresno for said projects. The impacts are significant and unavoidable.

Finally, we were informed and received in the mail, on July 21, 2023, the City's flyer for the "Drop-In" meeting; the first meeting set for July 24, 2023, hosted by the City of Fresno. As you can see from the dates, this was three days before the first scheduled meeting. As I verbally stated and inquired about with the City during the July 24th meeting, what is a the meaning of a Drop-in meeting? Who decided to title this meeting as a Drop-In? To title it as such, is misleading and misrepresenting the intent of the City and purposes of said meeting. This title lacks transparency and is intended to misstate and mislead the purpose of an extremely important topic of discussion. It does little to ensure community/public attendance, involvement, participation and is a sure way to prevent and limit public input. This is an extremely important meeting that impacts the community of southeast Fresno, specifically the Fresno Southeast Property Owners (SEPO) and therefore, I believe was titled as such to limit the number of attendees and silence the opposition. Furthermore, Sontaya Rose from the Mayor's office was in attendance and can confirm as well as other City representatives, the location picked for the first important meeting on July 24th lacked the capacity to hold the number of attendees, safely and comfortably, and posed a safety hazard in that it was about 105 degrees outside and there was no working AC inside said building thereby making it 110 degrees most likely inside with all the people in the building. As I stated on that date, I believe that was a safety hazard and put citizens at risk and compromised their health and well-being. Not one representative spoke to that and acknowledged that the first meeting should be rescheduled or some other remedy. The temperature inside the building added to the frustration felt by most of the members of the community. As I stated, this meeting labeled by the City is misleading, and a calculated manner in which to misrepresent, misstate, and divert the public's attention to what it is in actuality and that is to take and change or convert land from the property owners. Should the meeting have been labeled annexation, eminent domain, town hall, any one of those trigger words the public at large would have a true understanding of what is occurring in the southeast area of Fresno and would understand the true discussions and importance of what is happening thereby enhancing attendance and opposition. Furthermore, I see no link for those to participate virtually due to a disability, medical necessity or some other personal reason. It was stated that the City would have one day assigned to a webinar. As you know, the topics of discussion can be

convoluted and we the community would need time to research the Q&A dialogue that is provided to us therefore one day for those unable to physically attend is not enough. The public should not be limited to one day; we should all be afforded the same the ability to attend all meetings. Quite frankly, the information changes so frequently it would be in the best interest of the public to attend all meetings. As such, in this regard, **we strongly oppose**. Furthermore, the meeting by the City on 7/24/23 was very unorganized and lacked structure and foundation as to the discussions and topics and the City ran out of comment cards in English—the space allowed for comments was minimal on such an important topic of discussion.

I would also like to know why no representative of the County was in attendance at these meetings? A representative of the City was asked about annexing property and the City representative responded with the City would not annex. Please confirm the process for annexation and if not the City of Fresno, then please confirm the responsible agency. Please provide details on what grounds for annexation, the criteria or guidelines that must be met to annex property/land? If this response requires information from the County, I would ask that you direct City representatives to coordinate their response and work with the County of Fresno or any other agencies involved to get said information. I believe the City of Fresno when asked these types of questions it is their responsibility to answer in detail and they are required to be fully transparent and should be able to intelligently communicate if not their agency the appropriate agency involved and that would handle. To leave the response as simple as it's not the City, is vague and intended to mislead the public. The City knows the answer to the question and to not provide a full response is intentional. It may not be the City's responsibility to annex but if they know that it is the responsibility of another agency they should state as such.

I believe the SEDA homeowners/property owners have a right to know the following information. If there are costs associated with any of these requests, please confirm the amount or charges, in writing, prior to providing said information.

- Please provide the number of EIR's that are submitted to the City of Fresno per calendar year; and how many are rejected or voted as unapproved; how many are submitted to LAFCo per calendar year, voted as unapproved or rejected and the bases/reason for said vote.
- On April 25, 2023, an item went to the Fresno County Board of Supervisors, Agenda Item #8 regarding a variance application that falls within SEDA. During Mr. Assemi's comments to the Board, he referred to having received a timeline from the Mayor on the project. Please confirm what that timeline was and if a copy can be provided electronically to the property owners should they wish to received; and please explain why a developer would have that information but not the property owners who would be negatively impacted by SEDA? When was the timeline (Assemi refers to in his comments) provided to him by the Mayor? When was this timeline provide to the property owners (SEPO) who will be impacted? If it has not been provided to the property owners, why? My household has not received a timeline from the Mayor nor was one provided to property owners at any drop-in meeting and to my knowledge a timeline has not been provided to property owners in any meeting thus far by the City of Fresno. Please confirm how many variances in the SEDA project area have gone through the process, what that process is, including how many have gone to the County of Fresno Board of Supervisors for vote and the vote result from the start of the project(s)/plan to present?
- Please identify the land parcels, land and farmland in the SEDA project area that have been purchased by developers, date of purchase, names of builders, corporations, school district, water districts, and any other business organization, corporation or entity from the start of SEDA

to present that have purchased. Please include the names, cross-streets, parcel numbers and any other identify factors of the land pending a sale, owned, purchased or sold.

- Please provide the information on when the property sold or was purchased and include land, property that is pending sale/purchase.
- Please provide the members of our community, SEPO (Southeast Property Owners), with information on how much farmland/land is currently owned in Fresno County, CA by Darrius Assemi and/or Granville Homes and any other developers, builders or business organizations.

If this type of development continues, the lack of farmland to our community as well as the substantial loss of prime farmland is irrecoverable and factor in good farmland with irrigation resources such as ours, it is irrecoverable. Therefore, **we strongly oppose** the EIR and the SEDA development and ask that you deny and reject both in order to protect and preserve our homes and land.

The City of Fresno needs a boundary, do not grow it out here destroying the aesthetic rural southeast farmland.

Thank you.

Respectfully,

Natalie Ortiz & Family

July 24, 2023

Adrienne Asadoorian, Planner
City of Fresno, City Clerk
Fresno City Council, Chairman and Council Members
2600 Fresno Street, Third Floor
Fresno, CA 93721

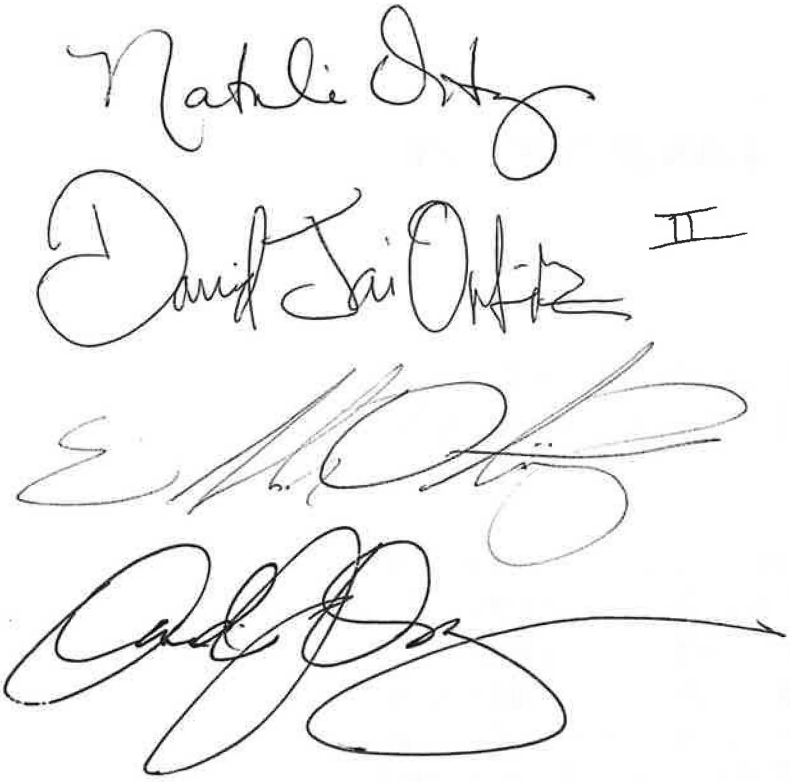
OPPOSE LETTER – SEDA ANNEXATION BY THE CITY OF FRESNO

Dear Ms. Asadoorian:

Please accept this letter as our opposition to the City of Fresno's SEDA annexation which is expected to go before the City Council in or about October 2023.

As of this writing, we were informed on July 21, 2023, via US Mail flyer received, of a "Drop-In" meeting that would be occurring on July 24, 2023, hosted by the City of Fresno. We believe this meeting as labeled by the City is misleading, a calculated manner in which to misrepresent, misstate, and divert the public's attention to what it is and that is to take property that we homeowners rightfully own by force or some other means. Should the meeting be labeled annexation, eminent domain any one of those trigger words the public at large would have a true understanding of what is occurring and strong opposition evident. Furthermore, I see no link for those to participate virtually due to a disability. Therefore, we strongly **oppose**. The City's plan negatively impacts the quality of our air, prime farmland and ag land, farm animals, traffic, and water/water table, and severely impacts our family and household. We own 2.5 acres of land in the project area. We live on this land; we have several apricot trees on our land. We have chickens, and grow our own vegetables and fruit on our land. Our land is where we keep our farming equipment, tractors, tools, and vehicles. We do not agree with SEDA and the City's attempt to disrupt our way of life **and strongly oppose**. This land we own will go to our children and our grandchildren who will continue to work this land, as they do now. For the reasons stated here as well as many other reasons that will be outlined further during the public meeting, **we strongly oppose the City of Fresno Annexation, SEDA project and plan.**

Natalie Ortiz David Ortiz Elijah Ortiz David Ortiz, II Ruth Rocha



Rachel Krusenoski

To: Adrienne Asadoorian
Subject: RE: SEDA

From: Joshua <j.palmer@jgpinc.com>
Sent: Monday, July 31, 2023 2:39 PM
To: Adrienne Asadoorian <Adrienne.Asadoorian@fresno.gov>
Subject: SEDA

External Email: Use caution with links and attachments

Hi Adrienne,

I am writing you because I was/ am unable to make any of the drop-in events to voice my opinion of the Southeast expansion.

I wanted to let made it be know as a property owner in the impacted area that I am very much against the annexation of our property to the city.

Not only will this forced annexation impact and diminish our rural lifestyle but It will force us to leave the area. In my opinion the City of Fresno should figure out how to effectively manage the land/area they already have, before adding more to the city limits. The city currently has many underserved and neglected neighborhoods that should be the focus rather than adding more into the city that will also, eventually, suffer the same fate. Between the homeless problem in the City and the trash/graffiti problem I don't understand how the City would even consider adding more onto an already impossibly full plate. Fix the current city before forcing us into this mess as well.

I speak for my entire family when I say I am strongly opposed to this annexation.

Please call me for any questions,

Joshua Palmer
559-375-4235
1544 N DeWolf Avenue
Fresno, CA 93737

Laura Campion

To: Adrienne Asadoorian
Subject: RE: SEDA Project/City of Fresno annexation

From: Annette Paxton <annettepaxton82@gmail.com>
Sent: Monday, July 24, 2023 8:00 AM
To: Adrienne Asadoorian <Adrienne.Asadoorian@fresno.gov>
Subject: SEDA Project/City of Fresno annexation

External Email: Use caution with links and attachments

Dear Ms. Asadoorian

I am rather disappointed that The City of Fresno continues to spend money to coerce its residents to believe that annexation of the surrounding rural landscape is responsible land management. I feel that I must speak out against the proposed SEDA project. Its impacts that affect today are relatively small compared to the long term effects to Fresno's tomorrow.

I am a lifetime Fresnan. I have chosen to be educated in Fresno (Class of 1981 CSUFresno). I chose to stay in Fresno and to establish my career. I chose to raise my family in Fresno; I believe my children are "Fresno Proud." I have always thought that I am a part of the fabric that makes Fresno special. However, last week, I received in my mailbox the SEDA meeting notice flyer. It was addressed to "Occupant." I have lived at this address for over 35 years, and considering I pay property taxes, one would think the City might have my name on record. Is this the City's way of informing me that I am non-essential?

The purpose of this letter is to reference a few of my many concerns. I would prefer to voice these concerns in person. Unfortunately, I am attending personal, family business the week of July 24, and I am unable to attend the first two of the four SEDA meetings.

1) **Why have other growth plans been disregarded?** Please address why the City of Fresno chooses not to infill within the city's boundaries where infrastructure already exists. Based on the houses currently being approved and built near the proposed annexation area, it is apparent that residents have no problem living in multi-level homes with only a patio for yard space. These same houses could be constructed within Fresno's city limit.

2) **Why is the soil in Fresno County not agriculturally valuable enough to be protected?** Populations continue to grow. Northern and southern California residents are fleeing their overpriced and crowded properties and moving to the quiet spaces of the central valley. Many of these new residents do not even work locally – rather they "zoom" to work. This migration inflates the central valley's property values thus making it more difficult for us "locals" to survive in the place we were born. The cycle is never ending. Please address how government officials can create innovative approaches to this growth other than paving over more agricultural land (AG-1). The soil in the project area is a natural resource. This soil produces food for millions of people worldwide, and once it is paved over it is gone. Much like California's coast line protections, this soil should be protected as well. Current growers are already being pushed out and ag workers are being displaced. Please save our agricultural jewel. Don't violate the Williamson Act.

3) **How does this growth outweigh the already growing health concerns surrounding air quality?** Please address why the City of Fresno chooses not to maintain air quality (AIR-1-2-3). This project clearly states the added growth "potentially" will exceed the air pollution thresholds with no mitigation plan offered. During a "regular" summer versus a summer laden with wildfire there is no clean air. Our children are suffocating from asthma. Per the American Lung Association, the central valley suffers from having some of the worst air in the world and is already a health risk. The air we breathe is yet another natural resource being attacked under this plan. Clean air is already gone, and this project ensures its non-existence.

4) **Is the avoidance of lowering greenhouse gas emissions purely a political maneuver for personal gain?** Please address why the City of Fresno chooses not to lower greenhouse gas emissions (GHG-1). The EIR clearly states the project will add to global warming. There is not much more to elaborate other than: It's hot here — don't add to it.

5) **How can the City of Fresno guarantee that the distribution of water will not be a repeat of the water crisis in the Madera Ranchos?** I know people who have been living in the Madera Ranchos with no water for over two years. This is a fact: there is not enough water for the SEDA expansion project's population growth. Please address a permanent and safe solution that does not create a negative impact on our water supply.

The EIR is too long; it is over 800 pages in length. I admit: I live in the proposed project area on two acres that was an abandoned vineyard. I do my best to be a steward of this land and air. I plant a small garden and share the fruit from my trees with my neighbors. I couldn't do this type of living within the City's limits, which is why I chose to live in a rural setting in the County of Fresno. The SEDA plan will take away my privilege of living where I chose to live 35 years ago. I will no longer be able to afford to live in my home. This cost to be annexed will force me to leave.

To City of Fresno officials: **Stop the SEDA project.**
To Fresno County Supervisors: Stand up and **protect the citizens who elected you**.
To everyone: Stop the unrelenting land grab and **protect California's unique central valley**.

QUALITY OVER QUANTITY.

Sincerely,
Annette Paxton
7412 E Pine Avenue
Fresno, CA 93737
Cell: (559) 906-0718
annettepaxton82@gmail.com

7-24-2023

Comments on the EIR for the SEDA Specific Plan released 7-14-2023

Because I am not an expert, I began reading the EIR with something I am familiar with. I saw Temperance Avenue at the top of page 3.17-5 so I started reading. My question; **'HOW CAN A DOCUMENT THAT WILL SO GREATLY AFFECT PROPERTY OWNER IN FRESNO COUNTY HAVE SUCH A GROSSLY ERRONIOUS STATEMENT AS THE ONE REGARDING TEMPERANCE AVENUE'?**

Temperance Ave. is designated throughout as a "SUPER ARTERIAL". This is described as a 4, 5, or 6 lane road with a raised median.

It is described on page 3.17-5 as a four lane north-south arterial with an interchange at SR-180. Land adjacent to Temperance Avenue consists mostly of farmland, and the road becomes a two-lane facility south of Hamilton Avenue. The speed limit along Temperance Avenue is 40 mph.

Apart from the four lane at SR-180, **nothing of the above is factual.**

Temperance Avenue is a Super Arterial as defined from Shields Avenue north to Dakota Avenue. South of Shields Avenue to the four lane approaching SR-180 it is a two lane. South of Kings Canyon it becomes a three lane for a short period before returning to a two lane. It is not largely farmland, it is largely rural residential.

The speed limit along Temperance Avenue is never 40 mph, It varies along its length from 45 mph to 55 mph.

Every scenario for the road that has been previously presented by the city has shown it as being upgraded to a six lane with raised median, a raised median to frontage roads and pedestrian walkways. This is in the city's General Plan. We attended a city meeting at Boris Elementary School on this subject.

In no way does this coincide with any description found in the EIR.

If this is an example of the accuracy to the EIR as a whole, I think it calls into question the entire EIR. Especially since it would be so easy to accurately describe a single road.

The EIR says the speed limit on Jensen Avenue is 45 mph. In fact, through the plan area, the speed limit is 55 mph. It was, until recently 65 mph.

These may be small errors but they are indicative of poor research, possibly even research that has never been actual on-site research. Such sloppiness in one area will likely be evident in other areas and calls into question the accuracy and validity of the entire EIR. Also, perusing the full report, one finds page after page of repetitive language that seems carefully crafted to actually say nothing. A classic case of boilerplate that has probably been used in many other reports. This is certainly not the work of a report that actually took years and thousands of dollars to prepare.

Why is this important? Because this is base or background upon which policy and implementation are built. The end product is never any better than the foundation on which it is built.

Thank you,

Ross & Marie Potter

1598 N. Temperance Ave.

Fresno, CA 93727

Via E-Mail only

City of Fresno
c/o Adrienne Asadoorian, Planner
2600 Fresno Street, Third Floor, Room 3065
Fresno, California 93721

Re: "Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486"

Dear Ms. Asadoorian,

I contest Section 3.2 Agricultural Resources and Forest Resources for the following reasons:

1. The mitigation plan, MM AG1.1, is unacceptable because it relies on the development of a Farmland Preservation Program by 2025. Since the plan is not in place, the environmental impact cannot be determined. Therefore, this plan must not be accepted until a plan is in place and can be adequately evaluated. Having the plan in place with clear requirements provides predictability of the environmental impact.

2. In reference to MM AG2, the City's General Plan Policy RC-9-c does not provide the sole legal basis for mitigation for the loss of farmland to urban development. As you are aware, the California Environmental Quality Act ("CEQA"), Pub. Res. Code 21000 et seq., requires agencies to analyze the significant environmental impacts of projects that they approve or carry out, and *to mitigate those impacts,* where feasible, to a less than significant level. The Legislature has declared that CEQA "plays an important role" in effectuating the important public policy of preserving agricultural lands within the state. Stats. 1993, ch. 812, 1, p.4428. Accordingly, CEQA's environmental analysis and mitigation requirements extend to farmland conversion. *See San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 733 (EIR deficient due to an inaccurate assessment of the amount of prime farmland to be converted as a direct result of the development project); *Citizens for Open Government v City of Lodi* (2012) 205 Cal.App.4th 296, 320-22 (EIR found conversion of 40 acres of farmland a significant impact even after purchase of conservation easements at a 1:1 ratio). Impact AG-2, page 3.2-19 states there are "no feasible mitigation measures available" and that there is "significant and unavoidable impact." The is not acceptable under CEQA mandates and must be corrected.

3. The EIR inadequately summarized the total of farmland as 5,552 acres, page S22. When all 4 categories of farmland are added together it amounts to 6,750 acres. The SEDA plan states that the Level of Significance After Mitigation (MM AG-2) is Significant and unavoidable. The plan does not conserve any farmland. Alternative 3 would conserve 648.61 acres. This is not acceptable. Farmland conservation needs to be at least at a 1:1 ratio. Alternative 1 would have the least impact on conversion of

farmland to housing. The SEDA plan, page S10, plans for 45,000 homes compared to 17,900 in the current plan (Alternate 1). Therefore, a large amount of farmland would not be converted to houses under the existing plan and the SEDA plan should be rejected. With the increase in this number of homes and residents, the number of jobs would only be increased from 29,600 to 37,000 jobs. This is unacceptable and will have an adverse on the environment of the planned area.

4. The City of Fresno's General Plan conceived of the development of SEDA in Growth Area II to occur after other infill initiatives, to give those time to gain momentum. The Project History in Appendix A of the EIR states "there is still ample residential capacity within the current city limits and in Growth Area I (which includes the Southwest Fresno and the West Area Neighborhoods Specific Plan areas)." Also refer to 2013-2031 Fresno County Multi-Jurisdictional Housing Element Appendix 1-E Fresno. This mitigation measure has been completely ignored in the EIR and has not been addressed as a reasonable option. Therefore the SEDA plan must not be developed until the space within the current city limits and Growth Area I are utilized.

5. The plan has made no consideration at all for the social and economic impact on minority groups. A large number of Hmong and Southeast Asia descendants that farm in this area will lose their income and livelihood as their farms are converted to houses and non-agriculture industries. This is a social injustice and has to been addressed before this EIR can move forward.

6. There are no mitigation measures to conserve over 900 acres of agriculture land that is already within the Williamson Act. This is totally unacceptable under CEQA guidelines. This EIR cannot move forward until these lands are secured as agriculture land or mitigated at a 1:1 ratio.

7. The public comment received during the EIR scoping period asking for an assessment of the impacts that the plan will have on current and future agricultural operations has not been adequately addressed. (Stated on page 3.2-1) Housing, especially high density houses, is incompatible with farming. Mitigation measures in these situations have not been adequately described so a full environmental impact can be made. Planning for only organic farming in the area is not adequate as organic sprays appear to be the same as conventional pesticides approved by Environmental Protection Agency (EPA) and California Department of Pesticide Regulation. Therefore, to plan only for the use of organic pesticides will not provide home owners with peace of mind of safety.

8. Policy RC-5.2 Hazardous Materials. Prevent contamination of the groundwater table and surface water resources and discourage all pesticide use for agricultural and landscaping uses within the SEDA. This policy is outside the jurisdiction of the City of Fresno. The use of all pesticides for agricultural and landscaping is under the jurisdiction of the Federal EPA and California Department of Pesticide Regulation.

This policy is just another way to reduce the feasibility to farm in the SEDA plan area, forcing agriculture out so housing can be built without regard to preserving agriculture land. This policy is not consistent with CEQA's mandate to preserve agriculture land and reasonable measures must be shown how to mitigate hazardous materials in groundwater and surface water and still preserve agriculture land.

9. The measure to mitigate agricultural conversion, page 3.2-17 is stated as "To counter the effects of agricultural conversion, the Specific Plan includes a policy framework to support the integration of agriculture within the urban sphere. Programs that would be integrated into the Specific Plan may include school and neighborhood gardens, community orchards, agricultural education centers." This does not mitigate in any way the loss of agricultural land for production that feeds Fresno, California, and the United States. Community gardens are very limited in their production as well as their use. Limited plantings of nut and fruit trees are susceptible to pests, diseases and bird damage without adequate pest control measures and will be a liability. These plantings will become reservoirs for pests and invasive species that could destroy all commercial agriculture in the San Joaquin Valley of California. Therefore, these measures are inadequate to satisfy CEQA mandates for preservation of farmland.

Based on these reasons, the Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486 should not be accepted.

Please send me notices of any future hearing dates as well as any staff reports pertaining to this project.

Very truly yours,

Dr. David Ramming

Dr. David Ramming
Retired Research Horticulturist, USDA/ARS
SEDA area property owner
Member Southeast Property Owner's Association
dwramming@yahoo.com

Cc: Sophia Pagoulatos, Planning Manager

Via E-Mail only

RECEIVED
AUG 2 8 2024
BY: .....

City of Fresno
c/o Adrienne Asadoorian, Planner
2600 Fresno Street, Third Floor, Room 3065
Fresno, California 93721

Re: "Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486"

Dear Ms. Asadoorian,

I contest Section 3.10 Hydrology and Water Quality for the following reasons:

1. Impact HYD-2: states "The proposed project could substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin." The mitigation measure MM HYD-2d has not been adequately demonstrated in showing that the existing groundwater recharge facilities have produced adequate infiltration into the underground aquifers. Gallons of water input is shown but the real results would be revealed by the change in groundwater table near the basins. Therefore, inadequate information is available to adequately assess the impact these basins are having. In addition, no studies are provided that show what the infiltration rate of proposed groundwater facilities in the SEDA area would be. The Fresno Irrigation District is building all its groundwater recharge facilities on the west side of its district as they feel the east side is less effective for groundwater recharge facilities. The United States Department of Agriculture, Agricultural Research Service, Stainable Agricultural Water Systems Research laboratory at Davis, CA should be contacted and methodology they have developed be used to verify that the proposed sites for groundwater recharge facilities are indeed adequate to mitigate the overdraft of the North Kings Groundwater Basin. Even with the infiltration rate determined, these recharge facilities are only functional when adequate water is available in "wet" rainfall years. Therefore, they are only adequate part of the time. Data is lacking and needs to be developed to show how many recharge facilities would be needed on an average during wet and dry rainfall years to have no significant impact on the groundwater levels.

2. MM HYD-2c:States "Prior to exceeding existing water demands, the City shall pursue the provision of adequate water supplies by securing additional water sources and shall not approve development per the Specific Plan for the Plan Area until additional water supply is provided." The city of Fresno is already using nearly all its allocation of surface water from the Fresno Irrigation District (FID). The only way the city of Fresno can obtain additional water is by taking it away from other recipients. Agriculture is the main recipient of water from FID and reducing its water

would have serious environmental impact. Important impacts would be: 1. Removal of agricultural land from production. 2. Reduction in the amount of food that could be produced. 3. Less water available for groundwater rechange basins in agricultural areas to replenish North Kings Groundwater basin that extends beyond Fresno City limits and sphere of influence.

3. Under 3.10.6 Project Impacts and Mitigation Measures, Mitigation measure MM HYD-1 is placed under Impact HYD-2. It only references North Kings GSP adopted by North Kings GSA and only applies to groundwater supplies and groundwater recharge, not surface or groundwater quality HYD-1. This makes no sense and needs to be corrected. If it should have been labeled MM HYD-2, then there is no MM HYD-1 measures stated for Impact HYD-1. The North Kings GSP is a plan for the whole sub-basin and not specific to the SEDA plan. The EIR for the SEDA plan must be specific to the environmental effects it will have and what mitigation measures specifically to this area will be implemented and if they will meet CEQA requirements.

4. Public comments received during the Draft Program Environmental Impact Report Identified that groundwater overdraft is an issue in the City and requires that the Draft PEIR evaluates the SEDA Specific Plan's impact on groundwater resources. The EIR responded with Impact HYD-2: The proposed project could substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. MM HYD-2d states The City shall develop new and expand existing groundwater recharge facilities to balance increased water demands resulting from the Project Area. The City's plan of reducing its reliance on wells and relying more on surface water, using more surface water to recharge the groundwater through recharge basins sounds great. However, the City of Fresno is already using the majority of its surface water allocation from FID. MM HYD-2c says the City of Fresno will seek additional water sources. No potential additional water resources are identified, therefore this EIR cannot be adequately evaluated based on unknown water sources.

5. Objective RC-6 Ensure that Fresno has a reliable, long-range source of drinkable water. Policy RC-6-I Natural Recharge. Support removal of concrete from existing canals and change the practice of lining new and existing canals with concrete to allow for natural recharge. Without concrete lining of canals: 1. Delivery of water to the city of Fresno and agriculture would be less efficient, meaning less water for both consumers at the city level and in agriculture. 2. The maintenance costs of the canals would be higher due to erosion of the banks. 3. There would be an increase in the soil particulates and contaminants in the water from the soil banks of the canel. 4. There will be damage to the canal banks by rodents and other animals, causing the loss of water from leaks and flooding. This policy and mitigation measure should not be implemented until the EIR is amended with a full report of impact on the environment and water quality.

Based on these reasons, the Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486 should not be accepted.

Please send me notices of any future hearing dates as well as any staff reports pertaining to this project.

Very truly yours,

Dr. David Ramming

Dr. David Ramming
Retired Research Horticulturist, USDA/ARS
SEDA area property owner
Member Southeast Property Owner's Association
dwramming@yahoo.com

Cc: Sophia Pagoulatos, Planning Manager

August 27, 2023

Ms. Sophia Pagoulatos, Planning Manager
Ms. Adrienne Asadoorian, Planner
City of Fresno
2600 Fresno Street, Third Floor, Room 3065
Fresno, CA 93721

Re: "Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486.

Dear Ms. Sophia Pagoulatos,
Ms. Adrienne Asadoorian,

Comment in General: This plan is basically a "blank check" plan. No mitigation is allowed in the controversial areas. Also, over and over again, it is stated that once the plan is adopted, the various areas of contention would then be worked out. This reminds me what has happened at the Federal level when Congressmen stated we must pass the legislation and afterwards analyze it to see what it says. THIS IS WRONG and so very unfair to property owners as well as tax payers who will have to cover the expenses of a blank check! I find it very hard to understand how your department can endorse something that is so blatantly wrong.

I also find it difficult to understand why you promote a plan that you do not have concrete answers for. At the Town Hall meetings we were given answers that were vague, indirect, seemingly deceptive, or contradictory. Considering how massive this plan is, how disruptive this is to hundreds of lives, how intrusive this is, and how it will ultimately change the dynamics of Fresno, residents should be entitled to clear answers from those who want to implement this plan. To be so unprepared with a project of this magnitude is inexcusable and offensive.

The first three words of the Constitution are "We the People". The way your organization is handling this portrays an abusive City Government with the "Almighty Dollar" taking priority. It is very disheartening, especially knowing that there are options besides taking the most fertile farmland.

The EIR is inadequate as it is based on ad hoc decisions to be made in the future and not on a set plan. Therefore, it cannot be properly evaluated and should be abandoned.

I contest the following areas of the EIR for the following reasons:

Cost Factors

Comment: The City of Fresno has not addressed the taxpayer's cost to implement this development. This "blank check" is unacceptable and needs to be addressed.

Climate Factors

Comment: The City of Fresno has not addressed the climate goals. This "blank check" is unacceptable and needs to be addressed.

Section 3.2 Agriculture Resources and Forestry Resources

Impact AG -1

Question: With the loss of the Ag land, please site the studies done to accommodate the loss of income for the Hmong Farmers. Hurting a minority is unacceptable and needs to be addressed and must be corrected.

MM AG-1.1

Question: Since the City of Fresno has documented their intent on preserving Prime Farmland, how can this plan be acceptable under the city's goals? Over riding signed documents of preserving Prime Farmland is unacceptable and must be corrected.

Section 3.3 Air Quality

MM AIR 1c

Question: How is the increase in the electrical grid going to affect Fresno? Not knowing the impact is unacceptable and needs to be addressed.

Question: The document states that air pollution emissions will increase substantially in Southeast Fresno (possibly by 600% in some areas). The public health impacts of this pollution on local residents has not been analyzed in the EIR. Apparently the City wants to deal with this after the Project's approval. This "blank check" is unacceptable and needs to be addressed and documented prior to approval.

Section 3.5 Cultural Resources

Question: How will the loss of the Hmong revenue impact the Hmong culture? Please site studies that support no consideration for the Hmong farmers. Hurting a minority is unacceptable and needs to be addressed and must be corrected.

Section 3.8 Greenhouse Gas Emissions

Question: It is our understanding that the Greenhouse Gas Footprint will increase by 25% with this mega development. This plan is inconsistent with Fresno's climate change progress. What is the Greenhouse Gas Emissions goal of the City in this area and how will it be implemented in the SEDA development? The current plan is a "blank check" concerning climate change and is unacceptable until this is addressed in detail

Question: Fresno's goal was to reduce CO_2 emissions by 559,000 tons a year by 2035. With SEDA, the emissions will increase by 510,000 tons a year. How do you account for this discrepancy and how do you plan to remedy this problem? Without this information, this plan is unacceptable and this "blank check" needs to be addressed and corrected.

Section 3.11 Land Use and Planning

Impact LAND-2

Question: This plan contradicts Fresno's written policy of preserving prime farm land. Please explain how this plan is not in conflict with the preservation of prime farm land. Over riding signed documents of preserving Prime Farmland is unacceptable and must be corrected.

Section 3.14 Housing

Question: How much of the 45,000 homes will be affordable housing? Jennifer Clark has been reported as saying this detail would be worked out after the City Council approves the project. This is a "blank check" and is unacceptable. This should be corrected and addressed prior to approval.

Section 3.15 Public Services

Question: In the high density areas, how are firefighters, police and first responders going to be able to help people without roads within the areas? Public safety is the number one concern. This plan is unacceptable and needs to be corrected.

Question: Who is going to pay for the massive bill to build schools to accommodate the high density population located in the Sanger School District? Since Sanger Unified has replied to this Project with great concern, please document the projected costs involved with the School district and the plan to fund these schools. Why have no estimated costs been given? Are you concerned that that truth would be detrimental to the Project? Going forward with no plan to implement school growth is unacceptable and needs to be corrected. Asking taxpayers to fund a "blank check" is unacceptable and needs to be corrected.

Section 3.16 Recreation

Question: We have been told at the Town Hall Meetings that Eminent Domain is not involved with the Project Plan. Please clarify. Does Eminent Domain occur only after the area is rezoned? Please state facts concerning the plans for Eminent Domain and Rezoning. The indirect answers we have been given are unacceptable. If Eminent Domain and rezoning will not occur, please give us a signed document stating such information.

Section 3.17 Transportation and Traffic

Question: What transportation will be available for the residents in the high density areas to obtain high paying jobs in other areas of town? If the 15 minute cities are designed to confine residents to the area without opportunities to pursue jobs on the North side of town, this is unacceptable and needs to be corrected.

Question: How is the City of Fresno planning to pay for the infrastructure cost? It has been reported that this will be ironed out after the council approves the massive project. This "blank check" is unacceptable and needs to be addressed prior to any approval.

Section 3.18 Utilities and Service Systems

Impact UTIL – 2

Question 1: What are the significant environmental effects of constructing new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities? Please site the studies made and the data concerning the results of the studies. To accept this Plan without detailed information is endorsing a "blank check". This is unacceptable and needs to be corrected. Information and projected costs need to be published.

MMUTIL-1a

Question: What is the plan for additional water capacity? In the Town Hall Meetings we have not received any definite answers.

Comment: A definite plan should be in place prior to adopting the EIR as the water issue will be huge with the mega increase in the amount of people. The water issue will have a major impact on the city as a whole. To adopt the EIR without any plan in place is like giving someone a blank check to do whatever they want even if it was detrimental to the environment. The plan is unacceptable as is and needs to be corrected.

MMUTIL – 1b

Comment: The water supply system needs to be evaluated prior to the adoption of the plan. There is enough information in the plan to be able to be able to evaluate proposed water supply improvements as well as evaluate the environmental impact. To move forward without this information is unacceptable and needs to be addressed. Tax payers should not be endorsing a "blank check".

MMUTIL – 1d

Question: When you expand the wastewater system, are current property owners paying for hooking up to City Sewer? What will be the cost?

Comment: We have not received a clear answer at the Town Hall Meetings. However, we were told that the property owners were to pay for sewer hookup, the cost is around $30,000, a loan would be available, and if the owner were to sell a lien would be placed on the home to cover the costs. Please give us exact information as to what it will mean for connecting to the City Sewer System and site your source of information. Keeping information from the property owners is unacceptable and needs to be corrected.

MMUTIL – 1f

Question: What will the long term impact on the environment be when expanding or relocating electric, natural gas, or telecommunication facilities for a project of this magnitude. Please site your studies. No information concerning this is unacceptable and needs to be addressed.

Impact UTIL – 2

Question: The EIR states there are sufficient water supplies for this project and foreseeable future development. Please state your source and details to support this statement. Considering the water levels, the years of drought and the projected number of people you plan to accommodate, this is one of the most important issues that needs to be addressed. Stating that there are "sufficient water supplies" is totally unacceptable. This needs to be corrected and addressed in detail as the ramifications of a limited water supply are huge! Allowing the Plan to address this after the Plan is adopted is endorsing a "blank check" for major problems ahead.

Questions:

1. Where are you drawing your water source from?
2. Is the Kings River considered a source even though it is already low?

This project is huge and the lack of information is unacceptable.

Questions:

1. Once our wells run dry, we are not allowed to drill lower. How can you tell us that this will not impact our wells?
2. We have been told that if we are annexed into the City we have 5 years to hook up to City Water.

Our questions have been evaded and the answers given have been contradictory. This is unacceptable! This needs to be addressed and corrected!

Questions:

1. Is the property owner responsible for the cost of connecting to City water? If so, is the cost between $30,000 - $50,000? If the property owner doesn't have the money, is a loan required and is a lien put on the house if the owner intends to sell?
We have not been given definite answers. This is unacceptable. A plan of this magnitude should have answers for the property owners.

2. We have also been told that if a property is on a corner, the owner is responsible for hooking up to water in two directions. Please clarify. If this is the case, this is unacceptable! Since when should the property owners be penalized for the developers' benefit?

MM UTIL-2a

Question: The summary refers to the refined measures and standards that the city plans to use to reduce the per capita water use and implement water saving and conservation standards. What are they? Please give details. Without details this plan is unacceptable. Again, this is endorsing a "blank check". Please address and correct.

Section 3.19 Wildfire

Impact WILD-1

Question 1: With the proposed high density housing plan, what is the emergency response plan? If there is no plan, there needs to be one prior to the development of the project for the safety of human life. Without an emergency response plan in place, this plan is unacceptable. This needs to be corrected.

Question 2: What is the emergency evacuation plan in the high density housing area?
Comment: If there is no plan, there needs to be one prior to the development of the project for the safety of human life. Without an emergency evacuation plan in the high density housing area, this plan is unacceptable and needs to be corrected.

Impact WILD 2

Question: Due to the close proximity of the high density housing, and therefore, the high wildfire risks of rapid spreading, what is the plan to protect the occupants from pollutant concentrations? Without a plan in place, this plan is unacceptable and needs to be corrected.

Question: Due to the close proximity of the high density housing, and therefore, the high wildfire risks of rapid spreading, what is the plan to prevent rapid spreading? Without a plan in place preventing rapid spreading of fire, this plan is unacceptable and needs to be corrected.

Impact – WILD 3

Question 1: Without the infrastructure of roads, fuel breaks, etc., what plans will be implemented to protect the safety of occupants in the high density areas during an emergency?
Comment: If there is no plan, this is unacceptable and needs to be corrected. There needs to be a plan in place prior to the development of the project for the safety of human life.

Question 2: Without the infrastructure of roads, fuel breaks, etc. how will firefighters and rescue personnel be able to access various locations in the high density areas during an emergency? This needs to be addressed and corrected in the EIR or the plan is unacceptable.

Impact – WILD 4

Question 1: Should an unexpected potential threat develop from flooding, landslides, etc., what is the plan of evacuating people?
Comment: If there is no plan, this is unacceptable and needs to be corrected There needs to be one prior to the development of the project for the safety of human life.

Based on the above reasons, the EIR for the Fresno Southeast Development Area, Clearinghouse Number 2022020486 should not be accepted.

Please send me notices of any future hearing dates as well as updates concerning this project.

Sincerely,

Helen Ramming

Helen Ramming
SEDA area property owner
Member of Southeast Property Owner's Association
hramming@yahoo.com

From:	markreitz1@aol.com
To:	Adrienne Asadoorian
Cc:	District1; District2; District3; District4; District5; District6; District7; District5@fresnocountyca.gov; District4@fresnocountyca.gov; Sophia Pagoulatos; "Dale Reitz"
Subject:	Comments on Draft Program EIR for Fresno Southeast Development Area Specific Plan Project - Comments by Mark Reitz and Dale Reitz
Date:	Saturday, August 19, 2023 6:48:24 PM
Attachments:	SEDA Comments on Program EIR Reitz 8-19-2023.pdf

External Email: Use caution with links and attachments

We would like to congratulate and thank the city of Fresno for their work in preparing this significant document and moving towards adoption of a Specific Plan for the Southeast Development Area that has been discussed and anticipated since 2007. As long-time property owners of a family home and farm within this area for over 100 years at 1080 S. Temperance (east of Temperance between the Railroad and Church Avenues), we and our neighbors welcome the opportunity to provide input to this Plan, and hopefully provide local perspective to responsible growth and for the benefit of the city of Fresno for years to come.

The attached letter provides our comments and recommended changes to the Draft Program EIR related to adoption of the Land Use Plan for this Specific Plan.

We request that the ***Consolidated Business Park Alternative (Alternative 2)***, be adopted as the preferred land use plan and the Specific Plan be adopted as such.

If you have any questions, you may contact us at the address and contact information below. Please provide acknowledgement that you received our letter.

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August 19, 2023

Comments on Draft Program EIR for Fresno Southeast Development Area Specific Plan Project

State Clearinghouse Number 2022020486 – Comments by Mark Reitz and Dale Reitz

We would like to congratulate and thank the city of Fresno for their work in preparing this significant document and moving towards adoption of a Specific Plan for the Southeast Development Area that has been discussed and anticipated since 2007. As long-time property owners of a family home and farm within this area for over 100 years at 1080 S. Temperance (east of Temperance between the Railroad and Church Avenues), we and our neighbors welcome the opportunity to provide input to this Plan, and hopefully provide local perspective to responsible growth and for the benefit of the city of Fresno for years to come.

We have watched the city grow to the southeast over the past 50 years, and we are excited for a well-planned and responsible expansion of Fresno. Currently, there are three new major residential subdivisions directly across the street from our farm property on Temperance Ave.

We and our neighbors have attended numerous planning meetings and public presentations. We have offered our written recommendations and alternative maps regarding land use planning in our area going back to 2007. These documents have been passed on to various members of the Fresno Planning Department staff who have been very gracious in reviewing them and providing further direction for us on how we should submit our recommendations and input.

Below are a few of the justifications we presented in our prior letters and documents for relocating a portion of the Land Use Plan Area bounded by Temperance Ave. to the west, Church Ave. to the south, the Briggs Canal to the east, and the Railroad to the north, from Flexible Research and Development/Regional Business Park to a mixture of Community Center, Mixed Residential, and Neighborhood Residential. We request this change or some version of it for the reasons outlined in the documents previously submitted and summarized below. Also, considering there is a serious shortage of housing in Fresno and California this change should be desirable.

- The Sanger Unified School District has recently purchased and zoned a 15-acre parcel on the west side of Temperance about midway between the Railroad and Church Ave. This school as well as the new High School at Jensen and Fowler Avenue would benefit by having more residential homes and apartments closer to these schools to reduce car miles driven and allow walking to school.
- A community center, a small commercial center, and similar job-creating uses at this site will serve the proposed residential and mixed residential areas as well as the very large residential areas (4 square miles) to the west of Temperance between Kings Canyon Road and Jensen Avenue. Currently there are no shopping/commercial areas for over 3 driving miles to the Kings Canyon/Clovis Avenue center. Adding a small community center/office/ commercial center and some mixed residential would greatly reduce trip miles, air pollution, and noise. These uses would not conflict with the large community center proposed at DeWolf and California Avenue and would complement it by reducing trip miles between shopping/office space needed in both areas. The proposed four-lane California Avenue would support both developments and conveniently connect the Temperance and DeWolf arterial streets for both bicycle and foot traffic.
- There is significant pressure/demand on this area to develop employing these land uses due to the SR 180 Freeway completion. Temperance Avenue will be a major connector between SR 180 and Jensen Avenue for communities to the south and east such as Sanger, Del Rey, Reedley, Parlier, and Selma. There are no services, such as gas stations, grocery stores, drug stores, restaurants, etc., to serve this traffic volume. The streets and large community centers proposed over a mile to the east will not develop for 15 to 20 years or more and will not be able to serve the immediate needs. This inconvenient situation will create more trip miles, air pollution, and noise.
- More jobs will be created by the uses we proposed compared to the Business Park/Flexible R&D land uses. If these proposed Business Park lands develop in this area in the distant future, it would be primarily warehouses, storage areas, or agricultural-related processing industries. There are already many large industrial areas in the Fresno area along Jensen Avenue to the west, at the Fresno airport only 5 miles away, and in Clovis. There is no demand in this area for such land use, and it would cause this area to develop last, if ever. **By making this area Flexible R&D, it will essentially stop or severely slow development of this area and cause development to leapfrog over to areas east of the Briggs Canal. This would cause an expensive and undesirable situation for City services, such as roads, water, sewer, storm drainage, gas, and electrical, to be extended far to the east without development west of the Briggs Canal. Stranded areas of land development are sure to cause unnecessary environmental impacts, future inconvenience, and wasted money.**
- The industrial area to the north of the railroad at Temperance up to Butler Avenue is primarily an agricultural/wet industry (La Destria, formerly Bonner Packing). This is a

significant industrial development that has existed for over 125 years at this large site. Zoning of Business R&D may not be consistent with this existing use due to significant odors, noise, rail (double rail spur), truck traffic, and similar environmental impacts. We suggest that this entire area north of the railroad up to Butler Avenue be kept as industrial only. The railroad would provide a good buffer and transition to the community center/office/Mixed Residential uses we are proposing.

- If it is necessary to have a certain number of Industrial or Business Park/Flexible R&D acres in the plan, we suggest moving this zoning to south of Jensen Avenue and west of Temperance Avenue. The present plan shows some residential in these areas, which would be an environmentally unsound choice due to the heavy traffic noise, and air quality impacts created by a future six-lane roadway such as Jensen Avenue. An example of this undesirable situation can now be found on the north side of Jensen between Clovis and Fowler Avenues, where homes are being built adjacent to this busy highway.
- **As evidenced by our previously proposed application in 2008 for this modification, over 70 percent of the property owners (17 parcels) in this area do not want the Industrial/Flex R&D zoning in this area.** These property owners have owned and paid taxes on these properties for many years, in some cases over 75 years. Many of the parcels are small (less than 10 acres) and are not conducive to developing the larger parcels necessary for Business Park/Flexible R&D, which would further hamper the sales and development of the area for these uses. This condition would promote further leapfrogging over this area.
- The Phasing of Development shown as Exhibit 6 provided at the May 3rd 2022, public meeting showed our area to be developed third of four phases. We disagree with this phasing order and feel the area shown as third should be second and the area shown as second moved to third. The area south of Jensen is entirely agricultural now with no major roads completed other than Jensen Ave. There are also no utilities extended near this area. Development of this area would be much more expensive and cause additional deleterious environmental impacts. The State Center Community College is no longer planned for this area, so there is no reason for the land to be developed before the area east of Temperance Avenue between SR 180 south to Jensen Ave. The latter area is already developing due to the new Freeway and the near future extension of Temperance Ave as a super arterial. Also, the new Southeast Fresno water treatment plant is just to the northwest, and can be used to bring water to this area more economically. We would appreciate your consideration in this logical and environmentally sound change if phasing of the SEDA area is proposed.

In reading Chapter 5 of the Draft Program EIR prepared by the City of Fresno, the city considered various Land Use Alternatives. One of these, listed as **Alternative 2, Consolidated Business Park Alternative**, is described as follows:

*Under the **Consolidated Business Park Alternative (Alternative 2)**, the SEDA Specific Plan would occur as planned, but this alternative maintains the Flexible Research and Development land designations from the General Plan for the area south of Jensen Avenue. It would accommodate approximately 42,900 homes and 36,000 jobs within the 9,000-acre planning area. This is approximately 2,100 fewer homes and 1,000 fewer jobs, when compared with the proposed project. Alternative 2 would have slightly less density of development than the proposed project. The area identified in the SEDA Specific Plan as Flexible Research and Development to the east of Temperance Avenue and north of Jensen Avenue would be developed as Neighborhood Residential and Mixed Residential with two community centers and five neighborhood centers. Additionally, this alternative would change the land use designations for the planned Mixed Residential and Neighborhood Residential, along with the Community and Neighborhood Centers south of Jensen Avenue. Under Alternative 2, that area would be designated as Flexible Research and Development and Offices. **Please refer to Exhibit 5-1 for a visual representation of this alternative.***

The Exhibit 5-1 Land Use Map is enclosed with this letter as well as **Exhibit 1-1 which is the called the "Proposed Project"** in this document. This "Proposed Project" is the same land use document that has been unchanged since the original work on SEGA plan was done in 2007.

The **Alternative 2, Consolidated Business Park Alternative,** essentially agrees with what we and our neighbors have been proposing since 2008 and we are extremely pleased that it was analyzed to the same degree as the "Proposed Project" in the Draft EIR. The results of this analysis, as described in detail in Chapter 5, were determined to be an **environmentally superior alternative** as compared to the "Proposed Project" when all aspects are considered. This determination was illustrated in **Table 5-1** of the Draft Program EIR and is enclosed with this letter. Below are excerpts from the Draft Program EIR that reflect this determination as well as the project objectives relative to new dwelling units and jobs.

5.2 - Project Objectives

As stated in Chapter 2, Project Description, the objectives of the proposed project are to:

Quantified Objectives

- *Accommodate between 40,000 and 45,000 dwelling units of varying types, sizes, densities, and affordability levels.*
- *Accommodate between 30,000 and 37,000 jobs.*

5.6 - Environmentally Superior Alternative

*CEQA Guidelines Section 15126(e)(2) requires identification of an environmentally superior alternative. If the No Project Alternative is environmentally superior, CEQA requires selection of the "environmentally superior alternative other than the No Project Alternative" among the project and the alternatives evaluated. **The qualitative environmental effects of each alternative in relation to the proposed project are summarized in Table 5-1.***

Land Use and Planning

Alternative 2 would have slightly less density than the proposed project. ***Alternative 2 would not physically divide an established community. This alternative would allow for planned development and growth and would increase connectivity and support, strengthen, and connect new communities.*** *However, this alternative might reduce impacts to land use by consolidating Office Center and Flexible Research and Development land uses to the area south of Jensen Avenue.* ***Therefore, impacts to land use would be expected to be less than significant, similar to but slightly less than the proposed project.***

5.6 - Environmentally Superior Alternative

*"**The Consolidated Business Park Alternative** is the environmentally superior alternative because it has similar, but slightly less, impacts as compared to the proposed project and meets the project objectives."*

Also enclosed as a separate attachment is a brief executive summary of the relevant discussions in Chapter 5 of the Draft Program EIR that reinforce our conclusions and recommendations.

In summary we wish to thank the city and city staff for allowing us and our neighbors to comment on the Draft Program EIR. For the reasons stated above and also as stated in your own Draft Program EIR, we request that the ***Consolidated Business Park Alternative (Alternative 2)***, be adopted as the preferred land use plan and be adopted as such. We hope that the City Planning Department and the City Planning Commission will make this recommendation to the City Council for adoption based on the desires of the property owners in this area as well as the analysis performed by their EIR consultant in accordance with the CEQA process. If you have any questions, you may contact me at the address and contact information below.

Sincerely

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Enclosures

CC:

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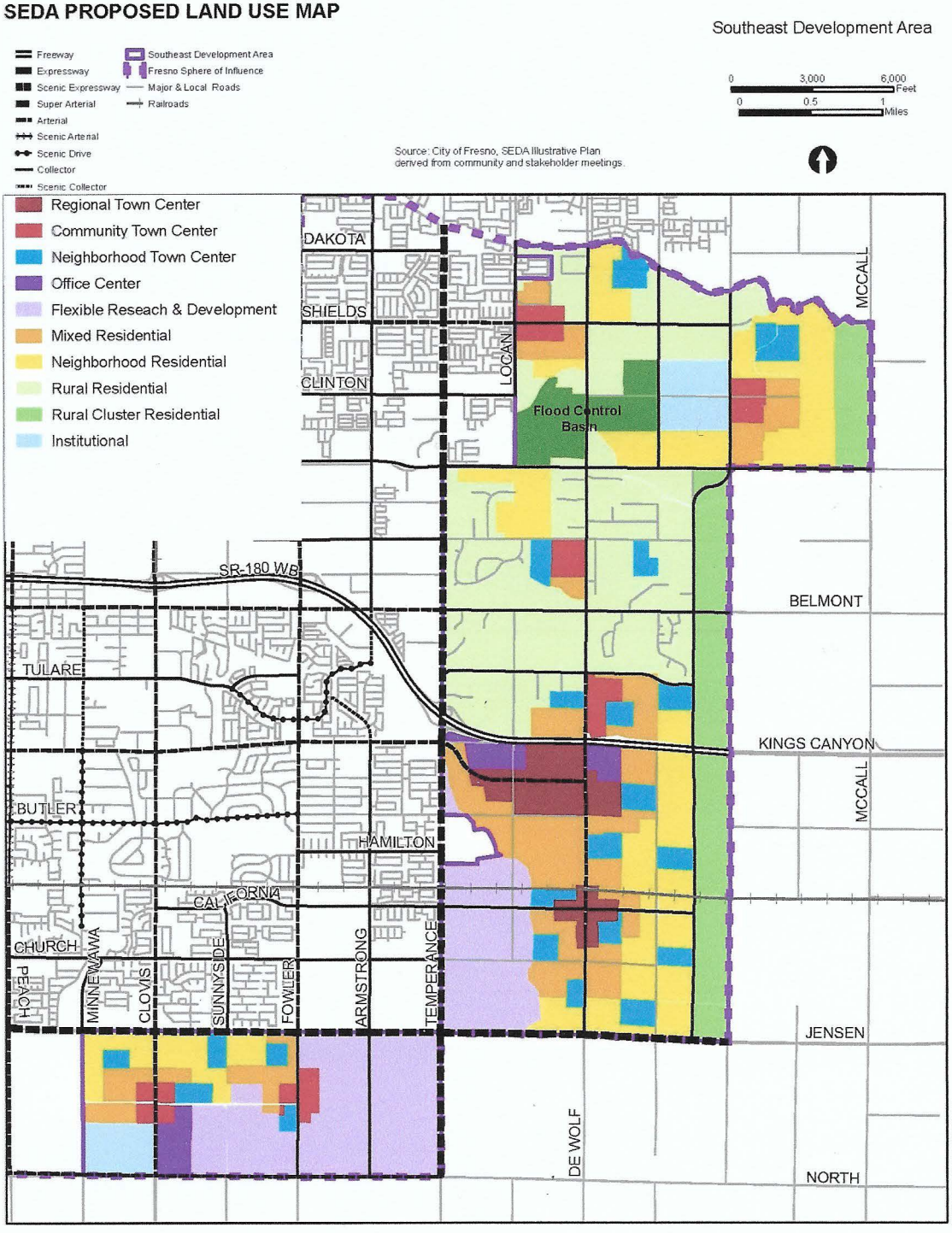
Nathan Magsig District 5 Supervisor, District5@fresnocountyca.gov

SEDA PROPOSED LAND USE MAP



Map 2.5 SEDA Proposed Land Use

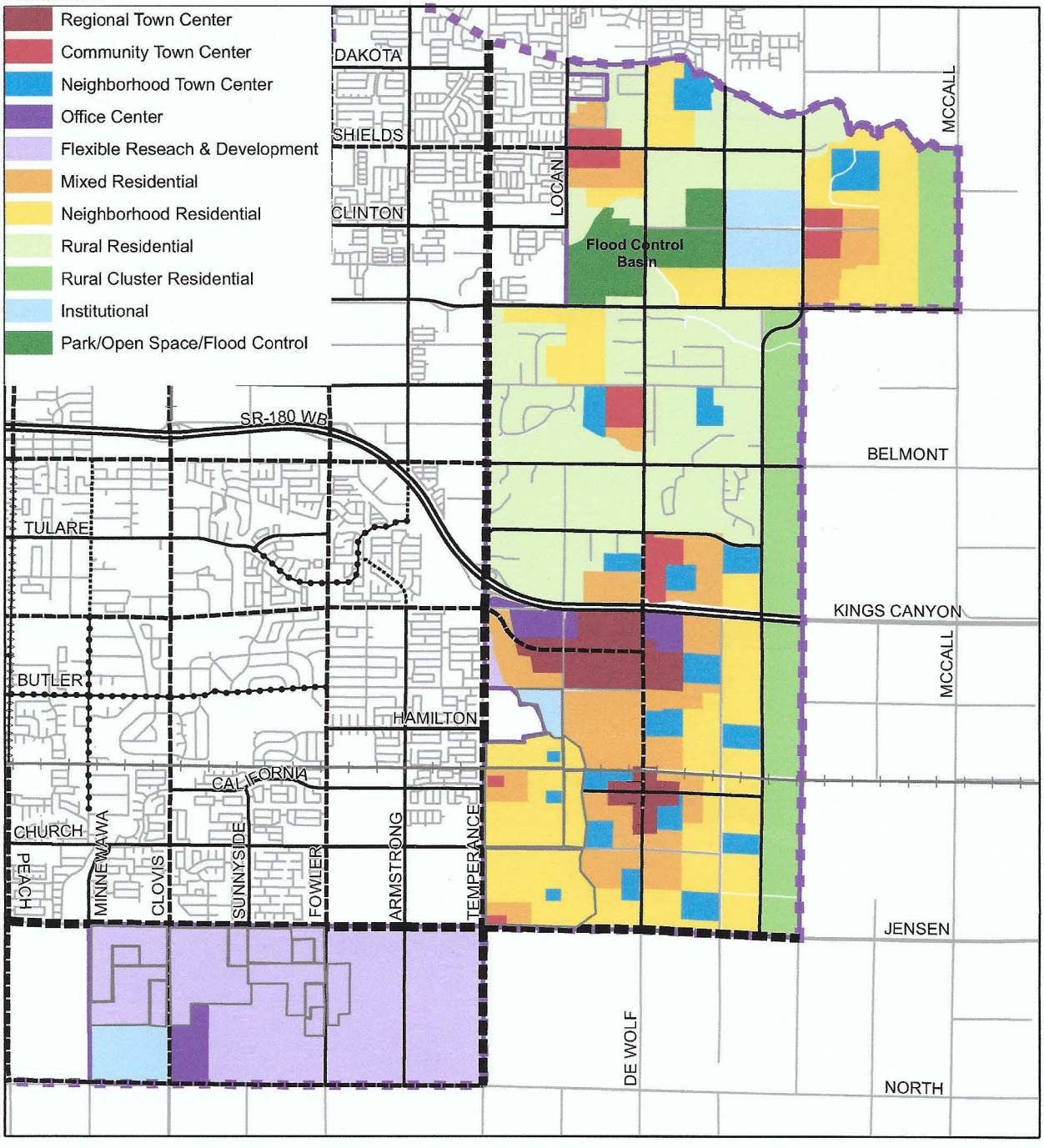
CONSOLIDATED BUSINESS PARK ALTERNATIVE

Southeast Development Area

Freeway
Expressway
Scenic Expressway
Super Arterial
Arterial
Scenic Arterial
Scenic Drive
Collector
Scenic Collector
Southeast Development Area
Fresno Sphere of Influence
Major & Local Roads
Railroads

0 3,000 6,000 Feet
0 0.5 1 Miles

Source: City of Fresno, SEDA Illustrative Plan derived from community and stakeholder meetings.



Source: City of Fresno

FIRSTCARBON SOLUTIONS™

Exhibit 5-1
Consolidated Business Park Alternative

5.6 - Environmentally Superior Alternative

CEQA Guidelines Section 15126(e)(2) requires identification of an environmentally superior alternative. If the No Project Alternative is environmentally superior, CEQA requires selection of the "environmentally superior alternative other than the No Project Alternative" among the project and the alternatives evaluated. The qualitative environmental effects of each alternative in relation to the proposed project are summarized in Table 5-1.

Table 5-1: Summary of Alternatives

Environmental Topic Area	Alternative 1: No Build Alternative	Alternative 2: Consolidated Business Park Alternative	Alternative 3: Farmland Conservation Alternative
Aesthetics, Light, and Glare	<=	<=	<=
Agricultural Resources and Forestry Resources	<=	<=	<=
Air Quality	<=	<=	<=
Biological Resources	<=	<=	<=
Cultural Resources and Tribal Cultural Resources	<=	<=	<=
Geology, Soils, and Seismicity	<=	<=	<=
Greenhouse Gas Emissions	<=	<=	<=
Hazards and Hazardous Materials	<=	<=	<=
Hydrology and Water Quality	<=	<=	<=
Land Use and Planning	<=	<=	>
Mineral Resources	<=	<=	<=
Noise	<=	<=	<=
Population and Housing	<=	<=	<=
Public Services	<=	<=	<=
Transportation and Traffic	<=	<=	<=
Utilities and Service Systems	<=	<=	<=
Wildfire	<=	<=	<=

Key:
Impact finding is the same as the proposed project: =
Impact finding is the same as the proposed project but slightly less impactful: <=
Impact finding is the same as the proposed project but slightly more impactful: >=
Impact finding is less than the proposed project: <
Impact finding is greater than the proposed project: >
Source: FirstCarbon Solutions (FCS) 2022.

Comments on Proposed Draft PEIR, SEDA Specific Plan Project #2022020486

After a review of the SEDA General Plan, Draft PEIR Specific Plan, and the three Alternatives, we believe the Consolidated Business Park Alternative 2 offers the best course of action to satisfy the PEIR Project objectives.

Alt 2 would maintain existing R&D land designations from the General Plan for the area south of Jensen Avenue, but allow the area east of Temperance Avenue to be developed at Neighborhood and Mixed Residential with two community centers and five neighborhood centers (p. 5-6). This scenario would permit proper organized and phased development on potentially stranded land east of Temperance and west of the Briggs Canal. Consolidation of Flexible R&D land south of Jensen Avenue would offer the opportunity for synergies of planning and phased development in one contiguous area instead of two separate tracts.

Alt 2 would accommodate 42,900 homes and provide 36,000 jobs within the 9,000 ac planning area (p. 5-14). These estimates are 95% of the maximum in the range outlined in the project objectives of the SEDA Specific Plan (p. 5-7) and 97% of the maximum jobs in the range outlined in Plan, while offering the benefit of slightly less development density and environmental impact.

Alt 2 would consolidate the proposed Office Center and Flexible R&D land uses to the area south of Jensen Avenue, thus preserving more undeveloped space (p. 5-15). Alt 2 would not physically divide an established community, allow planned development, and increase connectivity to support and strengthen new communities (p. 5-18).

Alt 2 would provide similar development to the proposed project, but with slightly less intense impacts to agricultural, forestry, and biological resources (p.5-15).

Alt 1, No Project Alternative, would use current land use and zoning maps from the General Plan. This alternative would include an estimated 17,900 homes 29,600 jobs (p. 5-6). These numbers are below the range of homes and jobs identified as “quantified objectives” in the SEDA Specific Plan. Alt 1 would have similar, but slightly less, impacts than the proposed SEDA Specific Plan.

Alt 3, Farmland Conservation Alternative, envisions no future development or ground disturbing activities on specific farmland (648.61 ac) designated for conservation (p. 5-22). In addition, a Rural Cluster Residential Buffer (832 ac) on the east side of the Plan area would be excluded from development. Preserving this buffer farmland would reduce the transitional buffer and cause residential lands to be in closer contact with active agricultural land (p. 5-25). This unavoidable conflict of land use continuity would likely contradict the Specific Plan Policy UF-1.6 and create a significant environmental impact (Table 5-1). This land use conflict creates an incrementally greater environmental impact, rendering it inferior under CEQA Guidelines (p. 5-29).

"Alternative 1, the No Project Alternative, would not meet the project objectives. Alternatives 2 and 3 would meet many of the project objectives. The Consolidated Business Park Alternative is the environmentally superior alternative because it has similar, but slightly less, impacts as compared to the proposed project and meets the project objectives." (p. 5-29).

Thank you for your thoughtful consideration.

Mark Reitz and Dale Reitz

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Comments on Draft SEDA Environmental Impact Report

3.2 - Agricultural Resources and Forestry Resources

Policy CF-3.1 Organic and Pesticide-Free Farming

Comments:
Pesticide Use and Regulation is regulated and monitored by the California Department of Pesticides Regulation. **What authority does the City of Fresno have to restrict pesticide use?**

Is the City of Fresno also going to restrict the use of pesticides in the home to being organic or pesticide-free? There are many products used in households for cleaning, insect control, etc. that fall under the umbrella of pesticides. An example being ant and roach spray used by homeowners. That product has an EPA registration number and are considered pesticides and are not organic. **Is the City of Fresno going to restrict pesticides used in households?**

Policy CF-4.4
Encouraging the long-term economic viability of Fresno County agriculture would not be removing 6,174 acres of farmland from production.

Fresno General Plan PEIR Mitigation Measures

MM AG-1.1
The Farmland Preservation Program has not been implemented by the City of Fresno as of the Draft SEDA EIR.

According to the City of Fresno website the City Council in 2017 initiated an amendment to Policy RC-9-c of the Fresno General Plan. This item is tentatively scheduled to be considered by the City Council on December 6 of this year.

The EIR is incomplete without this information of how the City of Fresno plans to implement the Farmland Preservation Program.

Article:
https://www.kvpr.org/government-politics/2015-04-09/fresno-city-council-says-no-to-farmland-preservation-project

KVPR reported on April 9, 2015 that Fresno City Council says “No” to Farmland Preservation Project.

The Fresno City Council rejected a proposal to move forward with an effort to preserve area farmland from development.

The council voted down the proposed grant application to start a farmland preservation program, which is key part of the city’s newly adopted general plan.

The program would require developers to offset the loss of farmland from urbanization by agreeing to preserve farmland elsewhere.

It goes on to say, According to the American Farmland Trust, Fresno County has the smallest amount of farmland held under conservation easements in the valley, while the amount of farmland converted to development from 1990 to 2008 was among the highest.
Article:
https://sjvsun.com/news/fresno/brandau-pushing-brand-administration-for-fast-action-on-nixing-farmland-preservation-regs/

The link above is titled, Brandau pushing Brand administration for fast action on nixing farmland preservations regs.

The past history of the City Council has not been if favor of preserving farmland. Until the CIty Council actually adopts and approves a Farmland Preservation Plan the Draft EIR is not complete and shouldn't be approved.

How is the City Council going to address the preservation of farmland?

There needs to be an answer before the City of Fresno tries to annex 6,174 acres of farmland. If the developers are required to preserve a 1:1 ratio of farmland or preserve at an even higher ratio the costs of farmland preservation will dramatically increase the cost for the SEDA project.

Article:
June 29th, 2022
https://farmland.org/new-report-smarter-land-use-planning-is-urgently-needed-to-safeguard-the-land-that-grows-our-food/

It is urgent we safeguard the land that grows our food.

Page 1E-2-9 of the Fresno Multi-Jurisdictional Housing Element, July 2023 states that Fresno has many vacant residential development opportunities along with underutilized non-vacant sites with redevelopment potential with sufficient capacity to meet and exceed the identified housing need for 2023-2031.

What is the justification for approving SEDA until the infill and utilizing the available land in the City of Fresno is completed first?

https://www.agalert.com/california-ag-news/archives/sept-7-2022/california-needs-housing-but-must-protect-its-farms/

Project Specific Mitigation Measures
MM AG-2
Prime Farmland, Unique Farmland, and Farmland of Statewide Importance Impact Reduction Measure.

The EIR states the Level of Significance After Mitigation is Significant and has unavoidable impact.

What mitigation measures are going to taken for the preservation of farmland?

Conflict with Existing Zoning or Williamson Act Contract
Impact AG-2

The EIR states there is no feasible mitigation measures that are available for Williamson Act Contract land. The majority of land within the Plan Area that is under Williamson Act Contract would be designated for non-agricultural land uses (such as various types of residential, regional and community center land uses) with the implementation of the Specific Plan. That would conflict with land under Williamson Act Contracts. That would result in a significant and unavoidable impact.

How is the Specific Plan going to address this conflict? Until this is addressed the EIR is incomplete and should not be approved.

3.3 Air Quality

Air quality is a major concern in Fresno and the San Joaquin Valley.

According to the EIR, SEDA will have a detrimental effect on the air quality and there is not sufficient mitigation available to reduce the potential criteria pollutant emissions associated with the proposed project to levels that would not exceed the Valley Air District threshold of significance. Therefore, cumulative impacts to air quality would be considered to remain significant and unavoidable.

There are serious health and environmental consequences that are not being addressed. **How are these issues going to be mitigated?**

3.8 Greenhouse Gas Emissions

Per the Draft SEDA EIR, the proposed project would generate a significant net increase in GHG emissions and would have a “significant” GHG impact per the City of Fresno GHG Reduction Plan Update. As the proposed project would have a significant impact per the guidance included in the GHG Plan Update, the project has a potential significant level of cumulative significance.

There are no project specific mitigation measures available. The cumulative significance after mitigation is significant and unavoidable.

This project will add to greenhouse emissions that will have a significant level of cumulative significance.

With the focus on climate change, greenhouse gas emissions, and irreversible damage to the earth SEDA is actually contributing and not helping the problem.

Any new project should be reducing the negative effects on the climate and environment not adding to the detrimental effects.

How is this going to be mitigated? This project should be abandoned until sufficient mitigation measures are developed and the EIR rejected until it addresses how to mitigate greenhouse emissions.

3.10 - Hydrology and Water Quality

We are currently in a difficult water situation. The implementation of SEDA would greatly stress an already strained situation. **How is SEDA complying with the Sustainable Groundwater Management Act?**

3.11 - Land Use and Planning

General Comment:
SEDA removes 6,741 acres of farmland from production. That is in direct opposition to many of the goals to promote and preserve agriculture as listed under the Fresno Southeast Development Area Specific Plan. **How is that promoting and supporting agriculture when SEDA removes 6,741 acres of farmland?**

Policy CF-3.1
Organic and Pesticide-Free Farming.
Promote ecologically sensitive farming methods that are safe for farm workers, consumers, and residents by restricting pesticide use and promoting integrated pest management practices within the SEDA.

Comment:
Pesticide Use and Regulation is regulated and monitored by the California Department of Pesticides Regulation. **What authority does the City of Fresno have to restrict pesticide use?**

Is the City of Fresno also going to restrict the use of pesticides in the home to being organic or pesticide-free? There are many products used in households for cleaning, insect control, etc. that fall under the umbrella of pesticides. An example being ant and roach spray used by homeowners. That product has an EPA registration number and are considered pesticides and
are not organic. **Is the City of Fresno also going to restrict pesticides used in households?**

3.14 Population and Housing

Page 1E-2-9 of the Fresno Multi-Jurisdictional Housing Element, July 2023 states that Fresno has many vacant residential development opportunities along with underutilized non-vacant sites with redevelopment potential with sufficient capacity

to meet and exceed the identified housing need for 2023-2031. **What is the plan for developing that land?**

3.17 Transportation and Traffic

The California Department of Transportation requested peak hour ramp queue analysis be completed at the Highway 180 interchanges of Clovis Avenue, Fowler Avenue, Temperance Avenue, DeWolf, Highland and McCall Avenues. **Have those analysis been completed?** If so, they should be included in the EIR for comment.

4.1 Significant Unavoidable Impacts
Significant environmental effects of the proposed project, including effects that cannot be avoided if the proposed project were implemented.

The following are listed as significant unavoidable impacts.

Impact AES-3 (Project-level Visual Character):
No feasible mitigation measures are available to mitigate the impact to a less than significant level.

Impact AES-4 (Project-level Light and Glare):
This increase in illumination is considered a significant impact. Impacts would remain significant and unavoidable .

Cumulative Aesthetics, Lights, and Glare Impacts:
Impacts would remain significant and unavoidable.

Impact AG-1 (Project-level Conversion of Farmland to Nonagricultural Uses):
Loss of Prime Farmland would still occur with implementation of the proposed project. Therefore, this impact would be significant and unavoidable even with implementation of available mitigation.

Impact AG-2 (Project-level Conflict with Existing Zoning or Williamson Act Contract):
This impact would be significant and unavoidable without any available mitigation.

Cumulative Agricultural Resources and Forestry Resources Impacts:
No feasible mitigation measures are available. Therefore this impact would be significant and unavoidable

Impact AIR-1 (Project-level Consistency with Air Quality Management Plan):

Due to the magnitude and intensity of development accommodated by the proposed project, it would have a significant and unavoidable impact.

Impact AIR-2 (Project-level Cumulative Criteria Pollutant Emissions):
Implementation fo the proposed project would result in a significant impact because it would significantly contribute to the non attainment designation of the San Joaquin Valley Air basin (SJVAD). This impact would be significant and unavoidable.

AIR-3 (Project-level Sensitive Receptors Exposure to Pollutant Concentrations):
Without needed information it is not possible to conclude that air pollutant emissions resulting from construction activities would be adequately reduced to the point that sensitive receptors are not exposed to substantial concentrations of air pollutants, and thus a significant and unavoidable impact may result.

Cumulative Air Quality Impacts:
There is currently not enough information to quantify emissions of specific project development that may occur under the proposed project. Without quantification to guarantee a less than significant finding, future development projects may still exceed the Valley Air District regional significance thresholds. Additionally, due to the size of the proposed project, there is not sufficient mitigation available to reduce the potential criteria pollutant emissions associated with the proposed project to levels that would not exceed the Valley Air District thresholds of significance. Therefore, cumulative impacts to air quality would be considered to remain significant and unavoidable.

Impact GHG-1 (Project-level Greenhouse Gas Emissions):
The proposed project is not consistent with the GHG Plan Update, and the proposed project's contribution to environmental impacts related to GHG emissions are significant. There is no mitigation feasible to reduce the GHG emissions of the proposed project to less than significant levels. The GHG impacts of the proposed project are significant and unavoidable.

Cumulative Greenhouse Gas Emissions Impacts:
There are no feasible mitigation measures available. As such, cumulative impacts with regard to GHG emissions are significant and unavoidable.

Impact NOI-1 (Project-level Construction Noise):
Because these construction activities may occur near noise-sensitive receptors and because noise disturbances may occur for prolonged periods of time, construction noise impacts would remain significant and unavoidable.

Cumulative Construction Noice:
Because construction activities associated with implementation of the Specific Plan could then also occur simultaneously and because noise disturbances could occur for prolonged periods of time, there is the possibility for a cumulative construction noise impacts tat would remain significant and unavoidable.

These are significant and unavoidable impacts that have severe and irreversible consequences. They must be addressed and if not able to be mitigated the EIR and SEDA project should not be approved.

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CITY OF SANGER

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COMMUNITY DEVLEOPMENT DEPARTMENT

DAVID BRLETIC, DIRECTOR

August 28, 2023

City of Fresno
Planning and Development Department
Adrienne Asadoorian, Planner III
2600 Fresno Street, Room 3065
Fresno, CA 93721

RE: Notice of Availability of a Draft Program Environmental Impact Report (PEIR) for the Proposed Southeast Development Area (SEDA) Specific Plan Project

Dear Ms. Asadoorian:

The City of Sanger has reviewed the PEIR for the proposed SEDA Specific Plan. The project includes approximately 9,000 acres of residential, commercial, agricultural, and mixed-use opportunities for development to meet the growing needs of the area. The City of Sanger appreciates the opportunity to comment on the project.

The proposed project area is located approximately 2 miles west of the City of Sanger's Sphere of Influence (SOI) and City Limits. While outside of City of Sanger's review boundary, a project under CEQA addresses not only those impacts within the project area but cumulative impacts as well. A project of this magnitude being in close proximity to the City of Sanger has great potential to increase demand on City infrastructure, such as safety personnel and transportation infrastructure. The City encourages that the cumulative impacts regarding potential impacts on the City of Sanger be considered in the analysis.

The SOI acts as a tool for implementation of the City's General Plan and growth potential for the next 20 years. With housing demand fueling growth for the City, we are actively exploring ways to implement the General Plan through annexation programs with the Fresno Local Agency Formation Commission (LAFCo). As available land within the SOI for the City is reduced due to annexation and development, the City will seek expansions to the SOI to accommodate growth demand. We encourage and welcome open communication and coordination between neighboring communities so that proper and orderly development may proceed as the planning areas for the City of Sanger and Fresno become closer in proximity.

Mentioned above, the planning areas of the City of Sanger and Fresno have become closer in proximity. The City of Sanger is a community of many long-time residents who proudly associate their identity as such. When planning areas meet and distinguished boundaries become less recognizable, that feeling of identity may be challenged. The City wants to continue to maintain community identity.

We appreciate the opportunity to provide comments on the project from our perspective and welcome any communication between us that would facilitate our comments. If you have any questions regarding this matter, please contact David Brletic, Community Development Director at 559-876-6300, ext. 1520, or dbrletic@ci.sanger.ca.us.

Sincerely,

David Brletic

David Brletic
Community Development Director

CC: Greg Garner, Acting City Manager
Derek Sylvester, Senior Planner

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

August 23, 2023

Adrienne Asadoorian
City of Fresno
Planning and Development Department
21600 Fresno Street, Room 3065
Fresno, CA 93721

Project: Draft Program Environmental Impact Report for the Proposed Southeast Development Area Specific Plan Project

District CEQA Reference No: 20230643

Dear Ms. Asadoorian:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the City of Fresno's (City) Draft Program Environmental Impact Report (DPEIR) for the Southeast Development Area Specific Plan (SEDA) (Project). The Project is a program level project and, while project-specific data may not be available until specific approvals are being granted, the DPEIR should include a discussion of policies, which when implemented, will reduce or mitigate impacts on air quality at the individual project level.

The District offers the following comments at this time regarding the Project:

1) Land Use Planning

Nearly all development projects within the San Joaquin Valley Air Basin, from specific plans to individual projects have the potential to generate air pollutants, making it more difficult to attain state and federal ambient air quality standards. Land use decisions are critical to improving air quality within the San Joaquin Valley Air Basin because land use patterns greatly influence transportation needs, and motor vehicle emissions are the largest source of air pollution in the Valley. Land use decisions and project design elements such as preventing urban sprawl, encouraging mix-use development, and project design elements that reduce vehicle miles traveled (VMT) have proven to be beneficial for air quality.

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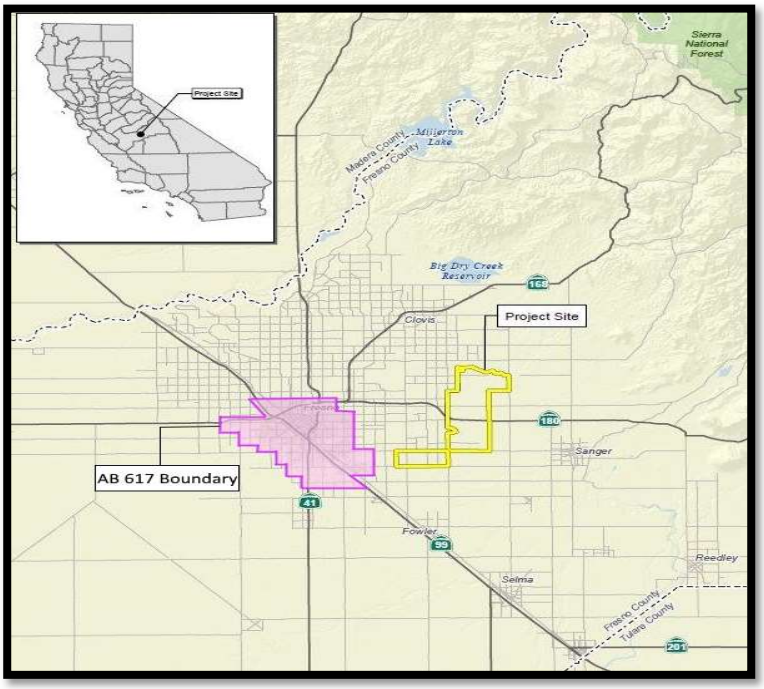
More specifically, the DPEIR concludes Project air quality emission impacts will exceed District significance thresholds and thus result in significant and unavoidable impacts. As such, the District recommends the DPEIR incorporate strategies that reduce VMTs and require the cleanest available heavy duty truck vehicles, and off-road equipment, including zero and near-zero technologies. VMTs can be reduced through encouragement of walkable communities, electric vehicle charging infrastructure, etc. Additional design element options can be found at: https://ww2.valleyair.org/media/ob0pweru/clean-air-measures.pdf

2) Assembly Bill 617

Assembly Bill 617 requires CARB and air districts to develop and implement Community Emission Reduction Programs (CERPs) in an effort to reduce air pollution exposure in impacted disadvantage communities. The Project lies near one of the impacted communities (see Figure 1 below) in the State selected by the California Air Resources Board (CARB) under Assembly Bill (AB) 617 (2017, Garcia) and has the potential to expose sensitive receptors to increased air pollution within the nearby impacted community. The South Central Fresno CERP was adopted by the District's Governing Board in September of 2019 and identifies a wide range of measures designed to reduce air pollution exposure. Therefore, in an effort to reduce air pollution exposure to the impacted disadvantaged community, the District recommends the City incorporate mitigation measures outlined in the South Central Fresno CERP for the Project. For more information regarding the CERP approved for South Central Fresno, please visit the District's website at: http://community.valleyair.org/selected-communities/south-central-fresno

Figure 1: Southeast Development Area Specific Plan



3) Project Related Emissions

The DPEIR specifically states on page 2-13 that "*The proposed project is a policy-level document and does not include any specific development proposals and may not fully evaluate the impacts of other future specific, individual development that may be approved under implementation of the proposed project*".

The District recommends that the DPEIR require that future development projects that may be approved under implementation of the Project identify, assess and characterize project-level air emissions and require mitigation of air quality impacts at the individual project-specific level.

Environmental reviews of potential impacts on air quality should incorporate the following items:

3a) Construction Emissions

Future development projects should utilize the cleanest available off-road construction equipment.

3b) Operational Emissions

Operational (ongoing) air emissions from mobile sources and stationary sources should be analyzed separately. For reference, the District's significance thresholds are identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts: https://www.valleyair.org/transportation/GAMAQI.pdf.

Recommended Mitigation Measure: At a minimum, project related impacts on air quality should be reduced to levels below the District's significance thresholds through incorporation of design elements such as the use of cleaner Heavy Heavy-Duty (HHD) trucks and vehicles. More information on transportation mitigation measures can be found at: https://ww2.valleyair.org/media/ob0pweru/clean-air-measures.pdf.

3c) Project Trip Length for HHD Truck Travel

The DPEIR page 3.3-65 states, "*The proposed project would permit residential, office, commercial and industrial land uses. Development of land uses that are allowed under the proposed project may result in stationary sources of TAC emissions, including light industrial facilities, warehouses…etc."* As a result, the City should include policies that require environmental review for future development projects (e.g. light industrial facilities/warehouses, commercial, etc.). Since the DPEIR acknowledges these types of development as part of the Project, these development projects have the potential to generate a high volume of HHD truck trips traveling further distances. As such, future

environmental review should adequately characterize and justify an appropriate trip length distance for off-site HHD truck travel to and from the project site as well as the estimated number of trips supported by project-specific factors.

3d) Recommended Model for Quantifying Air Emissions

Project-related criteria pollutant emissions from construction and operational sources should be identified and quantified. Emissions analysis should be performed using the California Emission Estimator Model (CalEEMod), which uses the most recent CARB-approved version of relevant emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: www.caleemod.com.

3e) Allowed Uses Not Requiring Project-Specific Discretionary Approval

In the event that the City determines that a project be approved as an allowed use not requiring a project-specific discretionary approval, the District recommends the DPEIR include language requiring such projects to prepare a technical assessment, in consultation with the District, to determine if additional analysis and/or mitigation is required.

4) Health Risk Screening/Assessment

The City should incorporate a requirement for all future development projects that may be approved under implementation of the Project to evaluate the risk on sensitive receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) in the area and mitigate any potentially significant risk to help limit exposure of sensitive receptors to emissions.

To determine potential health impacts on surrounding receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) a Prioritization and/or a Health Risk Assessment (HRA) should be performed for future development projects. These health risk determinations should quantify and characterize potential TACs identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health.

Health risk analyses should include all potential air emissions from the project, which include emissions from construction of the project, including multi-year construction, as well as ongoing operational activities of the project. Note, two common sources of TACs can be attributed to diesel exhaust emitted from heavy-duty off-road earth moving equipment during construction, and from ongoing operation of heavy-duty on-road trucks.

Prioritization (Screening Health Risk Assessment):
A "Prioritization" is the recommended method for a conservative screening-level health risk assessment. The Prioritization should be performed using the California Air Pollution Control Officers Association's (CAPCOA) methodology. Please contact the District for assistance with performing a Prioritization analysis.

The District recommends that a more refined analysis, in the form of an HRA, be performed for any project resulting in a Prioritization score of 10 or greater. This is because the prioritization results are a conservative health risk representation, while the detailed HRA provides a more accurate health risk evaluation.

Health Risk Assessment:
Prior to performing an HRA, it is strongly recommended that land use agencies/ project proponents develop and submit for District review a health risk modeling protocol that outlines the sources and methodologies that will be used to perform the HRA.

A development project would be considered to have a potentially significant health risk if the HRA demonstrates that the health impacts would exceed the District's established risk thresholds, which can be found here: http://www.valleyair.org/transportation/ceqa_idx.htm.

A project with a significant health risk would trigger all feasible mitigation measures. The District strongly recommends that development projects that result in a significant health risk not be approved by the land use agency.

The District is available to review HRA protocols and analyses. For HRA submittals please provide the following information electronically to the District for review:

- HRA (AERMOD) modeling files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodologies.

For assistance, please contact the District's Technical Services Department:

- E-mail: hramodeler@valleyair.org
- Phone: (559) 230-5900

Recommended Measure: Development projects resulting in TAC emissions should be located an adequate distance from residential areas and other sensitive receptors to prevent the creation of a significant health risk in accordance to CARB's Air Quality and Land Use Handbook: A Community Health Perspective located at https://ww2.arb.ca.gov/our-work/programs/resource-center/strategy-development/land-use-resources.

5) Ambient Air Quality Analysis

The District recommends an Ambient Air Quality Analysis (AAQA) be performed for any future development projects that may be approved under implementation of the Project with emissions that exceed 100 pounds per day of any pollutant.

An AAQA uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District's website: www.valleyair.org/ceqa.

6) Voluntary Emission Reduction Agreement

The District recommends the DPEIR include a feasibility discussion on implementing a Voluntary Emission Reduction Agreement (VERA) as a mitigation measure for all future development projects that may be approved under implementation of the Project that are determined to exceed the District's CEQA significance thresholds.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's incentives programs. The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-related impacts on air quality can be mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of agricultural equipment with the latest generation technologies.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-related emissions have been mitigated. To assist the Lead Agency and project proponent in ensuring that the environmental document is

compliant with CEQA, the District recommends the environmental document includes an assessment of the feasibility of implementing a VERA.

7) Industrial/Warehouse Emission Reduction Strategies

The Project is expected to result in the development of industrial uses. Additionally, the DPEIR specifically page 3.3-65 states "*The proposed project would permit residential, office, commercial and industrial land uses. Development of land uses that are allowed under the proposed project may result in stationary sources of TAC emissions, including light industrial facilities, warehouses…etc."* Since the DPEIR acknowledges the potential development of industrial uses, the District recommends the City incorporate emission reduction strategies that can reduce potential harmful health impacts from industrial and warehouse developments, such as those listed below:

- Require cleanest available heavy-duty trucks and off-road equipment (see comment 9)
- Require HHD truck routing patterns that limit exposure of residential communities and sensitive receptors to emissions (see comment 8)
- Require the minimization of heavy-duty truck idling (see comment 10)
- Require loading docks be oriented away from sensitive receptors
- Require loading docks be located a minimum of 300 feet away from the property line of sensitive receptor unless dock is exclusively used for electric trucks
- Require truck entries be located on streets of a higher commercial classification
- Require projects be designed to provide the necessary infrastructure to support use of zero-emissions on-road vehicles and off-road equipment (see comment 11)
- Ensure all building roofs are solar-ready
- Ensure all portions of roof tops that are not covered with solar panels are constructed to have light colored roofing material with a solar reflective index of greater than 78
- Ensure rooftop solar panels are installed and operated to supply 100% of the power needed to operate all non-refrigerated portions of the development project
- Incorporate bicycle racks and electric bike plug-ins
- Require the use of low volatile organic compounds (VOC) architectural and industrial maintenance coatings
- Designate an area during construction to charge electric powered construction vehicles and equipment, if temporary power is available
- Prohibit the use of non-emergency diesel-powered generators during construction
- Ensure all landscaping be drought tolerant

- Inform the project proponent of the incentive programs (e.g., Carl Moyer Program and Voucher Incentive Program) offered to reduce air emissions from the Project

8) Truck Routing

The DPEIR, specifically pages 2-6 through 2-9, provides the various land-use development types that will be included into the Project. For example, light industrial, manufacturing, commercial, and mixed-use just to name a few. These land-use development types have the potential to generate HHD truck trips. As such, the District recommends the City evaluate HHD truck routing patterns, with the aim of limiting exposure of residential communities and sensitive receptors to emissions.

Truck routing involves the assessment of which roads HHD trucks take to and from their destination, and the emissions impact that the HHD trucks may have on sensitive receptors (e.g. residential communities).

This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.

9) Cleanest Available Heavy-Duty Trucks

The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD trucks, the single largest source of NOx emissions in the San Joaquin Valley. Accordingly, to meet federal air quality attainment standards, the District's ozone and particulate matter attainment plans rely on a significant and rapid transition of HHD fleets to zero or near-zero emissions technologies.

The DPEIR, specifically pages 2-6 through 2-9, provides the various development types that will be included into the Project. For example, light industrial, manufacturing, commercial, and mixed-use just to name a few. These types of development have the potential to generate HHD truck trips. As such, the District recommends that the following measures be considered by the City to reduce Project-related operational emissions:

- *Recommended Measure*: Fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero technologies.

- *Recommended Measure*: All on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) utilize zero-emissions technologies.

10) Reduce Idling of Heavy-Duty Trucks

The goal of this strategy is to limit the potential for localized PM2.5 and toxic air contaminant impacts associated with the idling of Heavy-Duty trucks. The diesel exhaust from idling has the potential to impose significant adverse health and environmental impacts.

The Project is expected to result in future development (e.g. commercial, industrial, etc.), that have the ability to result in HHD truck trips. The District recommends the DPEIR be revised to include a more stringent 3-minute idling restriction and requiring appropriate signage and enforcement of idling restrictions.

11) Electric Infrastructure For Future Development Projects

The DPEIR specifically MM AIR 1C states *"All nonresidential buildings shall be designed to provide infrastructure to support use of electric-powered forklifts and/or other interior vehicles…. and all nonresidential buildings shall be designed to provide electric infrastructure to support use of exterior yard trucks and on-site vehicles.*"

The District recommends that the DPEIR be revised to expand MM AIR 1C to also require all nonresidential buildings be designed to provide electric infrastructure to support use of on-road zero-emissions vehicles, such as HHD trucks associated with a warehouse or commercial project.

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the City and project proponents install electric vehicle chargers at project sites, and at strategic locations.

Please visit www.valleyair.org/grants/chargeup.htm for more information.

12) Under-fired Charbroilers

Future development projects (e.g. commercial) have the potential to include restaurants with under-fired charbroilers. Such charbroilers may pose the potential for immediate health risk, particularly when located in densely populated areas or near sensitive receptors.

Since the cooking of meat can release carcinogenic PM2.5 species, such as polycyclic aromatic hydrocarbons, controlling emissions from new under-fired charbroilers will have a substantial positive impact on public health. The air quality impacts on neighborhoods near restaurants with under-fired charbroilers can be significant on days when meteorological conditions are stable, when dispersion is

limited and emissions are trapped near the surface within the surrounding neighborhoods. This potential for neighborhood-level concentration of emissions during evening or multi-day stagnation events raises air quality concerns. Furthermore, reducing commercial charbroiling emissions is essential to achieving attainment of multiple federal PM2.5 standards. Therefore, the District recommends that the DPEIR include a measure requiring the assessment and potential installation, as technologically feasible, of particulate matter emission control systems for new large restaurants operating under-fired charbroilers.

The District is available to assist the City and project proponents with this assessment. Additionally, the District is currently offering substantial incentive funding that covers the full cost of purchasing, installing, and maintaining the system during a demonstration period covering two years of operation. Please contact the District at (559) 230-5800 or technology@valleyair.org for more information, or visit: http://valleyair.org/grants/rctp.htm

13) Vegetative Barriers and Urban Greening

The Project is expected to result in future development (e.g. commercial, industrial, etc.). As such, the District suggests the City consider incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (e.g., residences, schools, healthcare facilities).

While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers have been shown to be an additional measure to potentially reduce a population's exposure to air pollution through the interception of airborne particles and the update of gaseous pollutants. Examples of vegetative barriers include, but are not limited to the following: trees, bushes, shrubs, or a mix of these. Generally, a higher and thicker vegetative barrier with full coverage will result in greater reductions in downwind pollutant concentrations. In the same manner, urban greening is also a way to help improve air quality and public health in addition to enhancing the overall beautification of a community with drought tolerant, low-maintenance greenery.

14) Clean Lawn and Garden Equipment in the Community

Gas-powered lawn and garden equipment have the potential to result in an increase of NOx and PM2.5 emissions. Utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The District recommends future development projects that may be approved under implementation of the Project consider the District's Zero-Emission Landscaping Equipment program, which provides incentive funding for replacement of existing gas powered lawn and garden equipment. More information on the District CGYM program and funding can be found at: http://valleyair.org/grants/cgym-commercial.htm.

15) On-Site Solar Deployment

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the City consider incorporating solar power systems as an emission reduction strategy for future development projects that may be approved under implementation of the Project .

16) District's Bikeway Incentive Program

Incorporating design elements (e.g., installing bikeways) within the Project area that enhance walkability and connectivity can result in an overall reduction of vehicles miles traveled (VMT) and improve air quality within the area. The Project includes new bikeways and bikeways improvements, and may be eligible for funding through the District's Bikeway Incentive Program. The Bikeway Incentive Program provides funding for eligible Class 1 (Bicycle Path Construction), Class II (Bicycle Lane Striping), or Class III (Bicycle Route) projects. These incentives are designed to support the construction of new bikeway projects to promote clean air through the development of a widespread, interconnected network of bike paths, lanes, or routes and improving the general safety conditions for commuter bicyclists. Only municipalities, government agencies, or public educational institutions are eligible to apply. More information on the grant program can be found at: http://valleyair.org/grants/bikepaths.htm

Guidelines and Project Eligibility for the grant program can be found at: http://valleyair.org/grants/documents/bikepaths/2015_Bikeway_Guidelines.pdf

17) District Rules and Regulations

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to

contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

17a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation, which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

Future development projects may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, project proponents shall obtain an ATC permit from the District for equipment/activities subject to District permitting requirements.

Recommended Mitigation Measure: For projects subject to permitting by the San Joaquin Valley Air Pollution Control District, demonstration of compliance with District Rule 2201 (obtain ATC permit from the District) shall be provided to the City before issuance of the first building permit.

For further information or assistance, project proponents may contact the District's SBA Office at (559) 230-5888.

17b) District Rule 9510 - Indirect Source Review (ISR)

The purpose of District Rule 9510 is to reduce the growth in both NOx and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The ISR Rule requires developers to mitigate their NOx and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

Accordingly, future development projects within the Project may be subject to District Rule 9510 if upon full buildout, the project would equal or exceed any of the following applicability thresholds, depending on the type of development and public agency approval mechanism:

Table 1: ISR Applicability Thresholds

Development Type	Discretionary Approval Threshold	Ministerial Approval / Allowed Use / By Right Thresholds
Residential	50 dwelling units	250 dwelling units
Commercial	2,000 square feet	10,000 square feet
Light Industrial	25,000 square feet	125,000 square feet
Heavy Industrial	100,000 square feet	500,000 square feet
Medical Office	20,000 square feet	100,000 square feet
General Office	39,000 square feet	195,000 square feet
Educational Office	9,000 square feet	45,000 square feet
Government	10,00 square feet	50,000 square feet
Recreational	20,000 square feet	100,000 square feet
Other	9,000 square feet	45,000 square feet

District Rule 9510 also applies to any transportation or transit development projects where construction exhaust emissions equal or exceed two tons of NOx or two tons of PM.

In the case the individual development project is subject to District Rule 9510, per Section 5.0 of the rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency so that proper mitigation and clean air design under ISR can be incorporated into the public agency's analysis.

Information about how to comply with District Rule 9510 can be found online at: http://www.valleyair.org/ISR/ISRHome.htm.

The AIA application form can be found online at: http://www.valleyair.org/ISR/ISRFormsAndApplications.htm.

District staff is available to provide assistance with determining if future development projects will be subject to Rule 9510, and can be reached by phone at (559) 230-5900 or by email at ISR@valleyair.org.

17c) District Rule 9410 (Employer Based Trip Reduction)

Future development projects may be subject to District Rule 9410 (Employer Based Trip Reduction) if the project would result in employment of 100 or more "eligible" employees. District Rule 9410 requires employers with 100 or more "eligible" employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees.

Information about District Rule 9410 can be found online at: www.valleyair.org/tripreduction.htm.

For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at etrip@valleyair.org

17d) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)

In the event an existing building will be renovated, partially demolished or removed, future development projects may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at: http://www.valleyair.org/busind/comply/asbestosbultn.htm.

17e) District Rule 4601 (Architectural Coatings)

Future development projects may be subject to District Rule 4601 since they may utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at: http://www.valleyair.org/rules/currntrules/r4601.pdf

17f) District Regulation VIII (Fugitive PM10 Prohibitions)

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 - *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities.*

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at:
https://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx

Information about District Regulation VIII can be found online at:
http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm

17g) District Rule 4901 - Wood Burning Fireplaces and Heaters

The purpose of this rule is to limit emissions of carbon monoxide and particulate matter from wood burning fireplaces, wood burning heaters, and outdoor wood burning devices. This rule establishes limitations on the installation of new wood burning fireplaces and wood burning heaters. Specifically, at elevations below 3,000 feet in areas with natural gas service, no person shall install a wood burning fireplace, low mass fireplace, masonry heater, or wood burning heater.

Information about District Rule 4901 can be found online at:
http://valleyair.org/rule4901/

17h) Other District Rules and Regulations

Future development projects may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

18) Future Projects / Land Use Agency Referral Documents

Future development projects may require an environmental review and air emissions mitigation. A project's referral documents and environmental review documents provided to the District for review should include a project summary, the land use designation, project size, air emissions quantifications and impacts, and proximity to sensitive receptors and existing emission sources, and air emissions mitigation measures. For reference and guidance, more information can be found in the District's Guidance for Assessing and Mitigating Air Quality Impacts at: https://www.valleyair.org/transportation/GAMAQI.pdf

If you have any questions or require further information, please contact Cherie Reed by e-mail at Cherie.Reed@valleyair.org or by phone at (559) 230-5940.

Sincerely,

Brian Clements
Director of Permit Services

Mark Montelongo
Program Manager

Sunnyside Property Owners Association
P.O. Box 8096
Fresno, CA 93747

August 25, 2023

City of Fresno
Jennifer Clark, Director
Planning and Development Department
2600 Fresno Street, Room 3065
Fresno, CA 93721

ATT: Adrienne Asadoorian

RE: Draft Program Environmental Impact Report for the Proposed Southeast Development Area Specific Plan Project (State Clearinghouse [SCH] No. 2022020486)

The Board of Directors of the Sunnyside Property Owners Association (SPOA) appreciate the opportunity to provide comments regarding the above referenced Program Environmental Impact Report (EIA) for the proposed Southeast Development Area (SEDA) Specific Plan.

The plan area would accommodate 45,000 homes and 37,000 jobs within the nearly 9,000 acres by the year 2050 and provide for 31% of the total planned capacity of the City at General Plan Horizon buildout (2035).

While adoption of the SEDA Specific Plan will provide new opportunities for residents who want to move from blighted areas within the City, or for those who would prefer a Clovis or Sanger Unified School; it will unnecessarily remove large areas of prime farmland, transfer tax dollars from the inner City to newly annexed areas, and most importantly disincentivize quality development within the City core. In August of 2023, the Greenfield Coalition released an independent study by ECONorthwest to analyze the impacts of fringe development on the urban core. It outlines five causes of urban decay in the City of Fresno; Inefficient Land Use, Flight, Investment Patterns, Location/Relocation of Institutional Uses, and Location of Uses with Negative Neighborhood Effects. (More information can be found at greenfieldcoaltion.org.) While the State has promised an allocation of $250,000 million for infrastructure repairs for downtown Fresno, developers have expressed concerns about the high cost of providing water and sewer lines in other legacy neighborhoods often preferring to build in locations outside the city center including land requiring annexation where they can accurately access infrastructure costs and receive public investment dollars to cover off-site and system wide infrastructure.

Fresno County's population is expected to peak at 1,098,725 in 2053 and then drop to 1,095,205, setting growth back to 2047's population of 1,095,984. 2023 data from the California Department of Finance shows only a 0.2% increase in the City of Fresno's growth, down from a peak of 1.06% in 2014.

Infrastructure costs for SEDA are estimated to be in the neighborhood of 400-600 million. This is above and beyond what developers are expected to pay for roads, sewer, water and street lights. Fresno Irrigation District will need to sign on to provide water, bus rapid transit will need to be expanded and most importantly, the Memorandum of Understanding between the City and County will need to be agreed upon.

Prior to adoption of the SEDA or annexation into the City of Fresno, we would strongly suggest that infrastructure and revitalization efforts within the City limits are explored, identified and

implemented. For without a concerted effort to improve what we have, we will only perpetuate further decay in the neighborhoods left behind.

We would offer the following comments on the PEIR:

Conversion of Prime Farmland: There are 6,741 acres of land in the plan area designated as Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance and Unique Farmland. The Southeast Development Area contains roughly fifty percent of the existing farming within the Planning Area of the General Plan, with approximately 5,000 acres currently farmed. While the proposed plan highlights compact and efficient development, most of the planned land use featuring intense development is proposed for the area around Kings Canyon Road and south of Jensen, where the majority of prime farmland and parcels covered under the Williamson Act are located. GP Policy RC-9-c requires the City of Fresno to adopt a Farmland Preservation Program when Prime, Unique and Farmland of Statewide Importance is converted to urban uses outside of city limits. GP MM AG-1.1 requires a program be established that would offset potential impacts from loss of farmland. **We would suggest that the Policy requirements of GP RC-9-c be implemented and include:**

- **Placing an equivalent amount of high quality farmland in an agricultural conservation easement.**
- **Restrictive Covenants or Deeds**
- **In Lieu Fees**
- **Mitigation Banks**
- **Fee Title Acquisition**
- **Land Use Regulations**

This policy should be in place prior to any annexations within the SEDA Fresno City Sphere of Influence. The City of Fresno should require all developments abide by the Farmland Preservation Program and strongly consider purchasing the equivalent amount and designation of farmland within the newly annexed area for placement as a conservation easement or restrictive covenant. In addition, the City should consider adding the Agriculture Land Use Districts to the Development Code, consistent with existing County of Fresno zoned parcels.

We would also recommend that the area south of Jensen from Minnewawa to Temperance be excluded from the SEDA Specific Plan as this is the area that has the most intense farming use.

Hydrology and Water Quality: The City of Fresno Metropolitan Plan was being updated when the Draft PEIR was being prepared to revise and update recommendations for water supplied in the Plan Area. Among the improvements are new municipal groundwater wells, recharge inter-ties to FMFCD basins to facilitate groundwater recharge in the Plan Area, expansion of SWTFs, new water storage and booster pump sites, and new water mains. The drilling of a new well can potentially impact the groundwater and flow patterns in the surrounding area which can affect nearby wells. Although there are no existing municipal wells in the study area, residents of rural residential and agricultural parcels depend on the groundwater for their water supplies. Domestic and small water system wells are typically drilled shallower than larger agricultural and municipal wells and are often the first to experience effects of declining water levels resulting in increased operating costs, changes in water quality, or inadequate water supply. **We would ask that a policy reflecting the requirements in the Sustainable Groundwater Management Act related to considerations for identifying and addressing**

drinking water well impacts be added to General Plan Policies under the Resource Conservation and Resilience Element. And any hook-ups to water or sewer for existing property owners in the Plan Area be subsidized and evaluated in the Pending Infrastructure Plan.

Transportation and Traffic: Unfortunately the Level of Service system of identifying traffic impacts has been replaced by Vehicle Mile Trips (SB 743). The project generated trips are divided by the total population at project year horizon: if the Vehicle Miles Traveled/per population is lower than the base year, then the project impact is less than significant.The traffic trips calculated for this plan area do not include:

- Projects that are within 0.5 of an existing major transit stop with service frequencies of 15-minutes or less during morning and evening peak hours, if the project has a floor ratio (FAR) greater than 0.75, does not include more parking than required by the jurisdiction (AB 2097 eliminated all parking requirements for mixed use development within 0.5 miles of a transit stop), and does not replace affordable units with moderate or high income units.
- Projects generating less than 110 trips per day.
- Projects involving local serving retail space of less than 50,000 square feet.
- Projects with a high level of affordable housing units.
- Projects generating less than 500 Average Daily Trips.
- Projects that develop institutional/government and public service uses that support community, health, safety and welfare.
- In addition, parking supply for retail uses can be reduced by 12.5 percent at project level.

Existing vehicle miles traveled in the SEDA plan are 330,350 and the SEDA VMT per Service Population is 57.79. The project is expected to generate an additional 866,452 daily vehicle trips. The Year 2035 with Project Conditions is 974,369 and a SEDA VMT per service population is 5.07. *Even though the Vehicle Miles Traveled will triple, there is no mitigation required for this project.*

The Traffic Impact Analysis evaluated traffic conditions at 20 study segments, and assumes all residents will work, live and play within the plan boundaries. It discusses connections to downtown but does not address those road segments. **The California Department of Transportation requested peak hour ramp queue analysis be completed at the Highway 180 interchanges of Clovis Avenue, Fowler Avenue Temperance Avenue, DeWolf, Highland and McCall Avenues. The Fancher Creek Town Center will feature retail, restaurants and a movie theater and it is unreasonable and shortsighted not to consider the traffic impacts on Clovis Avenue from this plan area. We would request all California Department of Transportation recommendations regarding queue analysis be completed.**

There are numerous references in the Draft Program Environmental Impact Report for the SEDA that reference additional studies when discretionary projects come up for review. **Because many of the City's programs, policies and plans have either not been adopted or do not include the SEDA, it is essential that *all* projects remain discretionary providing a thorough assessment of the development's impact and public notification.**

Respectfully submitted,

Sue Williams, Corresponding Secretary

Cc: Fresno County Supervisors Brian Pacheco, Steve Brandau, Sal Quintero, Buddy Mendes, Nathan Magsig, LAFCO Executive Officer Brian Spaunhurst and LAFCO Clerk Amanda Olives

SANGER UNIFIED SCHOOL DISTRICT
1905 SEVENTH STREET • SANGER, CA 93657
(559) 524-6521 FAX (559) 875-0311

DENNIS WIECHMANN, ED.D
SUPERINTENDENT

August 25, 2023

City of Fresno
Planning and Development Department
c/o Adrienne Asadoorian, Planner III
2600 Fresno Street, Room 3065
Fresno, CA 93721

Subject: Draft Program EIR for SEDA Specific Plan

Dear Ms. Asadoorian:

This letter includes the comments of the Sanger Unified School District on the Draft Program Environmental Impact Report (DPEIR) for the Southeast Development Area (SEDA) Specific Plan EIR. The Sanger Unified School District (District) encompasses most of the territory within SEDA (all land south of Tulare Avenue) and approximately 30,000 of the potential 45,000 new housing units.

The proposed plan shows 16 neighborhood centers within the Sanger Unified portion of SEDA, each of which would include an elementary school integrated with a park and other neighborhood center functions. High school and middle school facilities would also be needed. The District's March 25, 2022, letter in response to the Notice of Preparation indicated that the Draft Program EIR should analyze whether the number of schools shown is appropriate to serve the buildout population of the SEDA Specific Plan based on anticipated student generation rates for the various types of planned housing units. It does not appear that the information requested was provided in the DPEIR or Specific Plan. Only a very generalized estimate of the total number of students generated was provided and this is likely substantially inaccurate based on the information in the following paragraph.

On page 3.15-9, under the Student Generation Rates heading, the DPEIR cites a statewide K-12 student generation rate (0.7) and multiplies it by the total number of units anticipated in the SEDA Specific Plan area (45,000) to estimate the number of students generated at buildout of the plan (31,500 students). Since about two-thirds of the housing units would be within Sanger Unified, approximately 21,000 students would be generated in Sanger Unified. It is important to note, however, that student generation rates for individual school districts can vary greatly from the 0.7 statewide average, and there are also substantial variations in student generation rates depending on the type of unit constructed. The most recent student generation rates for Sanger Unified are .679 for single family units and .127 for multiple family units per the District's May 2022 Development Fee Justification Study.

(Note: Clovis Unified student generation rates are also less than the 0.7 statewide figure.) While the .679 student generation rate for single family units approaches the 0.7 statewide figure, the .127 multiple family unit rate is much lower than the single family rate, which is typical for most school districts. The SEDA plan provides for a large number of multiple family units to be built and the lower generation rate for such units is not accounted for in the estimate of students generated by the plan. Therefore, the estimated number of students resulting from development of the plan area would likely be substantially less than that stated on page 3.15-9. If this is the case, the number of planned schools needed might be less than that shown in the proposed land use plan.

On page 3.15-9, under the School Impact Fee heading, the discussion is oriented to street facilities fees rather than school impact fees. Shouldn't this section include information on the impact fees that the District charges for new residential and commercial/industrial development?

On page 3.15-13, under the heading of California Government Code, Section 65995(b) and Education Code, Section 17620, the fee information provided is substantially out of date. It mentions the statutory fees approved by the State as of January 24, 2014 ($3.36 per square foot for residential development and $0.54 per square foot for commercial/industrial development). The current fees as of the last time they were adjusted by the State allocation Board in January 2022, are $4.79 per square foot for residential development and $0.78 per square foot for commercial/industrial development.

The various objectives and policies related to schools on pages 3.15-24 through 3.15-27 are well thought out and laudable. Schools are essential to the fabric and success of neighborhoods and although the District has the primary legal responsibility for the location, design and operation of schools, the District wants to work closely with the City so that the objectives and policies of the plan can be realized to the extent possible.

On page 3.15-36, the second paragraph (continuation of Impact Analysis under Impact PUB-3), indicates that:

> " . . . as the City receives development applications for subsequent development under the proposed project, those applications will be reviewed by the City for compliance with the policies and objectives of the General Plan to ensure that school services keep pace with new development. In addition, the Municipal Code, which implements the General Plan would be reviewed when development applications are received. Therefore, future development under the proposed project would not result in significant adverse effects related to school services and impacts would be less than significant."

Regarding the above statement, it is unclear how reviewing development applications will ensure that school services will keep pace with new development. The key to ensure that school services will keep pace with new development is having adequate financing to build the schools in a timely manner. Schools are funded by a combination of statewide bond measures, local bond measures and developer fees. State bond measures require voter approval and are anything but certain. When they are approved, the funds are often depleted quickly due to a backlog of unfunded projects. To get state funding, school districts must match with a local funding contribution that mostly comes from local bond measures which

must be approved by local voters. The amount of the bond measures are based on assessed valuation, and the measures require a supermajority vote of either a 55% or 66.6% vote depending on the amount requested. Developer fees are an important school funding component, but they are substantially inadequate for funding schools unless state and local bond measures are approved.

Obtaining the funding necessary for 16 new elementary schools and at least another high school and middle school will be a substantial challenge if left to the current funding methods for financing schools. As stated in the EIR Notice of Preparation, implementation of the Specific Plan would require a comprehensive infrastructure plan that "must be accompanied by a comprehensive and detailed financing and implementation strategy that includes the phasing and financing of development and all major infrastructure." We believe it will be very important for the District to engage with the City in the infrastructure planning process to determine how best to fund the school facilities needed and provide them in a manner to keep pace with new development. We recognize that development of the Sanger Unified portion of SEDA is not anticipated to occur until about 2035, but it will be very important to set up an infrastructure financing plan that includes schools before this happens.

Thank you for the opportunity to review and comment on the Draft Program EIR. We look forward to collaborating with the City of Fresno in the implementation of the SEDA Specific Plan to ensure that well-located and designed school facilities can be financed and constructed when needed to serve future new development in the Sanger Unified portion of the SEDA Specific Plan. Please let me know if you have any questions on this letter.

Sincerely,

Jimmy Robles

Jimmy Robles
Chief Operations Officer

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Comprehensive Evaluation and Planning

Bicycle & Pedestrian Planning

Jennifer Clark (Jennifer.Clark@fresno.gov)
Director, City of Fresno Planning and Development Department
2600 Fresno Street
Fresno, CA 93721
21 August 2023
Re: Southeast Development Area Plan Impact Analysis

Dear Ms. Clark,

I am writing as a planning consultant who specializes in transportation impact evaluation concerning the Southeast Development Area Plan transportation impact analysis as described in the 14 July 2023 SEDA's *Draft Program Environmental Impact Report* and related documents.

This plan's predictions of vehicle miles traveled (VMT) are significantly flawed because it assumes an unrealistic internal trip capture rate that would reduce per capita VMT from 46 to 5 daily VMT, which is much lower than typical new developments.

The analysis assumes that the SEDA would be developed based on Smart Growth principles to create complete, multimodal neighborhoods where residents walk, bike and use public transit for most trips. These assumptions are unrealistic and not supported by the current proposal. For example, although the plan includes some mitigation strategies (p. 3.17-31-32), these are modest and unlikely to reduce vehicle travel 90% – significant VMT reductions require financial incentives such as cost-recovery pricing applied to all parking, plus grade-separated transit services – and complete communities typically take decades to fully develop and achieve their potential vehicle travel reductions.

New analysis tools and guidance documents are available that could provide more accurate predictions and guidance for achieving VMT reduction targets:

Caltrans (2020), *Vehicle Miles Traveled-Focused Transportation Impact Study Guide*, California Department of Transportation (https://dot.ca.gov); at https://bit.ly/3DDSm5H. Also see *SB 743 Implementation Resources* (https://dot.ca.gov/programs/sustainability/sb-743/sb743-resources).

CAPCOA (2021), *Handbook for Analyzing Greenhouse Gas Emission Reductions*, California Air Pollution Control Association (www.caleemod.com); at www.caleemod.com/handbook/index.html.

F&P (2022), *Providing VMT: Getting Beyond LOS*, Fehr & Peers (www.fehrandpeers.com); at www.fehrandpeers.com/vmt-impacts.

ITE SB 743 Task Force (2021), *ITE Guide to SB 743: Transition from Level of Service to Vehicle Miles Traveled*, Northern California ITE (www.norcalite.org); at https://bit.ly/3CU1DIe.

Todd Litman (2018), *Land Use Impacts on Transportation*, Victoria Transport Policy Institute (www.vtpi.org); at www.vtpi.org/landtravel.pdf.

Deborah Salon (2014), *Quantifying the Effect of Local Government Actions on VMT*, Institute of Transportation Studies (https://its.ucdavis.edu); at ww3.arb.ca.gov/research/apr/past/09-343.pdf.

Robert J. Schneider, Susan L. Handy and Kevan Shafizadeh (2014), "Trip Generation for Smart Growth Projects," *ACCESS 45*, pp. 10-15; at http://tinyurl.com/oye8aqj. Also see the *Smart Growth Trip-Generation Adjustment Tool* (https://tinyurl.com/mtuhz4j8).

Most experts recommend that North American communities start growing upward instead of outward. Fresno is currently not very dense and most existing housing stock is moderate-density single-family. To implement Smart Growth and maximize sustainability and transportation efficiency, Fresno should support infill development within the existing urban boundaries rather than expand to new areas.

In my opinion, the Plan's current analysis significantly underestimates vehicle traffic congestion, crash, emission and resulting air quality impacts. Until more accurate travel modeling can be completed, and air quality impacts adjusted, this PEIR fails to predict the project's significant social and environmental impacts, and so fails to provide the information that policy makers, practitioners and the general public need to make informed decisions.

Thank you for your consideration.

Best wishes,

Todd Litman

COMMENTS ON THE DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT
FRESNO SOUTHEAST DEVELOPMENT AREA SPECIFIC PLAN PROJECT
CITY OF FRESNO, FRESNO COUNTY, CA
State Clearinghouse Number 2022020486

AUGUST 27, 2023

Submitted by Email and USPS to

City of Fresno
Jennifer Clark, Director
Planning & Development Dept.
2600 Fresno Street
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Submitted by

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FRESNO, CA 93737

History

The author purchased a five-acre parcel in Southeast Fresno in 1994 from a well-known African American farmer, built a home on the lot in 1997, and moved to Southeast Fresno from northern Clovis. The author and family have enjoyed the benefits of a Southeast Fresno rural life style by living in the Rural Residential zone for more than 30 years. The author's land is bordered on the south side by Fancher Creek Canal, and the author has been a conservationist in protecting the wildlife associated with the natural waterway. In 2001, the author objected to the proposed construction of a linear park on the Fanch Creek Canal ditch bank. In 2008, the original SEGA plan included the linear park. The SEGA plan then made an abrupt transition to the SEDA Plan in 2022. The issuance of the SEDA plan EIR was then announced in 2023 without adequate public warning to impacted property owners, and members of the public.

Comments on SEDA EIR:

A. Environmental Setting 3.4.2

Plants and Animals Have No Voice, and Are Heard Through Those Who Know They are There.

The EIR fails to identify the significant negative impact on biological resources in the SEDA specific plan. The EIR fails to identify the ecological damage caused by building a Neighborhood Town Center in the center of a SEDA block of Rural Residential zoned land bordered by E McKinley Ave on the north, N Fancher Ave on the east, E Tulare Ave on the south, and DeWolf Ave on the west. This block of land is now referred to as McKinley x Fancher x Tulare x DeWolf (MFTD), and the biological resources in this area have been documented by the author. The primary features of the MFTD include the natural waterway of Fancher Creek Canal, an established community of homes on small to medium acreage parcels, a horticultural nursery, and a golf course (Exhibits 1-1 and 2-2). The MFTD is only about a tenth of the land that comprises the urban growth area in the SEDA specific plan, and serves as an example of the detrimental effects of urban development on wildlife, species diversity, and environmental habitat. Under the SEDA specific plan, agricultural farmlands and rural residential areas will suffer from unrecoverable losses of biodiversity, and abundance of animal and plant life through habitat destruction. The SEDA plan EIR fails to identify future ecological decline in the region, loss of community, and quality of life.

1. Disagree with Table ES-1: Executive Summary Matrix; Section 3.4 – Biological Resources. No mitigation measures are proposed for Impact BIO-1, 2, 3, 4, and 5. MFTD includes legally protected and sensitive species of environmental concern, riparian habitat, wetlands, native resident species, and tree preservation measures.

2. Disagree with Exhibit 3.4-1. The Fancher Creek Canal lacustrine and riverine land cover types and vegetation communities are omitted in part in the MFTD. Exhibit 3.4-1 shows lacustrine, pasture, and private ponds on the southern border of the Neighborhood Town Center in the middle of the MFTD. The riverine habitat must be included from this location northeast to the eastern boundary of the SEDA.

3. Disagree with Table 3.4-3. Rural and existing urban vegetation provides good habitat for special-status species such as the San Joaquin Kit fox (Cypher and Van Horn Job, 2012) and Monarch butterflies. Pasture provides food for wildlife herbivores including birds and rodents, and prey for carnivores including foxes and raptors. Rural and urban gardens provide habitat for Monarch butterflies (Cutting and Tallamy 2015), bees and other pollinators.

4. Disagree with Table 3.4-5: Special-status Wildlife Species within the Plan Area, and disagree with two text boxes in Exhibit 3.4-2 that reiterate information in Table 3.4-5 and Appendix C. Additional special species with imperiled status known to in occur in MFTD from the California Natural Diversity Database (CNDDB) (2023) must be added to Table 3.4-5 as follows:

Fisher (Pekania pennanti) Comments – Observed 2013.

Bald eagle (*Haliaeetus leucocephalus*) Comments – Observed 2021 and a feature the ecological community (Snell Taylor et al. 2018).

Monarch (*Danaus plexippus plexippus*) Comments – Observed and Resident population (Davis 2021).

Cooper's hawk (*Accipiter cooperii*) Comments – Annual Nesting Pairs Observed.

Gilded flicker (*Colaptes chrysoides*) Comments – Annual Nesting Pairs Observed.

Western pond turtle (*Emys marmorata*) Comments – Observed egg laying near Fancher Creek Canal in the MFTD.

Great blue heron (*Ardea herodias*) Comments – Observed and a feature of the ecological community (Snell Taylor et al. 2018).

Great egret (*Ardea alba*) Comments – Observed and a feature of the ecological community (Snell Taylor et al. 2018).

Snowy egret (*Egretta thula*) Comments – Observed and a feature of the ecological community (Snell Taylor et al. 2018).

5. Disagree with Exhibit 3.4-2. The distribution of the San Joaquin kit fox, *Vulpes macrotis mutica*, is shown in a red circle limited to Sanger. The northern distribution of the San Joaquin kit fox into the MFTD is not addressed in the EIR. Movement of San Joaquin kit foxes into rural and urban populations has helped prevent its extinction (Cypher and Van Horn Job, 2012).

6. Disagree with Exhibit 3.4-2. Swainson's hawk, *Buteo swainsoni*, must be added inside the same red circle around the MFTD as the western yellow-billed cuckoo, *Coccyzus americanus occidentalis*. Nesting pairs of Swainson's hawks are found in the MFTD.

7. Disagree with Exhibit 3.4-2. The distribution of least Bell's vireo, *Vireo bellii pusillu*, would not be limited to the red circles around Tarpey Village, and Clovis, but would be found across the SEDA.

8. Disagree with Wetlands and Waters of the U.S. and State. Fancher Creek Canal provides unlimited opportunities for both vegetation and wildlife and is not a limited resource as described. Fancher Creek Canal is a natural waterway originating from the Kings River, and is the dominant natural feature in MFTD.

a. The EIR fails to identify that the SEDA is located near the Kings River. The EIR states that the plan is not located near the San Joaquin River.

b. The EIR fails to identify the negative impact on the fish species that are found in the natural waterway of the Fancher Creek Canal (University California 2014) and the fact that some fish are California native species.

c. The EIR fails to identify the negative impact of developed open space designated for a linear park on the Fancher Creek Canal Bank (Exhibit 3.11-1). The Fresno Irrigation District has stated opposition to using its canals as urban trails (Fresno Irrigation District 2020). Any disturbance or human activity on the Fancher Creek Canal bank will disrupt the fragile environmental habitat which now supports a diversity of animal and plant life including protected species.

9. Disagree with Wildlife Movement Corridor statement that SEDA would not be expected to substantially degrade the existing conditions. The SEDA will substantially degrade existing conditions for native resident and migratory fish, wildlife species, wildlife corridors, and nursery sites in the MFTD. The natural stream bed of the Fancher Creek Canal flows with water throughout the year and is the habitat for fish including trout, ducks, frogs, toads, muskrats, weasels, and many aquatic insects including damselflies, dragonflies, and mayflies. The banks of Fancher Creek Canal are lined with established trees including native oaks that provide habitat for birds including raptors, mammals including foxes, racoons, rodents, amphibians, and reptiles including snakes and lizards.

a. The EIR fails to identify the California Department of Fish and Game agreement with the Fresno Metropolitan Flood Control District in preservation and management of wildlife habitats along Fancher Creek (Fresno Metropolitan Flood Control District 2003).

b. The EIR fails to identify the negative impact on birds in the SEDA (Fresno Audubon Society 2019) and those species associated with the Fancher Creek Canal habitat.

i. Raptors found in the MFTD that are protected under the California Department of Fish and Game Code, Sections 3503, 3503.5, 3505 and 3513, and California Code of Regulation, Title 14, Sections 251.1, 652 and 783-786.6 are as follows:

Red-tailed hawk (*Buteo jamaicensis*) Comments – Annual Nesting Pairs Observed.

Great-horned owl (*Bubo virginianus*) Comments – Observed and Nesting Pairs Highly Likely.

Barn owl (*Tyto alba*) Comments – Observed and Nesting Pairs Highly Likely.

Turkey vulture (*Cathartes aura*) Comments – Observed and a feature of the ecological community (Snell Taylor et al. 2018).

Red-Shouldered hawk (*Buteo lineatus*) Comments – Observed and a feature of the ecological community (Snell Taylor et al. 2018).

ii. Established populations of the California State Bird are found in the MFTD.

California quail (*Callipepla Californica*) Comments – Annual Nesting Pairs Observed.

iii. Species of birds found in the MFTD protected under the Migratory Bird Treaty Act (U. S. Fish and Wildlife Service 2023) include the following:

Wood duck (*Aix sponsa*) Comments – Annual Nesting Pairs Observed.

Mallard duck (*Anas platyrhynchos*) Comments – Annual Nesting Pairs Observed.

Swift sp. Comments – Annual Nesting Populations under Fancher Creek Canal bridges Observed.

Others species of protected birds observed include, but are not limited to the following:

Canada goose, Common merganser, Double crested cormorant, White tailed kite, Killdeer, California gull, Mourning dove, Bell's Vireo, Black phoebe, American pipet, many Warbler spp., White crowned sparrow, many Sparrow spp., Spotted towhee, Ruby-crowned Kinglet, Bushtit, Dark eyed junco, Brewer's blackbird, American Robin, Northern mockingbird, Woodpecker sp., Sapsucker sp., Magpie sp., Oak titmouse, Blue-gray gnat catcher, Western bluebird, House finch, Lesser goldfinch, Belted kingfisher, Black-headed grosbeak and more.

c. The EIR fails to identify the negative impact on biodiversity in the SEDA. Small diversified farms in the MFTD grow specialty and vegetable crops, and raise farm animals including poultry, swine, sheep, cattle, and horses. Homes adjacent to Fancher Creek Canal have ponds (Exhibit 3.4-1) and others have extensive ornamental gardens. The rural residential area supports a diversity of plant species, some that are native to California and the US. Cultivated and natural vegetation includes established trees, shrubs, grasses, and flowers. The rural landscape supports a growing diversity of wildlife including mammals, marsupials, rodents, birds, reptiles, amphibians and insects.

i. Pollinators. The EIR fails to identify the negative impact of removing pollinator habitat from areas in the SEDA that would contribute to an agricultural disaster in the region. Pollinators including hummingbirds, butterflies, bats, and bees are in decline in California (Chrobak 2022), across the U.S., and globally (Rhodes 2018). Plants in agricultural margins have the potential to greatly enhance habitat connectivity for pollinating insects (Wolterbeek 2023; Dilts et al. 2023) and prevent biodiversity collapse while providing natural pollination services. A variety of plant types found in gardens attract a diversity of bees (Frankie 2019). Gardens are larger in the rural residential areas of the MFTD compared to the city helping to support pollinator diversity and survival, and restore habitat for the Monarch butterfly (Cutting and Tallamy 2015).

ii. Horticultural Nursery. The EIR fails to identify the negative impact of replacing a large horticultural plant nursery with a Neighborhood Town Center in the MFTD (Exhibits 1-1, 2-2, 3.11-1, and 5-1). The nursery is classified as unique farmland in the SEDA (Exhibit 3.2-1), conducive to the rural residential landscape, and supports biodiversity (Liquete et al. 2016).

iii. Golf Course. The EIR fails to identify the environmental value of a golf course located in the southern area of the MFTD. Golf courses support biodiversity and provide ecosystem services (Petrosillo et al. 2019). The golf course in Exhibit 5-2, Farmland Conservation Alternative, is replaced by urban development.

10. Disagree with Regulated Trees. The EIR fails to identify the negative impact on California native oaks that are found in the SEDA and along the Fancher Creek Canal banks in the MFTD including valley Oak (*Quercus lobata*) and California live Oak (*Quercus agrifolia*). One hundred-year-old eucalyptus trees grow from the banks of Fancher Creek Canal. Although these extremely tall trees are not protected, they are suitable habitats for nesting birds, especially raptors.

a. EIR fails to identify the Fresno County oak woodland policy (UC Oaks 2022) and impact of the plan on oak trees in the SEDA.

b. EIR fails to identify the Oak Woodlands Conservation Act (2001) and impact of the plan on oak trees in the SEDA.

B. Regulatory Framework 3.4.3

1. The EIR fails to identify the significant negative impact of a Neighborhood Town Center in the MFTD community. The SEDA specific plan does not define the purpose of the MFTD Neighborhood Town Center. Therefore, the land can be used for an elementary school (two schools are already located nearby), a local park (residents already live in open spaces), community gardens (residents have their own gardens) or a range of housing options or retail shopping which is apparently the objective of a Neighborhood Town Center in the MFTD.

a. The property designated as the Neighborhood Town Center in the MFTD is not owned by the current horticultural nursery operators according to Fresno County public records. The motive for Fresno City planners to designate this particular site for development is questionable, especially when a second Neighborhood Town Center is planned about 3000 ft to the west.

b. The EIR fails to address the significant negative environmental impact of the Neighborhood Town Center on the Fancher Creek Canal habitat along the development's southern border (Exhibit 3.4-1).

i. Fresno General Plan PEIR Mitigation Measures BIO-1.1, -1.2, and -1.3 are avoidance measures that justify eliminating the Neighborhood Town Center from the MFTD in the SEDA specific plan (Exhibits 1-1 and 2-2) and in Alternative 2-Consolidated Business Park Alternative (Exhibit 5-1)**.**

C. Thresholds of Significance 3.4.5

1. A Neighborhood Town Center in the MFTD of the SEDA specific plan would be significant because of the substantial adverse effect on the special-status species associated with the Fancher Creek Canal habitat (Impact Bio-1) by disrupting the environment that is currently a favorable habitat for the listed special-status species.

D. Level of Significant After Mitigation 3.4.6

1. Disagree with Impact BIO-1 determination that the level of significance before mitigation is less than a significant impact. The impact would be significant before mitigation on special-status species (Impact BIO-1) with a Neighborhood Town Center in the MFTD of the SEDA specific plan.

a. Implementation of Mitigation Measures BIO-1.1, -1.2, -1.3 to eliminate a Neighborhood Town Center in the MFTD of the SEDA specific plan would result in a level of significance after mitigation of less than significant impact.

2. Disagree with Impact BIO-2 determination that the level of significance before mitigation is less than a significant impact. The impact would be significant before mitigation on the riparian habitat of the Fancher Creek Canal (Impact BIO-2) with a Neighborhood Town Center in the MFTD of the SEDA specific plan.

a. Eliminating the Neighborhood Town Center in the MFTD of the SEDA specific plan would result in a level of significance after mitigation of less than significant impact.

3. Disagree with Impact BIO-4 determination that the level of significance before mitigation is less than a significant impact. The impact would be significant before mitigation on fish, established protected species, and wildlife movement through the corridor of the Fancher Creek Canal (Impact BIO-4) with a Neighborhood Town Center in the MFTD of the SEDA specific plan.

a. Eliminating the Neighborhood Town Center in the MFTD of the SEDA specific plan would result in a level of significance after mitigation of less than significant impact.

4. Disagree with Impact BIO-5 determination that the level of significance before mitigation is less than a significant impact. The impact would be significant before mitigation on California native oak trees within the MFTD and SEDA specific plan.

a. Fresno County has an oak woodland policy (UC Oaks 2022) and the Oak Woodlands Conservation Act (2001) applies to oak trees in the SEDA specific plan.

E. Alternatives 1, 2, and 3 to the SEDA

The results of the author's evaluation of the impact of the SEDA on biological resources in the MFTD would apply to the entire SEDA specific plan region. The SEDA specific plan and the adverse effects of a Neighborhood Town Center on biodiversity and environmental habitat in the MFTD would also affect the adjacent areas of Sanger. The SEDA is a plan that supports urban sprawl into established rural residential and agricultural areas, and will destroy biological resources. Environmentally conscious agricultural and rural practices can benefit wildlife, but urban development will cause the greatest threat to all wildlife species and their habitats (Kucera and Barrett 1995).

1. Acceptable: Alternative 1-No Project Alternative is the preferred alternative and would have no significant environmental (Table 5-1) effect on the existing biological resources in the MFTD and within the region of the SEDA boundaries.

2. Not Acceptable: Alternative 2-Consolidated Business Park Alternative (Exhibit 5-1) would have the same unacceptable and significant environmental impact in the MFTD as the SEDA specific plan. In Alternative 2, the Neighborhood Town Center bordered by the Fancher Creek Canal on the south would remain in the MFTD. Alternative 2 will destroy farmland and cause habitat fragmentation and destruction that result in an unrecoverable loss of biological resources within the SEDA.

a. Disagree with Table 5-1 Biological Resources, Alternative 2 quantitative environmental effect is greater than or equal to (≥) in part, and greater than (>) in part.

3. Acceptable: Alternative 3-Farmland Conservation Alternative (Exhibit 5-2) would eliminate the Neighborhood Town Center, and the golf course a source of habit in the MFTD, but the Fancher Creek Canal that supports environmental habitat and species diversity would be preserved. Alternative 3 would implement the MM AG-2 mitigation measure to preserve farmland, and prevent farmland conversion into nonagricultural uses. Alternative 3 limits urban sprawl into farmland and helps preserve biological resources, and conservation of the environmental and ecological integrity of the SEDA.

F. References

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Respondent	Comment	Date
Respondent #1	What is flexible r&d?	7/21/2023
Respondent #2	Rebuild avandoned downtown areas. No sense to keep building new homes that get abandoned. Do not take land. Makes more sense to rebuild in areas where homes are abandoned.	7/21/2023
Respondent #3	you mention "organic farming" and small farms allowed to grow "food" in the rural cluster zone. Does this include non-organic vegetables, fruit, and more specifically, livestock?	7/23/2023
Respondent #4	I disapprove of this plan. Keep the land as is and develop/upgrade existing failing infrastructure within the city.	7/24/2023
Respondent #5	Fresno needs to fill in all of the empty lots within the city limits, and widen & repair all the roads where there are old homes or empty lots next to new developments. All the new development creates more traffic but there are so many bottlenecks between developments and pothole ridden roads that make traffic worse and worse causing more smog. Ther are also not enough trees, community parks or other green spaces. The City Govt seems to be in the developers pockets. The developers are building like crazy but tell the city they have to cut park space in half because it's too expensive, and the City just rubber stamps it. Fancher Creek Town Center has been in the works for 10+ years with no shops or parks and the Vons & FoodMaxx Shopping centers have both land and available space for retail and other businesses. Better give incentives to businesses to fill those spaces then allow more development outside the current City limit.	8/13/2023
Respondent #6	There are way too many urban aka high density housing units and business parks in the plan creating overcrowding in an area where there is already too much traffic and not enough schools, parks, or passable roads. This creates more pollution. South East Fresno has tons of empty space already within the City boundaries that need to be filled in AND ROADS NEED TO BE APPROPRIATELY WIDENED AND FIXED. Also, the bus stations cause a lot of safety hazards in certain areas, like Kings Canyon just west of Phillip next to the FoodMaxx shopping center. When there are 3 busses parked in a row it is almost impossible to see oncoming traffic when exiting the parking lot by the McDonalds. I have on a number occasions nearly been in accidents and have witnessed near misses of other vehicles because people can't see around the busses. The bus stations should be moved to within the parking lot or something, or maybe the road widened so busses can stop without blocking the west bound right lane or obstructing drivers' view of the road.	8/13/2023
Respondent #7	The City shouldn't even think about future development outside the City limits when SE Fresno lacks services & amenities that other parts of Fresno and Clovis have. No more expanding until the City fills in the lots within the City limits with business, fixes & widens roads, creates more green spaces, gets the Fancher Creek Town Center up and running with actual shops, entertainment venues, and restaurants, and cleans up the homeless camps and associated unsanitary refuse that is plaguing SE Fresno more and more as the City ignores it. No wonder developers want to skip over SE Fresno to the rural countryside. They know they can make more money because the gangs of homeless haven't made it out there yet.	8/14/2023
Respondent #8	I oppose, we oppose Seda's plan .	8/14/2023
Respondent #9	We are against annex into city and the proposed over reach being put into our areas. The whole purpose of moving outside of city limits is the country living and quiet of less traffics, neighborhoods, noise and people. Stop infiltrating land and communities.	8/14/2023
Respondent #10	Leave the southeast alone. It's the only good thing we have left on this side of town. You can't even develop what we have already. Please clean up Kings Canyon Rd. businesses from R street to Temperance before you propose any more developments.	8/14/2023
Respondent #11	COMMENTS ON THE SOUTH EAST DEVELOPMENT AREA (SEDA) DRAFT ENVIRONMENTAL IMPACT REPORT AND SPECIFIC PLAN These comments are based on the provided summary of the EIR prepared for the SEDA provided at the community event held on August 12, 2023 at Young Elementary School from 10AM to 12 PM. Environmental Impact Reports (or EIRs) are reports to inform the public and public agency decision-makers of significant environmental effects of proposed projects, identify possible ways to minimize those effects, and describe reasonable alternatives to those projects. The subject EIR identifies a significant (really more then significant but major) environmental effect of the proposed Specific Plan – conversion of Prime Farmland to other uses. This is referenced in the Report as follows: 1) Page ES-2 "The objectives of the proposed project are to: … (under Social Equity section) Respect the major economic and cultural role of agriculture in the Central Valley by accommodating growth within the confines of a smaller urban footprint and directly integrating community-scale agriculture into the design of community center, neighborhoods, and open spaces. Comment: This EIR does not describe possible ways to minimize the conversion of Prime Farmland to other uses other than the totally vague wording underlined above, and does not provide alternatives, perhaps because there is not way to minimize the effect of minimizing the conversion of Prime Farmland, and the drafters of the plan were not directed to consider alternatives. 2) Page ES-4 Section Impact AG-1 starting with 9th line down : "…requires future development to comply with the Farmland Preservation Program (FPP) once adopted for the SEDA would insure that all future development would be required to mitigate the loss of farmland if Prime Farmland…" further down it states that, "…because the FPP has not yet been developed the proposed project would implement project-specific MM AG-2 which requires all future development to mitigate the loss of Prime Farmland (etc.)…on a project by project basis before the initiation of construction or ground-disturbing activities. However, while implementation of MM AG=2 would reduce some project specific impacts, loss of Prime Farmland will still occur with implementation of the proposed project. Therefore, this impact would be significant and unavoidable even with implementation of available mitigation. Comment: This section of the EIR demonstrates why it should be rejected. The EIR itself identified that there is "a significant environmental effect of the proposed Specific Plan – conversion of Prime Farmland to other uses." Yet, this section states clearly that Farmland Protection Program (FPP) has not been developed in advance of this EIR being proposed. That means that this EIR falls short. There are not specific means put forward to mitigate this highly significant effect of this proposal, nor is there any alternatives provided. Presumably that is what the FPP would and should provide. That is something the public must have opportunity to comment on, and it simply is not there. This EIR should - must be rejected! Curtis Thornton Resident of Fresno County	8/14/2023
Respondent #12	Please stop sprawling out the city. All it is doing is increasing pollution, traffic, and contributing to the hollowing out of the cities core. Focus on dense infill. Why is the city continuing to make the same mistakes its made for decades.	8/23/2023

Respondent #13	To Whom It May Concern, Thank you for the opportunity to comment on the Southeast Growth Development Area Program Environmental Impact Report (EIR). Harrison Farms owns approximately 159 acres within the SEDA Specific Plan area (APN: 310-063-05 & 310-143-27), located just south of McKinley Avenue to the Fancher Creek, between Temperance and DeWolf Avenues. Given the opportunity afforded to us collectively with size of these properties, our intention is to master plan the parcels for future development. We are eager to begin that process in conjunction with the City's planning efforts. With that in mind, we want to provide the following comments: 1. Potential Phasing Plan – the current SEDA Policy Draft does not explicitly provide a development phasing plan, although previous versions of the plan and correspondence referred to four distinct phases. We are in support of having no phasing for the SEDA area. If the City decides to phase the project, we request that the Harrison Farms properties be included in phase 1 and that the EIR sufficiently analyzes an alternative that allows for that option. Related to phasing, we would like to provide the following comments: a. Infrastructure – major facilities for SEDA (e.g. sewer and water) will be installed in Temperance Avenue and the properties are between one-half mile and one-quarter mile from where that infrastructure will be available. In the past, several public meeting attendees have suggested a west-to-east phasing in order to leverage the significant infrastructure investment that is being made to allow development in SEDA. b. Proximity to the Bradley Center – our property is less than a mile from the future Clovis Unified Bradley Center, which expected to be a major hub for SEDA. Allowing our property to develop with other properties in the first phase, to which we are immediately adjacent, will bring needed housing and other land uses within close proximity to the Bradley Center. Related to 1a, it is recommended that the infrastructure needed for the school is coordinated and installed with the needed infrastructure for development. c. Circulation within SEDA – one of the major challenges to developing SEDA is traffic and circulation. Currently De Wolf Avenue, which is planned to be an important north-south roadway does not connect between Olive and Belmont Avenues, along the east side of our property. Developing this area as part of phase 1 would allow the planning and potentially earlier construction of that needed connection. Completing DeWolf Avenue would alleviate traffic congestion on Temperance Avenue and other roadways in SEDA, particularly when infrastructure is being constructed in Temperance. It is recommended that the EIR traffic study examine the timing of the DeWolf Avenue connection as a part of the traffic mitigation timing. 2. Land Use Density – the proposed residential land use densities do not include an important range from .5 dwelling units per acre to 6 dwelling units per acre. We are requesting the City either to include that missing density range and/or allow for it through plan policies, as doing so would provide for a wider range and variety of housing types. It would also allow for a transitional increase in density for any project adjacent to existing rural residential. It is recommended that the EIR analyze and contemplate a scenario where future projects are developed at less than 6 units per acre. There are also other land use requirements that should be discussed further prior to the adoption of the plan. We look forward to continuing to participate in the public engagement process and thank you for this opportunity to comment.	8/25/2023
Respondent #14	I am writing to express my vehement opposition to the SEDA Environmental Impact Report (EIR) in its current form. Having carefully reviewed the draft EIR, I am deeply concerned about the contradictions and inadequacies present within its analysis. I believe that the conclusions drawn from the report fail to address the full scope of the project's potential impacts. The draft EIR indicates that there are "significant and unavoidable impacts" associated with the proposed project. However, what stands out to me is that that these environmental impacts are not only significant but also avoidable. Additionally, the project does not evaluate an alternative where the project is pared down. This apparent issue raises questions about the validity of the EIR and prudence of proceeding with the project as planned. In light of the EIR's shortcomings, it becomes imperative to consider either going back and doing major revisions to the EIR or revisiting the No project option more seriously. By opting not to proceed with the development, we have the opportunity to prevent these avoidable impacts altogether. This alternative aligns with the principles of responsible environmental stewardship and sustainable land use. Moreover, it safeguards the delicate ecological balance of the area and preserves its inherent natural beauty for future generations. It is my firm belief that the No project option is the best course of action. By choosing this alternative, we can avoid the adverse effects that the draft EIR acknowledges and mitigates the potential harm to our environment. While the proposed project may promise economic gains and increased housing, these benefits should not come at the expense of our environment's health and resilience. Especially when the planned housing is not 100% for VLI and LI households. I urge you to reconsider the report's findings and take into account the overwhelming benefits of the No project option or evaluating a significantly smaller project alternative. In conclusion, I strongly oppose the SEDA EIR as it currently stands. I implore you to reevaluate the analysis, prioritize environmental preservation, and seriously consider the No project alternative as the best path forward. Thank you for your attention to this matter.	8/25/2023
Respondent #15	This seems to be a very irresponsible project. There are many sequels to this project that have not been addressed. Fresno does not need more sprawl. It needs infill. The argument that this is not economical is selfish and not socially responsible. Sometimes doing the right thing costs more money. Let's not waste our resources on sprawl.	8/26/2023
Respondent #16	I oppose the urban sprawl. Decimating the most fertile soil in the US to put high density housing is unimaginable. The water availability situation is already a problem and now this will pile on more restrictions in the name of "progress" but most people know it's taxes you're after.	8/26/2023
Respondent #17	Irresponsible rxpansion without strong substructure sounds like the failed rail system.,	8/26/2023
Respondent #18	I do not support the development.	8/26/2023
Respondent #19	NOOOOOOOOO!!!! STOP THE DEVELOPMENT! WE NEED OUR AGRICULTURE. WE NEED OUR TREES. STOP THE TURNING OF FRESNO INTO THE NEXT LA! WE DON'T WANT THIS! LEAVE US ALONE! LEAVE FARMERS ALONE! LEAVE THE LAND ALONE! WE WON'T HAVE ENOUGH WATER IN 100 YEARS FROM NOW! STOP THIS NOW! STOP THIS! NOOOOOOOOOOOOOOO	8/26/2023
Respondent #20	It is upsetting to learn that Fresno is still not trying to build new housing in a way that is less ecologically destructive. I support and encourage more housing, and understand that infill has its limits, but I highly suspect that a) this will just be more low- to medium-density sprawl, regardless of what they're selling it as, and b) that housing (and the design of a city writ large) can be designed, and built, in a more sustainable,, environmentally regenerative way, and that the city should not expand if that is not a priority	8/26/2023
Respondent #21	No one has asked us, the residents of southeast Fresno for comments on an environmental impact report. Sounds like someone, an entity wants to slip under the rug in the darkness of night to push this through. Growth has exploded as it is in the south east corridor of the city, and I for one do not see how the city can provide services to meet the demand of increased population, As well we are paying for multiple bonds thru our property taxes now. I for one do not feel comfortable paying for more bonds until some of the existing bonds are paid up thus reducing property tax burden	8/26/2023

Respondent #22	The City of Fresno currently provides water to its citizens through 2 sources (1) approximately 260 water wells which can and are lowering the water table. (2) surface water delivered via FID. These facts are from the City of Fresno's 2022 annual water quality report. Development of South East Fresno from rural farm land to an urban community will further strain the City of Fresno's water sources. FID replied to the Notice Of Preparation of a Program Environmental Impact Report of the Southeast Development Area Specific Plan for the City of Fresno FID Facilities (page 3 of 5) Water Supply Impact 1.) The project encompasses the City of Fresno Growth Area 1 and 2 and portions of the project are NOT entitled to water under the current City of Fresno Conveyance Agreement. Under the executed agreement between the City of Fresno and FID development within Growth area 2 will not result in an increase in the City's surface water allocation from FID The Document must consider how to best handle future developments, if any, within the areas designated Growth area 2 and areas outside of the agreement to evaluate all potential impacts. Question 1: will the City of Fresno continue the SEDA plan with the intent of further straining the underground aquifers current residents depend on since FID will not increase surface water allocations? Draft Program EIR Section 3.18 Utilities and Service Systems Impact UTIL-1: The proposed project could require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, The construction or relocation of which could cause significant environmental Effects. MM UTIL1-b the City shall not approve development that would demand additional water until additional sources are secured and provided for future development. The City of Fresno is currently restricting its residents landscape irrigation water usage and frequency through an ANNUAL OUTDOOR WATER USE SCHEDULE- April 1- October 31 addresses ending in odd numbers are allowed to water Tuesday Thursday and Saturdays, addresses ending with even numbers are allowed to water Wednesday Friday and Sunday customers cannot water on Monday. November 1 to March 31 addresses ending in odd numbers only water Saturday and addresses ending in even numbers only water on Sundays Question 2. With water usage restrictions in place for current residents due to water supply why is The City of Fresno preceding with the SEDA plan if supplying existing customers is an issue? FID has stated that it's easements along waterways will not be used to construct walking trails. For the City of Fresno to implement walking trails along waterways imminent domain will be necessary to complete the city's plan to provide walking trails along water ways. Planning representatives have stated to existing residents imminent domain will not be used to obtain land to fulfill its plan.	8/26/2023
Respondent #23	I am against this project. The environmental impact that is blatantly inconsistent with the cities own goals is hugely concerning. The heat and pollution in Fresno are the two worst parts of living here, I can't believe the city would be so eager to do something that would further exacerbate Aone if it's worst qualities. It also sounds like there's no guarantee that most of this housing will even be affordable, potentially doing nothing to actually solve the AFFORDABLE housing crisis.	8/26/2023
Respondent #24	Not a well thought out plan, to many cost unknown and no plan for how to pay for them. City counsel & mayor trying to rip off the citizens to line their & contractors pockets . NO TO THIS PLAN	8/26/2023
Respondent #25	This project does not make sense for Fresno. The term "Affordable Housing" is relative. Building material costs, plus developer fees for homes does not lend to housing being affordable for the common family to live in this new development. If we use Tesoro Viejo as an example, those homes are near the ½ million dollar mark! That is no where near affordable for the families that will be drawn to that area. As a Fresno native, who recently relocated out of state because housing costs were just too much, this project will harm more than it will help by once again raising housing, gas, food, costs - not including the environmental impacts to an already struggling valley community. Practically 20 years later, and they're still looking for approval, yet have no information on what this would cost current residents is more than concerning.	8/27/2023
Respondent #26	This project will make traffic and pollution in the city worse. Sprawling out will only isolate citizens new and current from Fresno's rich urban culture. The tax dollars from new sprawl will only subsidize for a short time, then the city will need more new money to support that new area. The city of Fresno should focus on adding density to it's urban core. Fresno needs mixed use in already popular thoroughfares, like the length of Blackstone where we now have BRT. All the car dealerships and furniture stores with large empty asphalt parking lots are a massive underutilization of prime real estate. The city stands to make more tax dollars per land if those lots are converted to mixed use. Downtown is also prime for this type of development. Upzone these desireable areas. The continued sprawl will be detrimental to current and future generations, and will not yield an affordable, culture rich, sustainable, interconnected city, which Fresno desperately needs. Fresno has an incredible opportunity to build a resilient city, and to not continue the mistake of sprawl, sameness, and isolation plagued by nearly every American city.	8/27/2023
Respondent #27	Please leave what's left of our rich farmland alone.	8/27/2023
Respondent #28	I object to this plan. Typical of California's leaders, they are attempting to push through a plan that has not been fully developed, researched, or funded. How can the city council evaluate and vote on the SEDA plan when critical details are unknown? What percentage of the project will be affordable housing? How will this massive project be funded? What is the scope of the environmental impact? It is irresponsible and dangerous to approve the plan when so much is still unknown.	8/27/2023
Respondent #29	Don't move forward it's bad for community health with already high asthma rates in the state without a guarantee of truly low income housing. This is not a smart plan to address a housing shortage. Prices need to be relative to earnings in this county.	8/27/2023
Respondent #30	There is no bus service to the Sunnyside area(south of Kings Canyon Ave) now. How will public transportation be made readily available to this SEDA area?	8/27/2023
Respondent #31	Due to water drought in Fresno throughout the years how do you plan to accommodate water for 250,000 people?	8/27/2023
Respondent #32	1. How do you plan to control smog pollution with 250,000 people that will be added to Fresno? 2. How will electricity be impacted if we already have blackouts in surrounding areas of Fresno with an additional 250,000 people? 3. How would we address the increase in crime activity when we already have issues with shortage in funding for the police department? 4. How would the sewage system be impacted with the increasement of 250,000 people? 5. How will you replenish agriculture loss with the development of new homes? 6. With the increase of a quarter of a million people how would you provide emergency services? 7. EDUCATION:Due to SUSD impact on school attendance how will school infrastructure be addressed if the district has no funds?	8/27/2023
Respondent #33	My concern is for health services, specifically at Community Regional Medical Center. With a chronically over crowded emergency department, and continuing staff shortages, what, if any, is the plan to address and accommodate the increased patient population?	8/27/2023
Respondent #34	This is not an environmentally sound plan nor fiscally responsible in terms of the educational infrastructure that will burden Sanger Unified School District. As a homeowner I would seriously consider selling and moving out of state if SEDA passes.	8/27/2023

Respondent #35	The City of Fresno should work on our current problems in the City vs branching out to the country and taking our problems there! I live in SE Fresno and I'm appalled at what we have to put up with with homelessness, trash, and crime. What about our schools and parks? Finish what you started in the City before you spread our problems where they are not needed! Let's funish the current Fancher Creek shopping development and trails first! Leave what's left of the country and our small farmers alone!	8/27/2023
Respondent #36	I live near the SEDA proposal and I am not in favor of it because it would take out valuable farm land out of production that has ideal climate, prime soil and good water supplies. Also I am concerned about the additional cost that were burden Sanger Unified to support such growth at this time without substantial outside financing. New development should not jump into Sanger farmland and should stay in the undeveloped pockets in Fresno.	8/27/2023
Respondent #37	Section 3.1 Aesthetics, Light and Glare Impact AES-3 and 4 Project will degrade existing character of public views…. (Significant and unavoidable impact) Concern: This proposes too much – more than necessary - light for the area. Current residents moved to the country to avoid such things as light and glare.	8/27/2023
Respondent #38	It is blatantly irresponsible to approve this plan without first having a plan in place to offset this additional 510,000 tons of CO2 emissions that would be generated by SEDA. "Builders say that SEDA will help affordable housing crisis" is also a vague statement and without the city requiring a more detailed plan from builders on exactly how these homes will be more affordable and who they will be affordable for, which is a subjective term. Fresno has historically failed to include housing that is affordable to the families most in need of affordable housing, those closer to or at the poverty line. SUSD does not want to be part of a "New Clovis" SUSD largely serves an entirely different socioeconomic group that we do not want to see burdened by the city's half-baked expansion plans. This, "approve now, work out the problems later approach " will undoubtedly fail to be successful in providing a solution to uphold the emissions reduction plan, will fail SUSD-which is already being impacted by new housing communities overwhelming the school district. SUSD schools in this area are overcrowded and shipping kids out to neighboring schools to accommodate the population growth. SUSD families need subsidized housing. SUSD families care about the environmental impact. SUSD families ARE NOT INTERESTED IN BECOMING A NEW CLOVIS.	8/28/2023
Respondent #39	As a lifelong resident of southeast Fresno and a teacher in Sanger Unified, I am 100% against this project. The area in question is prime agricultural land. Where other areas suffer from water issues, this area doesn't. The ditches are perfectly laid out to provide water, unlike Ag areas on the west side. These are also small family farms, not the large commercial farms found outside of this area. You are trying to change our way of life! What about the Blossom Trail? Way to kill that. The City needs infill. Fix what we have and stop growing at a rate where we can't provide the services required for all these people, who often live below the poverty line. People put their life into their farm land for generations, but as always in Fresno, the developers have the city council in their back pocket. It's time people wise up and speak up! This is the same city council who thought Bitwise was the darling of the Valley!	8/28/2023
Respondent #40	The SEDA specific plan needs to be more carefully thought out before it is approved. Several community organizations and scholars have raised concerns about the increase sprawl created by the plan, adding a burden to transportation systems and creating increased climate change damage which goes against city and state plans. Additionally, affordable housing needs to be guaranteed in any and all plans for new development, which the plan does not automatically include. Instead, it is implied by the mayor and other figures, but not guaranteed. Funding for education should also be more carefully examined before this plan is allowed to proceed, as local schools in the area area already overburdened and underfunded. As a Fresno resident, I ask that more consideration be placed on this plan before it is approved.	8/28/2023
Respondent #41	We do not have a housing shortage. We have an affordable house issue. The rising costs of living offset the raise increases and the cycle continues. More housing is NOT the answer.	8/28/2023
Respondent #42	Please make housing affordable to the middle class. I'm gettin priced out of my own city that I call home. Also, I hope there is a way to reduce the carbon footprint this project will build. It's sickening that officials are looking it due to it being in South side of Fresno .	8/28/2023
Respondent #43	Southeast Fresno lacks access to parks and open spaces. I believe a park like Oso De Oro Park in Northwest Fresno would be ideal for the SEDA plan. Streets and sidewalks are also extremely important and should be a requirement of a developer to put those things in earlier during the development process.	8/28/2023
Respondent #44	Comment on the EIR Report of the SEDA (South East Development Area) Plan As a resident in the proposed SEDA area outlined for City annexation and development, I have many uncertainties and reservations regarding the initial plans as laid out in the recently released EIR report that precedes this planned residential/agricultural seizure. *Groundwater Supplies The majority of residents of the defined 9,000+ acres have their own sufficient water access via personal pumps: both residential and agricultural --The EIR suggests that it will not approve any development plans until additional water capacity is provided through "…improvements…" in accordance with the City. I need to know who is going to pay for these improvements, what they may entail, if present residents can maintain their current water access and if not, wo will subsidize the ENTIRE costs of upgrading or changing to city requirements. Elizabeth J Grossmayer 735 N Locan Ave Fresno, CA 93737	8/28/2023
Respondent #45	The SEDA EIR and Specific Plan should not be approved until the City of Fresno expands it's annual surface water supply portfolio equal to one hundred fifty percent (150%) of the Specific Plan base water demand projection through the acquisition of permanent water rights or other contractual water rights for a term not less than fifty (50) years.	8/28/2023
Respondent #46	As a property owner living in the Southeast Development area I am greatly concerned that this development plan would be harmful to me and my property. I request that the SEDA area not be annexed into the city. I live on a small ranch with livestock and pasture. 1. My primary concern is water or lack of. This plan is to add 9500 acres and a projected increase of at least 250,000 additional people. We have been in a drought condition for the last several years. Where is this water coming from? We cant supply what we need now. Is it going to come from additional wells taping more of our ground water? Possibly causing my well to go dry? I have pasture that feeds my animals. 2.What about power/electricity? We now are asked to refrain from usage during our hotter days. How could building this many more homes accommodate that kind of increased usage? 3. permanent loss of ag land. The soil in the SEDA area is some of the best soil in the world. 4. Climate change concern with increased air pollution and with more asphalt, the hotter the temperature. 5. Increase traffic and congestion. 6. I do not want to have to incur the expense of hooking up to city utilities ie water and sewer. Nor can I afford it 7. Increases potentially of crime. 8And I do not want to lose any of my property due to imminent domain for any reason. My family has owned this property since 1969 this is where I want to stay..in the country.	8/28/2023

Respondent #47	As a property owner living in the SEDA area I am requesting to Not be annexed into the City. My family has owned this property since 1969 and I do not want to leave or be forced to. This type of population increase would devastating to this area. No more country. Concerns? 1. Water.. we've been in a drought for several years. Many wells have dried up! Where is water coming from for 250,000 more people? Wells? Underground water? Where? 2. Losing my well and having to be hooked up to city water and sewer! It would cost a fortune, which we could not afford and do not want city water and definitely could not accommodate irrigating my pastures which feed my livestock! We already have a water shortage! 3. What about Increased traffic and congestion? 4 what about more air pollution with an additional 250,000 people? 5. What about the potential of eminent domain? Taking any part of my property for walkways, trails, green belts, etc?	8/28/2023
Respondent #48	The SEDA ag-urban buffer should be implemented as a dedicated groundwater recharge facility for the capture of periodic floodwater while also providing the community with a native open green space, preservation of wildlife habitat, and recreational and educational opportunities.	8/28/2023
Respondent #49	As a concerned property owner in fresno I am absolutely against this SEDA development! There is no infrastructure plan or budget, there no water, and us local land owners do not want to be forced into the city and lose our farm, ranch land! I would like to know where the money is going to come from to take on this project? And where number one is the water coming from?	8/28/2023
Respondent #50	Aesthetics: The proposed mitigation measures provided in the EIR it is still not enough. Buildings and walls will be built up, blocking any natural land aesthetics from our lands. Light poles, street lights, black asphalt, trash littered by the new public, homeless building living places in random areas, and a lot more of what we already see in our cities. Which will be the common eye soar. The mitigation measures creates the opposite of what we would want related to aesthetics desired. Air Quality: The proposed mitigation measures provided in the EIR creates more unnecessary restrictions for the owners/residents that currently live in the area and do not have an air quality issue. The mitigation measures creates an awareness that the air quality will decrease in quality and will never be as good as how it currently is now. Also, the mitigation measures is not enough to prevent the air quality in the area to stay the same or better. It only gets worse. Agriculture Resources: The proposed mitigation measures provided in the EIR does not help the area in any way protect our resources. What it creates is a smaller resource for the community and future restrictions on future creating new ones. Cutting of our own resources when it comes to agriculture cripples the economy. Greenhouse Gas Emissions - The proposed project would generate direct and indirect greenhouse gas emissions, and these emissions would result in a significant impact on the environment. There is no mitigation measures to prevent this from happening. The proposed project would in fact create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. Noise (Construction noise only): The proposed project could generate a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. If the project were to pass then this would be inevitable and the noise would only increase over time. The Noise level will never be how it currently is now. Again, this would be another area that will never be just as good or better than what it currently is now if the city were to move forward with their plan to annex the land. Biological Resources: All the negative impacts to our habitat, wildlife and any other biological resources in the area will be threatened by the cities plan. There are no mitigation measures to prevent this which then leads to only making things worse in the environment. Geological Resources: Impact GEO-2 through GEO-6 and Cumulative Impact will be impacted negatively. The soils and ground will be tampered with during construction and once fully developed will not be better or just as good as how it currently is now. Hazardous Materials: Impact HAZ-1 through HAZ-7 in the EIR report will have a negative impart in every area. Emissions will only increase and not get any better if the plan moves forward. Hydrology and Water Quality: The proposed project will violate any water quality standards or waste discharge requirements and substantially degrade surface or ground water quality. The proposed project could substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. The proposed project will in fact conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. All the mitigation measures for the Hydrology and Water Quality will not improve the water we currently have, it will only make it worse. Also, there will be unnecessary restrictions to owners who currently live in the area. Recreation: This impact will create more noise, traffic, emissions, crime, and hurt our natural aesthetic. Transportation and Traffic: The	8/28/2023
Respondent #51	My comments to the SEDA EIR are as follows: 1. the report refers to the installation of solar panels, fields, etc. but that is the final product. The EIR references the use of electric-powered vehicles (tractors and other heavy equipment). Where/how will these vehicles be charged? Our grid is already heavily taxed with rolling brown and blackouts currently occurring. The addition of all of this equipment is sure to tax the grid further and we have no plans to increase the number of tranformers for not just the city or county, but the entire state of California. 2. The city and county has gone through dramatic efforts to improve air quality and reduce its use/output of greenhouse gasses. Where is the data/report showing the effect this plan will have on the air quality with the implementation of this plan? Where is the data/report on the estimated increased amount on greenhouse gas emissions not only on implementing this plan, but also the estimated increase in emissions once the population increases after the plan is complete? As you know, the Fresno area already has an alarming rate of children with asthma and the EIR's only feedback on this matter is to increase the density of this plan's area so large that residents should walk instead of drive to their schools, offices, grocery stores, community centers, etc. The proposed project would generate substantial long-term criteria air pollutant emissions, contributing to regional air pollution and exceeding existing air quality plan thresholds. Implementing the multiple developments in the area, in addition to the proposed project, would amplify the negative impaces on various environmental factors like air quality, noise and greenhouse gas emissions. 3. After meeting with the water and sewer representatives at the recent SEDA meetings, we received conflicting answers on where the project will be getting its water and where future residents will be getting their water. We were told the water would come from the Kings River and San Joaquin surface water allocations that have not yet been increased so it "should not prove any harm to our existing wells" and in contrast at a separate meeting, we were told that the plan would be to drill additional wells every 1/2 mile up to 900 feet deep knowing full well the residential wells are only approximately between 160-240 feet. The latter would obviously deplete the groundwater table forcing rural residents' wells to dry up and force them to hook up to city water at their own cost including the cost to properly seal and retire the well. This same cost would also be incurred for forcing rural residents to seal and retire their septic systems and join city sewage. Please correctly address this issue and confirm where the project and future implementation of such project will obtain the water necessary to complete this project and also provide plenty of water to all of its residents: new and old, urban and rural. 4. Please provide the reports on the affect the conversion of farmland to non-agricultural uses. This conversion of unique farmland would impact agricultural resources and potentially affect the agricultural economy.	8/28/2023

Respondent #52	Urban Sprawl: The plan's emphasis on accommodating a large number of dwelling units and jobs over a wide area may contribute to urban sprawl. Urban sprawl can lead to increased infrastructure costs, longer commutes, higher energy consumption, and a greater reliance on private vehicles, which could exacerbate traffic congestion and air pollution. How will this plan address this issue? Environmental Impact: Despite the plan's emphasis on sustainability and green infrastructure, the development of such a large area may still have significant environmental impacts, including habitat loss, increased water demand, and potential disruption of local ecosystems. How will this plan work to offset the negative environmental consequences? Impact on Agriculture: While the plan seeks to integrate agriculture into the urban fabric, there may still be conflicts between agricultural activities and urban development. Encroachment of urban areas on agricultural land can lead to a loss of valuable farmland and affect the viability of agricultural operations. Fiscal Responsibility: The plan's goal of providing self-financing for the development and ongoing maintenance of the SEDA may put a strain on the City of Fresno's resources. The cost of infrastructure development and maintenance could divert funding from other areas of the city or burden residents outside of the SEDA. Who is responsible for paying for this plan ultimately? The tax payers?? Social Equity Concerns: Although the plan aims to offer a variety of housing choices and business opportunities, there is a risk that the actual implementation may not fully address social equity concerns. The availability of affordable housing and job opportunities may not be evenly distributed, potentially leading to socio-economic disparities. Please address your plan to address these potential disparities. Infrastructure Challenges: Developing such a large-scale project requires significant infrastructure investment. There could be challenges in ensuring that all necessary infrastructure, such as roads, utilities, and public facilities, are adequately provided for each phase of development. Please provide your plan to address infrastructure challenges. Regulatory Hurdles: Annexation with Fresno County and the Local Agency Formation Commission (LAFCO), and the State of California may involve bureaucratic and regulatory hurdles that could slow down the implementation process and increase costs. How does SEDA plan to address such hurdles and absorb such additional costs? Future Market Demand: The plan's vision is based on market demand assumptions made at the time of planning. However, market dynamics can change, and the demand for specific types of housing, commercial spaces, or employment sectors may not align with the plan's projections. How flexible is this plan in order to accommodate both market and societal changes? This plan has been in the minds of bureaucrats for years. From our investigation into the details of this, it is not financially supported to execute the way that it is being presented to us. Please provide the budget and who will be paying for such plan and its implementation.	8/28/2023
Respondent #53	The cost of educational facilities, environmental issues and infrastructure without the promise of true benefits for affordable housing mean that this matter needs to be tabled.	8/28/2023
Respondent #54	This project claims to be addressing the housing crisis, but has no plan for affordable housing. Furthermore, it's moving forward with an economic impact report that goes against the plan set by the city itself and will be a detriment to residents. This development would also be a disaster to the school districts, who are going to be expected to meet the demand of new students without receiving the means to do so. I am very disappointed that the city is even considering moving forward with the proposal as it is. Also, why are they considering this area over others? There is plenty of other empty land, such as south of the 99 or more to the west, that would be a better fit than taking land from farmers and homesteaders.	8/28/2023
Respondent #55	There is no way that City of Fresno can meet the Climate Change plan by 2035 if it builds more homes and businesses in Southeast Fresno. We who live in Southeast Fresno do not want to see Southeast Fresno look like Clovis or want to see the urban sprawl and crime of Southwest Fresno here!	8/28/2023
Respondent #56	Southeast property owners would have bought downtown Fresno if we wanted to live in a high density urban setting. We bought land in rural southeast Fresno because we wanted SPACE and farm land around us. This annexation into the city of Fresno will RUIN our quality of life. Mayor Dyer is making a huge mistake by increasing the boundary of Fresno city!! WE ARE COUNTY RESIDENTS AND WE WANT TO REMAIN COUNTY RESIDENTS!!! More people, cars, buildings, smog, noise, crime is NOT a healthful and stressless way of life!!!	8/28/2023
Respondent #57	One of those parcels belongs to a retired USDA Agricultural Researcher named Dr. David Ramming He continues to develop new Grape Breeds for the benefit of growers and consumers, around the world, on his farm. What are we sacrificing in exchange for a problematic fix to the housing problem?	8/28/2023
Respondent #58	Need to worry about the pollution this will bring to an already unhealthy city	8/28/2023
Respondent #59	SEDA EIR and Specific Plan It strikes me as being thrown together with definite issues of which there are no mitigation plans, and goals that are unrealistic. The Farmland Preservation Plan does not exist yet, unfortunately. Somehow the city of Fresno finds it acceptable to take out farmland, disregarding Williamson Act contracts which were put in place to protect farmland from the very thing SEDA will allow developers to do- chop up parcels, rezone, turn it into non-farmland. The Fresno area does need more housing, but where is making it a priority to infill open land in the city and revitalize those areas that need it? It is unrealistic to think people are going to walk and bike everywhere to access parks, schools, and retail centers. It is too hot in the summers here. This is not some coastal town. Somehow the city of Fresno also finds it acceptable to present this Plan when the EIR shows air quality standards will not be met. There is not enough information about how all the new families will have schools for their kids to attend. The school districts are against this Plan. It is supposed to be self-financing so it does not reduce the City's resources for other areas or burden residents outside of SEDA. But I guess it is ok to burden the residents of SEDA who will have to pay expensive hook-up fees for water and sewer? And how is there going to be all this affordable housing when developers will have to charge high fees? Agriculture will further be impacted by water priority going to all the 45,000 dwelling units, and farmers required to put meters on their wells.	8/29/2023
Respondent #60	Please pay attention to the environmental impact of this additional sprawl! It not only effects the local areas but the overall quality of life for the rest of Fresno, Clovis & Sanger. We'll never be able to get this farmland back! Don't destroy this I.portance of this area for our environment, food growth and as a buffer zone for clean air near.	8/29/2023

COMMENT CARD

Name:

BOB JUNGMAN

Phone Number:

559) 269-3336

Email:

BOBISORJ@GMAIL.COM

Address and Nearest Cross Streets:

7800 E. CARMEN AV

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

mckinly & DEWOLF

Please tell us your comments on the SEDA Draft EIR and Specific Plan

AS A HOME OWNER IN RURAL RESIDENTIAL WE SEE NO VALUE IN THIS - PLEASE STOP THIS PROJECT

DO WE REALLY HAVE TO POST EIR MEAN IT IS GOING TO HAPPEN? CAN YOU (CITY) LEAVE US ALONE

COMMENT CARD

Name:

Juliet Doty

Phone Number:

960. 5423

Email:

xxdoty@hotmail.com

Address and Nearest Cross Streets:

Fancher + Olive

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

The EIR has many concerning elements including increases in traffic, problems for wildlife + Ag land trust will be taken. And no mitigation for any of this? Really? Also you will be taking our Septics + wells + we have to pay to hook up?

No one wants to have this pass! Please go away.

COMMENT CARD

Name: Albert Valenzuela

Phone Number: 559-906-3123

Email: Katval@comcast.net

Address and Nearest Cross Streets: Temperance & Lowe Ave

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

① We need Temperance Ave Expanded/Fixed! We have Hwy 180 on & off Ramps that connect to Temperance Ave, however the Road South of Kings Canyon is Horrible!

② Our Area, Southeast, needs to be cleaned-up to look like Clovis or Riverpark! Do Not develop A new Area Before Cleaning of what we Already have.

DAIM NTAWV MUAB LUS XAM POM

Lub Npe:

Jaime Rodriguez Carrillo

Nab Npawb Xov Tooj:

(559)254-9534

Email:

Jrodr9012@gmail.com

Chaw Nyob thiab Cov Kev Hla Uas Nyob Ze Tshaj Plaws:

7741 E Shields AVE, 93737
Dewolf

Yog xav paub ntxiv

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Thov qhia rau peb txog koj tej lus xam pom rau rau SEDA Daim Qauv EIR tsim ua Qhov Kev Npaj Ua Tshwj Xeeb

Having lived in the county this long. I dont think its fair having the City Just move in and take ownership of all the county property. This land is used as farm land. Having to Relocate our livestock would be an expense on its own. I dont agree with the city and they should Really Consider how many People & familys they are affecting.

COMMENT CARD

SEDA SOUTHEAST DEVELOPMENT AREA

Name:

Ray C Stanton IV

Phone Number:

559-720-5550

Email:

ray.stanton91@gmail.com

Address and Nearest Cross Streets:

7741 E. shields Fresno Ca 93737 Locan & shields

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

I purchased my property to be county to live in peace, raise livestock, and run my mobile ag mechanic business. With SEDA, I am worried about being able to stay county & visit City. For one I dont want it to affect my livestock & mechanic business. Two with the new developments we have been getting more & more drug users and general riff raff from the west side of fowlers industrial area. Just the other day had to call pd on an overdose. I'm worried with the center there will be more issues

SEDA
SOUTHEAST DEVELOPMENT AREA

DAIM NTAWV MUAB LUS XAM POM

Lub Npe:
KATHY STANTON

Nab Npawb Xov Tooj:
559 250 5339

Email:
Kathystanton@mail.fresno.edu

Chaw Nyob thiab Cov Kev Hla Uas Nyob Ze Tshaj Plaws:
7741 E SHIELDS Fresno CA 93737

Yog xav paub ntxiv
(559) 621-8339
Adrienne.Asadoorian@fresno.gov

Thov qhia rau peb txog koj tej lus xam pom rau rau SEDA Daim Qauv EIR tsim ua Qhov Kev Npaj Ua Tshwj Xeeb

My family purchase 20 property to have livestock Goats, sheep turkeys chickens + ducks.

I want to remain in the county.

COMMENT CARD

Name:

Karen Baker

Phone Number:

559-259-9939

Email:

Bkompliant@sbcglobal.net

Address and Nearest Cross Streets:

3520 N. Locan Ave 93737
Ashland & Shield

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

EIR states this plan will impact water and does not met air quality standards. Taking prime ag land out of production adversely impact the water quality. I have already been sued by tenants concerning on my property, being hurt by a goose, ranch or dog. I have had to fence my property but people still climb the fence.

SEDA
SOUTHEAST DEVELOPMENT AREA

COMMENT CARD

Name:

Marjory Beekman

Phone Number:

559-255-3943

Email:

willbeekman0@gmail.com

Address and Nearest Cross Streets:

7791 E Carmen Ave
Fresno, Cal: 93737

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

① When connecting to City H2O and Sewer. Who pays for it?

②

③ Neighborhood Residential what does that incl.: Mi

TARJETA DE COMENTARIOS

Nombre:

David + Natalie Ortiz

Número de teléfono:

Correo electrónico:

Dirección y calles transversales más cercanas:

559-761-9314

Para más información

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Díganos sus comentarios sobre el Borrador del EIR y el Plan Específico de SEDA

① Why are there Drop in Mtgs?
② It is above 100° deg. in room for 7/24 mtg - Safety hazard
③ Oppose - water issues; sewage system; traffic + air quality issues due to increased traffic
④ Catastraphoic to Prime Farmland - how is the benefical
No more English pamphlets

COMMENT CARD

Name:

Keith Tony Flores

Phone Number:

559 960 2227

Email:

K.tonyflores@zimbrcloud.com

Address and Nearest Cross Streets:

8303 E. Hedges Fresno

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

Where will the water come from.
What will happen to all the vermin
and wild life in the area

COMMENT CARD

SEDA • SOUTHEAST DEVELOPMENT AREA •

Name:

William (Bill) Beekman

Phone Number:

559 255-3943

Email:

WillbeekmanO@Gmail.com

Address and Nearest Cross Streets:

7791 E. Carmen Ave.

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

I oppose Annexation

1- water Table drop from new Deep Wells

2. crime

3. increase Traffic

4. cost of sewer connection } we already have

5- cost of water connection }

COMMENT CARD

Name:

Chris Montross

Phone Number:

213-3449

Email:

cemontross@icloud.com

Address and Nearest Cross Streets:

5200 Golflink Ave Belmont/Leonard

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

I live here to NOT be in the city.

I don't want city water.
I don't want city sewage.
I don't want city gas.
I don't want city corruption
I don't want city crime.
I don't want city housing.
I don't want city noise.
I don't want city regulations
I don't want SEDA!!!!!

COMMENT CARD

Name:

Juanita Jungman

Phone Number:

559-906-0222

Email:

JungmanJuanita@Gmail.com

Address and Nearest Cross Streets:

7800 E. Carmen
DeWolf & McKinley

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

Opposed to annexation Don't want to pay to hook up to city water & sewer. Don't want to have more housing around me. Concerned about crime & homeless camps moving in. Don't want additional taxes & I want to have my animals & farm land.

SEDA
SOUTHEAST DEVELOPMENT AREA

COMMENT CARD

Name:

Brett Thompson

Phone Number:

Email:

Thompson3286@att.Net

Address and Nearest Cross Streets:

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

How Many Residents are Currently in The Proposed 9000 Acres?

SEDA
SOUTHEAST DEVELOPMENT AREA

COMMENT CARD

Name:

Mark Reitz

Phone Number:

559-905-4523

Email:

markreitz1@aol.com

Address and Nearest Cross Streets:

2446 E. Denise Ave. Fresno 93720

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Also own 20ac @ Temperance & California

Please tell us your comments on the SEDA Draft EIR and Specific Plan

Thank you for considering the Consolidated Business Park in Ch 5 of the EIR. It is superior to the proposed land use plan per Table 5.6 in EIR in all catagories. I will support this Plan as shown in Exhibit 5-1. Please have this plan at all future meetings to show the public. The people I spoke with all support it over the proposed plan. This should be emphasized as no one is finding it in the 900 page EIR at the back. Thanks, Good job. Sophia.

COMMENT CARD

Name:

Cherry Reitz

Phone Number:

559-779-7933

Email:

cherryreitz1@gmail.com

Address and Nearest Cross Streets:

246 E. Denise Ave
Fresno CA. 93720

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

I support the land use plan for the Consolidated Business Park & not the proposed plan. The proposed plan has R&D Bus. Park in the wrong area east of Temperance between Jensen & the California Ave/RR alignment. This is not wanted by the land owners in this area & will definetly serve as a roadblock to development to the east. Thanks

COMMENT CARD

Name:
Cathy Gilles

Phone Number:
559 9709242

Email:

Address and Nearest Cross Streets:
Fancher & Olive

For more information
(559) 621-8339
Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

After reading just a small portion of the EIR, I'm disappointed that it's still moving forward! The EIR is to advise whether a project is appropriate & I'm thinking there's enough bad news in the EIR to stop this project from moving ahead.

COMMENT CARD

Name:

Phone Number:

Email:

Address and Nearest Cross Streets:

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

Cathy Gilles

559 9709242

1530 N. Fancher

Is her pic in SEDA?

COMMENT CARD

Name:

Phone Number:

Email:

Address and Nearest Cross Streets:

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

ross1939@aol.com

English of

How to comment

on the EIR handout

page 1 handout

not

COMMENT CARD

Name:

Phone Number:

Email:

Address and Nearest Cross Streets:

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

F. tonyfloresa
2imbracloud.com
email flyer
English "Que es
un informe"

COMMENT CARD

Name:

NORMAN WINSLOW

Phone Number:

559- 251- 0717

Email:

normewins@GMAIL

Address and Nearest Cross Streets:

1293 N. FANCHER AVE
Belmont & Olive

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

I DO NOT SEE ANY POSITIVE PERSONAL BENEFIT TO ANNEXATION. I DO SEE HIGHER CRIME, HIGHER CROWDING, LESS PRIVACY, HIGER TAXES, LOSS OF CONTROL OF MY PROPERTY. MY FAMILY HAS OWNED OUR PROPERTY FOR 80 YEARS. IT IS NOT AVAILABLE TO FRESNO.

Norman E Winslow

SEDA
SOUTHEAST DEVELOPMENT AREA

COMMENT CARD

Name:

Andrea Wise

Phone Number:

559-260-8095

Email:

Silkenoaksfarminc@yahoo.com

Address and Nearest Cross Streets:

1574 S. Temperance Ave

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

My thoughts are unique to many others as I currently farm across from the city on Temperance, which will soon be houses. I do not want to farm across from houses and am not naive ~~enough~~ and understand that this plan will go forward with or without support. My main personal concern is that I will be held to Industrial use and can't or won't be able to sell to a housing developer. I do not understand why Flex research is around houses and not contained to one area ie Jensen South

COMMENT CARD

Name:

MARIE POTTER

Phone Number:

559-252-2085

Email:

Ross1939@AOL.com

Address and Nearest Cross Streets:

OLIVE + TEMPERANCE AV.

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

Will we have to hook up to the sewer & water? If so when would that occur? What would be our cost to do this?

SEDA
SOUTHEAST DEVELOPMENT AREA

COMMENT CARD

Name:

Rosa Blanco

Phone Number:

559-709-7065

Email:

gallegos4000@gmail.com

Address and Nearest Cross Streets:

Church / DeWolf

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

1. Where will we live? If this plan goes thru, we will be homeless.
2. What is the time frame for our area to be destroyed?
3. Will eminent domain be used by Parks + Rec?
4. Where will the elderly home owners be move to?
5. Why are you taking our homes to build more homes?
6. How much are the developers paying for our properties?

COMMENT CARD

Name:

Gary & Mardys Hofer

Phone Number:

(559)479-0441

Email:

MTHofer@aol.com

Address and Nearest Cross Streets:

918 N. Rector Way
Belmont & DeWolf

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

We are concerned and against the annexation of our property to the city of Fresno — water concerns and cost for hooking up to the city. Farmland will be lost in our area.

How many people, at the current time occupy the 9,000 acres that are subject to annexation?

COMMENT CARD

Name:

Bill Misaki

Phone Number:

559-453-9606

Email:

sstcom@att.net

Address and Nearest Cross Streets:

8534 E. McKenzie Ave

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

WHAT IS THE CURRENT POPULATION OF THE PROPOSED SEDA ANNEXATION?

COMMENT CARD

SEDA SOUTHEAST DEVELOPMENT AREA

Name:
Audrey Markel

Phone Number:
559-270-6757

Email:
AudreyMarkel1979@gmail.com

Address and Nearest Cross Streets:
7680 E Tulare / Locan - Tulare

For more information
(559) 621-8339
Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

- I am concerned about the cost of installing water and SEWER.
- I have horses. I ~~want~~ want to continue to have horses.
- I am concernad about the crime that will come to the area with this plan

COMMENT CARD

Name:
Andrea Montross

Phone Number:
559-213-3440

Email:
andrea.montross@gmail.com

Address and Nearest Cross Streets:
Belmont/Leonard

For more information
(559) 621-8339
Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

No to Fresno City
No to city water
No to city sewage
No to natural gas
No to city PD
No to city Fire
No to City crime
No to city population density
No to city homelessness
If I wanted to live in the city I would move to the city.
NO TO ANNEXATION/SEDA

COMMENT CARD

Name:

Carol Bloesser

Phone Number:

(559) 250-5841

Email:

c_bloesser@yahoo.com

Address and Nearest Cross Streets:

7843 E. Carmen. McKinley Olive

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

The report says that the loss of prime ag land can not be mitigated. What is the loss based on a money amount? Do you realize once the land is lost it can never be retrieved?

COMMENT CARD

Name:

Carol Bloesser

Phone Number:

(559) 250-5841

Email:

c-bloesser@yahoo.com

Address and Nearest Cross Streets:

7843 E. Carmen between Olive & McKinley

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

Who is going to pay the estimated $900 million this plan costs?

COMMENT CARD

Name:

Carol Bloesser

Phone Number:

(559) 250-5841

Email:

c_bloesser@yahoo.com

Address and Nearest Cross Streets:

7843 E. Carmen between Olive & McKinley

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

The report from the Irrigation District says that all of the canals have to be repiped if this plan goes through. Who will pay for this?

COMMENT CARD

Name:
Chris Montross

Phone Number:
559-213-3749

Email:
cemontross@icloud.com

Address and Nearest Cross Streets:
Belmont / Leonard

For more information
(559) 621-8339
Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

The SEDA Draft EIR and Specific Plan have numerous enviormentally damaging provisions with NO way to mitigate. These plans are climate damgging locally and globally.

There is NO "Aplicant" to "Step 1:" of the "Annexation Process".

COMMENT CARD

Name:

Rosa Blanco

Phone Number:

559-709-1678

Email:

gallegos4000@gmail.com

Address and Nearest Cross Streets:

Church/Del Wolf

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

1. How much will it cost the home owner to connect to water/sewage?
2. Does the valley have enough water for new development?
3. Do this plan on the west side.
4. This is hurting our property value.
5. Homes will be destroyed.
6. Elderly home owners will be affected, this is elderly abuse.
7. We are opposed this plan - leave our area alone.

COMMENT CARD

Name:

Andrea Montross

Phone Number:

559-213-2440

Email:

andrea.montross@yahoo.com

Address and Nearest Cross Streets:

520 N. Golf Links Ave 93737

Belmont x Leonard

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

NO ANNEXATION!

Please tell us your comments on the SEDA Draft EIR and Specific Plan

There is no mitigation for the add'l pollution this plan will cause, per the report. This includes air, water, noise, etc.

Directly from the EIR, there is NO applicant identified. WHO IS THE APPLICANT?!

The EIR does not address the impact on native plant & wild life. Another environmental disaster.

Need more room for add'l comments :

COMMENT CARD

Name:

Henry Salazar

Phone Number:

(559) 285-5530

Email:

brad.andersen@me.com

Address and Nearest Cross Streets:

Peach & Butler

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

What mitigation efforts will happen to address traffic, noise, and air quality on the Peach Ave corridor between Butler & Jensen Aves? How will safety of pedestrians be addressed with the increased traffic? Will a concrete block fence be installed; as the new housing developments are required.

COMMENT CARD

Name:

Robert Bethel

Phone Number:

559-284-3898

Email:

Address and Nearest Cross Streets:

Peach & Butler

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

What will be done to mitigate Noise and air Quality along Peach Ave Between North of Jensen and south of Kings Canyon Road? Is there a plan to install a concrete block fence as required for new housing developments. Safety of pedestrians and residents along Peach Ave is paramount. There are car accidents resulting in death; along Peach Ave Noise is pollution & needs mitigation

COMMENT CARD

Name:

Greg Vitucci

Phone Number:

559 - 908-6794

Email:

gregvitucci3131@G.mail.com

Address and Nearest Cross Streets:

5229 E Townsend Fresno Peach / Butler

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

Concerns the Park on Church and Peach. Concerns - traffic, noises pollution air pollution,

COMMENT CARD

Name:

Phone Number:

Email:

Address and Nearest Cross Streets:

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

Brett Thompson

559 797 2187

Printing of Draft Plan

SEDA
SOUTHEAST DEVELOPMENT AREA

COMMENT CARD

Name:

Phone Number:

Email:

Address and Nearest Cross Streets:

For more information
(559) 621-8339
Adrienne.Asadoorian@fresno.gov

RECEIVED
AUG 2 8 [illegible]
BY: .....

Please tell us your comments on the SEDA Draft EIR and Specific Plan

Sec. 3.3
1) Site the studies done that show how air quality will change with reference to time

Sec. 3.17
2) How will the influx of trucks impact the residents. Site data.

Sec. 3.17
3) What information do you have that supports the project is consistent with state and local plans and policies?

COMMENT CARD

Name:

Phone Number:

Email:

Address and Nearest Cross Streets:

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

1) Sec. 3.8 How is this project consistent with Assembly Emissions Bill 32's statewide goal of 29% reduction of emissions from business as usual?

2) Sec. 3.8 How frequently and for what length of time will the level of particulate air pollution in the area surrounding the Project exceed the Threshold of Significance as outlined by CEQA?

COMMENT CARD

Name:

Phone Number:

Email:

Address and Nearest Cross Streets:

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

1) How will a potential cumulative expansion project affect pollutant concentrations? Please site studies. Sec. 3.8 + Sec. 3.3

2) What were the studies that showed the effects of energy usage with respect to the projects potential impacts on air quality and GHG? Sec. 3.3 and 3.8 and results

3) How does this project affect Global Warming? Site statistics

COMMENT CARD

Name:

Phone Number:

Email:

Address and Nearest Cross Streets:

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

Sec. 3.17

1) What is the data concerning calculating the energy impacts of the project relating to vehicle trips?

Sec. 3.8

2) In 2006, Governor Schwarzenegger promoted AB 32 to reduce GHG emissions to 1990 levels by the year 2020. Give data to support that this Project will comply with these standards.

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

Sec. 3.13

What is the maximum single event noise level allowed by the City of FRESNO and how would this project affect the level?

NW #1

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

HOW IS IT OF good CONSCIOUS THAT THE EIR AND THE INFILL REPORTS ARE RELEASED ~~ME~~ AND THEN GIVEN 45 DAYS TO COMMENT ON. THERE ARE OVER 800 pages IN THE EIR AND 46 pages IN THE IFD PLEASE COMMENT

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

PER IMPACT AG 2 on ES-13

DOES THE SPECIFIC EIR PLAN CONFLICT WITH THE WILLIAMSON ACT?

RECEIVED
AUG 28 2023
BY:

DW-2

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

HOW CAN OR WILL YOU PURPOSE A SUFFICIENT INFRASTRUCTURE TO SEDA PLAN WHEN THERE ISN'T SUFFICIENT INFRASTRUCTURE IN THE CITY OF FRESNO?

DW-3

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

HAS THE CITY REACHED A TAX AGREEMENT WITH THE county? I HOPE NOT

WHEN?

DW-4

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

ARE THE FUNDS AVAILABLE FOR $900 MILLION OF ESTIMATED COST FOR SEDA PLAN AND WHERE ARE FUNDS COMING FROM?

DW-5

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

THE CITY HAS CLAIMED NO EMINANT DOMAIN, WHAT ABOUT THE FARMS WITHIN THE RURAL CLUSTERS. HOW WILL THEY NOT BE EFFECTED BY THESE AFFORDABLE HOUSING TYPES. WHAT LAND WILL THEY BE ON? WHO'S LAND?

DW-6

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

DOES THE SEDA SPECIFIC PLAN ALREADY HAVE THE "LAND" PURPOSED FOR THESE COMMUNITY CENTERS, REGIONAL, NEIGHBORHOOD & OFFICE CENTERS, RESEARCH & DEVELOPMENT AND ALL THE OTHER PURPOSED LAND USES? IF NOT HOW DOES YOUR MAPS SHOW THEM IN SPECIFIC & UNIQUE AREAS?

DW-4

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

WHO ARE THESE AFFORDABLE HOUSES FOR? LOW INCOME? WILL THEY BE FOR RENT OR SALE? OR GOVERNMENT, STATE, PAID FOR.

With the economy & INTEREST RATES INCREASING how will anyone BE ABLE TO RENT OR BUY.

AN AVERAGE 1 BEDROOM APT IS $1200.00 - $2500.!!

Dist-8

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

WHERE IN THE EIR IS THE HOMELESS STOPPED? WHY NOT CLEAN UP THE PEOPLE ON THE STREETS & THEIR FILTH BEFORE EXPANDING THEIR TERRITORY? WHAT IS THAT PLAN? AFFORDABLE HOUSING? WHO PAYS FOR IT? US?

Dist-9

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

HOW DO YOU PURPOSE A 250,000 MORE POPULATION GROWTH TO THE CITY OF FRESNO WHEN FRESNO LAND ~~CV WIDE~~ ARTICLE SAYS CALIFORNIA'S POPULATION IS SHRINKING DUE TO HIGH COST OF LIVING

"Growth for the sake of Growth is the ideology of the cancer cell"
Edward Abbey

DW-10

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

~~I~~ IN YOUR EFFORT TO CONSERVE ENERGY, WHAT ARE THE HEALTH RISKS LIVING NEAR THESE SOLAR FARMS? A 160 ACRE SOLAR FARM WHITNEY POINT! Pg 98 SEDA SPECIFIC PLAN IN MY RESEARCH I FOUND THESE SOLAR FARMS CAN HAVE LOSS OF HABITAT INTERFERENCE WITH RAINFALL AND DRAINAGE. OR DIRECT CONTACT CAUSING INJURY OR DEATH. ARK FLASHES, ARK FLASH BURNS & BLAST HAZARDS, ELECTRIC SHOCK FAILS THERMAL BURN. ELECTRICAL FIRES (DIFFICULT TO CONTAIN) TRAFFIC HAZARDS DUE TO LARGE NUMBER OF VEHICLES NEEDED TO TRANPORT EQUIPMENT AND PERSONNEL TO FARMS.

DW #11

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

Pg 1st INTERDUCTION, Paragraph 1st
HOW DO YOU EXPECT TO GROW ~~WHEN~~ PER CHAVEZ IN THE GVWIRE ARTICLE, WE'RE NOT GOING TO IN AN ARTICLE BY DAN WALTERS ON CA MATTERS SAYS - NEWSOM'S HOUSING MANDATE WORKOUT OF DRAMATIC POPULATION DECLINE DATA? IT SAYS IN THE ARTICLE THAT A NEW SET OF PROJECTIONS THAT CALIFORNIA POPULATION WILL SHOW LITTLE OR NO GROWTH through 2060!

DEC-13

COMMENT CARD

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

HAS THE City completed THE EXPANSION OF THE BASIN FOR FUTURE STORM-WATER IN SEDA

DEC-14

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

WHY DO HOMEOWNERS HAVE TO PAY FOR HOOK UPS FOR WATER AND SEWER, WHEN ITS THE CITY WHO ARE PUSHING THE PLAN. WHY DON'T THEY OR THE DEVELOPERS YOUR IN BED WITH HAVE TO?

DW #15

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

PER YOUR FISCAL RESPONSIBILITY
AS A CITY
YOU SAY YOU DON'T WANT TO BURDEN THE FRESNO RESIDENTS OUTSIDE SEDA AT THE WHILE MAKING SEDA RESIDENTS PAY TO HOOK TO WATER & SEWER COSTING US AROUND 50-60 THOUSAND DOLLARS, ALONG BURDENING US HOMEOWNERS IN SEDA

DW #16

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

DOESN'T THE CITY HAVE ANY CONSIDERATION TOWARDS THE PEOPLE IN SEDA?
YOU KNOW WHAT YOU DO WILL TURN BACK ON YOU AT SOME POINT. YOU CAN'T DO EVIL AND EVIL NOT BE ON YOU.
ITS EVIL FOR EVIL AND GOOD FOR GOOD
LINING YOUR POCKETS ON THE BACKS OF OUR PROPERTIES IS EVIL

DW #17

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

WITH THE HIGH DENSITY HOUSING PLAN, WHAT IS THE EMERGENCY RESPONCE PLAN?

DO WE HAVE ONE INCASE OF FIRE WITHIN THE SIDE BY SIDE HOUSING, THAT COULD CAUSE MULTIPLE HOUSES TO BE IN DANGER

DW #18

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

SHOULD AN UNEXPECTED POTENTIAL THREAT DEVELOP FROM FLOODING, ETC, FIRES

WHAT IS THE PLAN OF EVACUATING PEOPLE

DW #19

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

WITHOUT THE INFRASTRUCTURE OF ROADS, HOW WILL FIRE FIGHTERS & RESCUE PERSONNEL BE ABLE TO ACCESS VARIOUS LOCATIONS IN THE HIGH DENSITY AREAS DURING AN EMERGENCY?

DW #20

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

DUE TO CLOSE PROXIMITY OF THE HIGH DENSITY HOUSING, AND THEREFORE, THE HIGH WILDFIRE RISKS OF RAPID SPREADING WHAT IS THE PLAN TO PROTECT THE OCCUPANTS FROM POLLUTANT CONCENTRATIONS?

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

What is the timeline for annexation, fee study and water survey in type II areas?

Thank you

Will we have water rights, [illegible]?

RECEIVED
AUG 28 2023
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Please tell us your comments on the SEDA Draft EIR and Specific Plan

What would happen if developers didn't obtain the plan? If building or infrastructure is planned prior to developer ownership, what happens if they are prevented from purchasing land in SEDA? Why are these plans intended to be executed without the primary factor - developer ownership being established? This is a prime case of cart before the horse and the city wasting time, effort and energy on large assumptions.

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

According to the city's SEDA timeline displayed at the drop-in event, public utilities - namely water - will be made accessible to the area by 2029. What is the specific plan/timeline for how this stated goal will be achieved? Particularly given the 2050 completion date of the plan. What happens

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540-3

Please tell us your comments on the SEDA Draft EIR and Specific Plan

What is the cost of this plan? Does the city have the funds? Or where will the funds come from? What part of the cost will default to property owners? Can the city provide a detailed plan for and budgeted execution of how this plan will be paid for?

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546-2

Please tell us your comments on the SEDA Draft EIR and Specific Plan

What is the plan for when and where water is not available. Please demonstrate plan for both Type I and type II water in the case of shortage and/or inaccessibility.

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540-1

Please tell us your comments on the SEDA Draft EIR and Specific Plan

What is the specific plan and timeline for building infrastructure as it pertains to water and sewage out to the area. Will this be clearly demonstrated to the public?

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

According to Greenbelt Coalition, there are 8,700 acres of vacant and undeveloped land within the city. With the capacity to hold over 134,000 housing units this is sufficient to account for nearly half of your projected population growth of 250,000 by 2050. Why aren't these areas being the focus for the aims and objectives of SEDA in an effort to protect, preserve and respect agriculture?

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

According to a Calmatters article, "the state's population has been drifting downward for several years and the State Dept. of Finance recently projected it will remain virtually unchanged at around 40 million at least until 2060 – a radical change from earlier predictions that it would top 50 mill." How did the city of Fresno come up with their astronomical and outdated projections of major growth? The entire EIR is based on this erroneous claim.

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

A GV Wire article noted that "Newsom Housing mandates undercut by dramatic population drop data." Why is there so much push to continue development despite these declines. How many homes are already developed and uninhabited? "Demographers now estimate that in 2030 CA will now have just 39.4 million residents - 3 million fewer than the previous projection - which would translate into about a million fewer households needing homes." Yet this EIR supports an additional 45,000

5-1

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

GV min points out that "State officials say CA. need to build 2.5 million new housing units by 2030, more than double the previous 2025 goal that isn't close to being met." Why would the city of Fresno keep up with these growth goals? ~~Particularly~~ Particularly when "CA. projects zero population growth through 2060." according to globest.com.

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

One Cal Matters article revealed the latest population estimates from the U.S. Census Bureau that "California's total population declined by more than 500,000 between April 2020 and July 2022." How does the EIR justify their continued growth claims despite both State and Federal projections that are in stark contradiction with the city's.

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

A recent Fresnoland Article point out that "Downtown Fresno to receive $250 million under Newsom's proposed budget plan" These monies are designated to improve "parks, water infrastructure, and plans to improve walkability," All of which SEDA aims to do. If these monies are already allocated for a downtown who wants and needs these improvements, why isn't downtown prioritized for these aims and objectives over SEDA in an effort to save our prime farmland?

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5406

Please tell us your comments on the SEDA Draft EIR and Specific Plan

SE Fresno is overwhelmingly already a safe place to live. Meanwhile, inhabitants of the inner city are crying for the support of the city to aid them in cleaning up their neighborhoods and making their neighborhoods safe. Why isn't the city addressing these needs of their current residents? Why would ~~you~~ they uphold their claims to keep SEDA safe when they won't even heed the cries of their own citizens? Give your people the benefits you promise in SEDA before bothering our land to make empty promises.

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540-5

Please tell us your comments on the SEDA Draft EIR and Specific Plan

According to city documents, the purpose of the EIR is to "ensure prevention of environmental damage by requiring implementation of feasible alternatives or mitigation measures." Yet numerous "significant and unavoidable adverse impacts" are documented therein. And seemingly completely being ignored. What other "feasible alternatives" have been considered to avoid these substantial impacts? This is severely concerning. Why aren't other alternatives being discussed so as to uphold the purpose of the EIR and its objectives which are

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540-4

Please tell us your comments on the SEDA Draft EIR and Specific Plan

What is the specific and articulated timeline of events and cost of each phase as it pertains to annexation, development, zoning, infrastructure and completion? Does the City have a budget to implement each of these phases according to the specified timeline? Can the public see a clear demonstration of this timeline and how it will be executed by the completion date of 2050?

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

The City can't make up its mind to their varied attempts to make it a better city. How can we be sure that SEDA won't be the next neglected and abandoned project. We've seen the city repeatedly fail to fulfill their promises of [illegible] to first, the mercheant area, then Fashion Fair, downtown, Riverpark the city invests a bunch of wasted time on empty promises to go start up a new project and leave the old to rot.

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

The city has provided requested info. regarding crime rate in the city. My question is, how do they intend to carry out promise of safety in the SEDA area when they can't properly steward safety in their existing jurisdiction?

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

The city claims that they want the public to be informed but ~~they~~ at their first drop-in event, they didn't even present the Executive Summary - the main focus of the event. Only after my request was made, did they present it at the second event? ~~This is not~~ consistent their efforts have not been consistent with their claims. Another example was the invite to attend a drop-in. Why was there no clarity of what would be presented? Just a convoluted mess of confusion.

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

The timeline that was given for the community to respond to this EIR is insufficient. 45 days to respond to a document of 800+ pages is inconceivable when the city couldn't even respond to one statistical request regarding homes and crime rates within the city. Request was submitted 8/15 and is still pending. If the city representative, don't have this information at hand, how was the plan even designed? And why is the information being withheld until the deadline for comments passes?

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

There is a lack of transparency surrounding this plan. The city representatives have been nothing but elusive and ambiguous in their "attempts" to inform the public of this plan. Their literature is designed to be disposed and ignored by recipients as junk; their events have confused more than clarify; their representatives are ill informed and have providing conflicting messages and the plan itself is contradictory. Why isn't there a clear explanation of what is being planned?

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

~~[illegible]~~ Fresno representatives have confirmed that type II water is not allocated for the area. What is the plan to do so? What is the projected timeline for doing so?

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

This EIR completely ignores my customs and traditions as a lover of the rural lifestyle. As a city-dweller, I retreat to this area often for artistic inspiration. The sights, smells and sounds of SE Fresno encourage my wide artistic expression in written prose, poetry, music and visual photography. The EIR clearly identifies the visual impacts that will distort both the light and the landscape. Not to mention the animals who will be forced to relocate with their rural human counterparts. Their lifestyle loss equates to my artistic loss.

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

Policy HCR-3 would supposedly "promote the integration of public art into historic buildings and established neighborhoods" but neglects to foster the creation of art. The land in SE Fresno is my studio. The dirt, my ink. AES-3 blatantly shows that the plan will "substantially degrade the visual character" of the area and AES-4 would create "a new source of light or glare" which pose adverse effects on these views. Light is the primary function of photography and the artistic output in this area will be dramatically affected. The EIR fails to mention these artistic loses. Lighting, skyglow, light pollution

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

Southern Fresno is predominantly composed of ~~[illegible]~~ people who would identify with a rural lifestyle | culture. This community of small farmers & citizens with an appreciation for the outdoors, animals, gardening and the natural world will be forced to change their lifestyle due to SEDA Impacts such as AES-4 which would "create a new source of substantial light or glare which would adversely affect day or nighttime views." Uttering prayers under the view of the stars is a ritual of ours. How does the plan/EIR justify the destruction of our sanctuary? How is it consistent with Social equity objectives?

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

AES-3 states "the proposed project would, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings." It would also "alter the existing visual character by increasing the intensity of development in areas that are primarily agriculture." For individuals whose lifestyles and culture are built upon the natural world, this plan would force a mass exodus by expelling all who depend on nature for a thriving life, and discriminates them by limiting them to the eastern border of the proposed area. It reverts the area to

true people.

to eliminate the existing visual character or quality of public views of the site and its surroundings. It would also alter the existing visual character by increasing the intensity of development in areas that are primarily agriculture. For individuals whose lifestyles and culture are built upon the natural world, this plan would force a mass exodus by expelling all who depend on nature for a thriving life, and discriminates them by limiting them to the eastern border of the proposed area. It reverts the area to

SEDA
SOUTHEAST DEVELOPMENT AREA

COMMENT CARD

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

The plan claims to "build on a definition of affordability that considers household transportation burdens as a component of housing costs." There is only one definition of affordability — so what are you re-defining it to mean here? Supposing these homes are "affordable" (I would be interested in your definition of affordable as well) — for how long? What's to stop the SEDA home from skyrocketing in the future? Is there a contract to hold the price to "affordable" standards? When does it expire?

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

It has been confirmed by both City and County representatives that there is no tax-sharing agreement which is a prerequisite for carrying out the plan. Why is this being considered without the pre-existing agreement?

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

Policy CE-3.4 regarding community farming in the specific Plan draft suggests that this Plan will "expand a viable community farming program that promotes an Appreciation of food and local ecology, installs a sense of stewardship and community...." This "goal" directly conflicts with the outcome: a disregard of the food currently being produced on the land to be developed over (7000 such acres); and blatant disregard for the existing ecology and community; a complete failure to steward what we already have.

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

The EIR objectives claim to "respect the major economic & cultural role of ag" the NOA Dictionary defines culture as "the arts and other manifestations of human intellectual achievement regarded collectively." and "the customs, arts, social institutions and achievements of a particular group." As a writer from the area, this plan disregards my own artistic endeavors which depend on ag and natural land to create metaphors which speak to the life, growth and development of the human heart, mind and soul.

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

Our English word "Culture" comes from the latin "cultura" which fundamentally denotes agricultural concepts like "growth", "cultivation" and "tend". That is to say, our social understanding of culture—to cultivate the growth of certain underprivileged groups—would be moot without the basic biological understanding of what it means to cultivate the earth in the agricultural sense. So the claims in the EIR to "respect the cultural role of ag" this plan directly disrupts the cultural customs, traditions and even religious observations of the ag community by way of destroying 7000 acres of land we depend on.

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

Section 3.5.1 discribes "the existing cultural and tribal cultural resources setting and potential effects from project implementation on the site and its surrounding area." But it makes no mention of the existing cultures that thrive on these soils and the extinction of the cultural practice of farming on these lands that this plan will enforce. A side by side look at the proposed land use map and Exhibit 3.2.1, Important farmland map vividly display this extinction, but the EIR doesn't acknowledge it.

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

This EIR aims to protect certain cultures at the expense of others. The erection of buildings over the top of sacred soils and prime ag land show complete disregard for the ag community. Section 3.5-3 outlines an inventory of significant historical properties, but is limited by those listed in the NRHP. It makes no mention of historical institutions like 4-H & FFA and the chapters from the area, nor the numerous and diverse ethnic cultures that currently farm the land in the proposed area and the estates that have been farmed for generations

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

Under its social equity aim in its project objectives, the EIR states one of its objective is to "respect the major economic & cultural role of ag in the Central Valley." But its repeated assertions that there will be "significant and unavoidable impact" directly disrespects and disrupts the rural culture that thrives in SE Fresno. The EIR ignores the harm this plan will cause to the cultural practices and lifestyle of the rural ~~rural~~ farmer and resident. How will this be addressed?

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

Exib. 3.4.1 shows that there are 7,000 acres of productive farmland in the SEDA area. The EIR claims in its project objectives to "respect ag land" How then, is this loss of productive ag land to development (2,475 of which the EIR acknowledges as "prime farmland") justified? "Green spaces" and "community gardens" won't suffice. The "significant and unavoidable" impacts of converting prime ag land to nonagricultural use is far from respectful.

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

The ecological disruption of this plan will enforce on the land, existing community and lifestyle of SE Fresno. Culture will inevitably encourage conflict between new tenants to the SEDA developed areas and pre-existing rural dwellers. What is the city's plan to properly handle complaints regarding an increase of litter, crime, vehicular disturbances, trespassing, etc? And how will they respond to complaints of residents adjacent to farms who won't appreciate the smells, dust and practices of nearby farmers?

Where/How does the specific plan address this?

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

At one of the city's "drop-in" events their timeline poster projected that a "zoning code update" will occur in June of 2024. What exactly does this update entail? On what basis is this projection of June 2024 made, considering the claims from the city that rezoning must occur before development. Does the city anticipate development in 2024? And how is this consistent with EIR Impact AG-2

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

Exhibit 3.2.5 Impact AG-5 states that ~~SEDA~~ "Implementation of the approved general plan would conflict with land under Williamson Act Contracts." When do these contracts expire. Is the city simply ignoring them? How else is this plan being considered with ~~any~~ this blatant disregard for these existing contracts?

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

The Executive Summary states on Pg. ES-5 under Impact AG-2 that "the continued implementation of the general plan and proposed specific plan would result in significant impact on existing Williamson Act Contract Land." and "result in the conversion of Williamson Act land to non-ag uses." But on pg. ES-13 under Impact AG-2 says "the proposed project would not conflict with existing zoning for ag use or a Williamson Act Contract. Which is it?

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

Have the local 4-H and FFA chapters been informed of this plan? How does it respect or consider the next generations who wants to farm? There are at least 4 4-H chapts in and around the proposed area who are encouraged to grow plants and raise livestock. (see Lone Star, Blossom Trail, Dry Creek and Fairmont 4-H club websites) Where are children located in the SEDA development supposed to raise their animals and cultivate their projects? This plan robs them of the opportunity.

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

The Social equity claim ~~on~~ in the Project Objective that this plan will "sustain the diversity of Fresno's population by providing a wide variety of housing choices," is erroneous. The design of the housing units, and structures aren't conducive to a rural lifestyle. Was the rural subculture considered at the planning phase as a part of a diverse population? And what ~~the~~ efforts were made for the protection and preservation of rural cultures in the SEDA plan and EIR?

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

In regards to Implementation, the project objectives state that SEDA development will be "based on housing needs, infrastructure availability and minimization of impacts."

how are the city's projection of "growth in Fresno to continue at a rapid pace" and 250,000 people by 2050 consistent with the state of CA's recent projections of zero growth by 2060, released by the Dept. of Finance?

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

What is the detailed timeline for carrying out the extensive infrastructure for getting water and sewer lines to the area? How and when will the infrastructure be introduced to feed the planned developments? What will the cost be for said infrastructure? And where will the hook ups be? (the trash plant?) And how are you planning for this PRIOR to developers ownership? Since we're told this can't occur before developers purchase the land.

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

The city of Fresno doesn't have a good reputation for formulating a vision and carrying it forward to completion. Turnover for city reps poses another layer of difficulty for the city to develop a long-term mindset and continuity enough to carry out such an extensive plan as the SEDA. In addition, the city can't stay focused on any given project (i.e. downtown). What is the detailed, long-term timeline for seeing this plan to fruition? The devil is in the details.

SEDA
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COMMENT CARD

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Please tell us your comments on the SEDA Draft EIR, and Specific Plan

A MAJOR CONCERN WOULD BE THE AIR POLLUTION THE PROJECT WOULD GENERATE. ACCORDING TO THE EIR PG ES-5 THE PROJECT WOULD GENERATE A SUSTANTIAL LONG TERM POLLUTANTS.

AS A RETIRED SCHOOL NURSE, THE INCREASE OF ASTHMA & OTHER RESPIRATORY ISSUES IS A MAJOR CONTINUING HEATH ISSUE.

COMMENT CARD

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MICHAEL MATHEW

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For more information McKinley/DeWolf

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

OS-4, OS4.1 → 4.6

ON 8/25/22, AT A "POP-UP" MEETING ON THE MILL 36 CANAL, ANDREW BENELLI STATED THAT A SMOOTH TOPPED 4' HIGH WROUGHT IRON FENCE WOULD BE CONSTRUCTED TO PROVIDE A SAFETY BARRIER FOR THE PUBLIC. IT'S INTENT WOULD BE TO PROHIBIT THE PUBLIC FROM GAINING ACCESS TO THE CANAL. DOES THE CITY STILL BELIEVE SUCH A BARRIER IS ADEQUATE PROTECTION FOR THE PUBLIC?

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29mm

Please tell us your comments on the SEDA Draft EIR and Specific Plan

WHAT DATA &/OR EVIDENCE DOES THE CITY HAVE THAT THIS TYPE OF STRUCTURE IS ADEQUATE? IF SO WHAT MAINTAINCE (& BY WHOM) WILL INSURE THE BARRIER CONTINUES TO FUNCTION AS DESIGNED?

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

OS-4, OS 4.1 → 4.6

WHAT MEASURES WILL THE CITY EMPLOY TO PROHBIT TRAIL TRAFFIC FROM WANDERING ONTO ADJACENT PRIVITE PROPERTY LITTERING/VANDILIZING THE ADJACENT LANDSCAPE?

WHAT MEASURES WILL BE UTILIZED TO PROTECT PROPERTY OWNERS PRIVACITY? WILL THESE MEASURES CONFORM TO THE EXISTING COVENATES, CONDITIONS & RESTRICTIONS

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

THAT APPLY TO PARCEL?

WHAT MEASURES WILL KEEP HOMELESS ENCAMPMENTS FROM BEING CONSTRUCTED?

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

OS-4, OS4.1 → 4.6

THE PLACEMENT OF ANY TYPE OF CANALSIDE TRAIL WITHIN A GREENWAY BELT IS IN DIRECT CONFLICT WITH POSTED & PUBLISHED US EPA STANDARDS & SUGGESTIONS REGARDING INTERACTIONS WITH WILDLIFE IN SANCTUARY SETTINGS. QUOTE FROM MORRO BAY NATIONAL ESTUARY PUBLICATIONS: "AS YOU ENJOY MORRO BAY AND THE SURROUNDING AREAS, PLEASE KEEP A RESPECTFUL DISTANCE FROM BIRDS, MARINE MAMMALS, & OTHER WILDLIFE. REPEATED DISTURBANCES BY PEOPLE & PETS ADD UP. USE BINOCULARS TO GET A CLOSER LOOK." WHAT PROVISIONS DOES THE PLAN PROVIDE THAT ENSURES WILDLIFE REMAINS UNMOLESTED? WHAT PROVISIONS GUARANTEE THAT NO VIOLATIONS OF MIGRATORY BIRD ACTS WILL OCCUR? ESP. WITH EXISTING NESTING SITES FOR WATER FOWL, SWALLOWS ET. AL.

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

OS-4, OS-4.1 → OS-4.6

I've been told repeatedly by planning staff that they know where people want trails located. Provide documentation that these locations include canal side trails. It's also stated repeatedly that the waterways are the primary location to provide a view of the water. Please explain how that can be accomplished considering the typical topography.

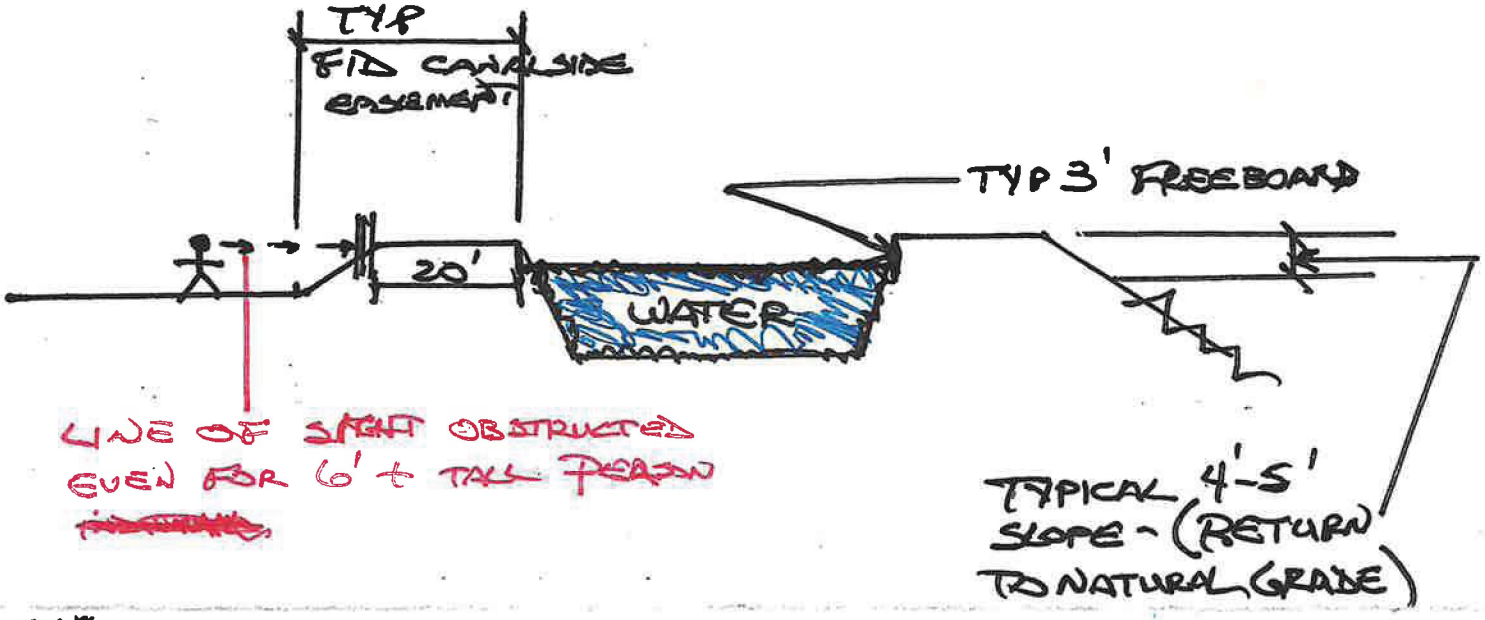
EVEN IF IT WERE POSSIBLE THE CANAL IS EMPTY APPROXIMATELY 60% OF THE TIME ON AN AVERAGE YEAR.

NOTE: CANALS EXIST IN FLOOD PLAINS & DISTURBING GRADE CAN BE RESTRICTED.

COMMENT CARD

Name:

Please tell us your comments on the SEDA Draft EIR and Specific Plan



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

THE ORIGINAL SEGA/SEDA PREMISE WAS THIS GROWTH WOULD PRESERVE THE "RURAL WAY OF LIFE" IN THE AREA. HOWEVER, NUMEROUS IMPACTS ARE NOTED IN THE EIR THAT ARE LISTED AS "SIGNIFICANT & UNAVOIDABLE IMPACT" EVEN AFTER MITIGATION EFFORTS ARE INACTED I.E. SE 3.1: AES-1 AES-2, AES-3 AES-4, CUMMULATIVE IMPACT. SECTION 3.2: AG-1, AG-2, CUMMULATIVE IMPACT, SECTION 3.3:, AIR 1, AIR-2, AIR3, CUMMULATIVE IMPACT. SECTION 3.8: GHG-1, GHG-2, CUMULATIVE IMPACT. SECTION 3.9: HAS BEEN LISTED AS "LESS THAN SIGNIFICANT IMPACT,

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

BUT THIS IS [redacted] WITHOUT DISCOVERY AS OF THIS DATE WHEN HAZARDOUT WASTE SITES ARE PRESENT IN THE AREA SECTION 3.13: NOI-1 2 & b, NOI-2 NOI-3 CUMULATIVE MANY OTHER SECTIONS ARE LISTED AS NO MITIGATION MEASURES REQUIRED & LEVEL OF SIGNIFICANCE AFTER MITIGATION AS N/A WHICH IS HIGHLY SUSPECT.

WITH THIS MANY ITEMS LISTED AS N/A OR "SIGNIFICANT & UNAVOIDABLE IMPACT", HOW CAN THIS PLAN PROCEED?

26 mm

A.4 - Partial Recirculated Draft PEIR Public Comments

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California Department of Transportation

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November 17, 2023

FRE-180-64.104
Southeast Development Area
Re-circulated Draft Environmental Impact Report (DEIR)
SCH #2022020486
GTS #: https://ld-igr-gts.dot.ca.gov/district/6/report/28801

SENT VIA EMAIL

Mx. Adrienne Asadoorian, Planner
City of Fresno
2600 Fresno Street
Fresno, CA 93721
adrienne.asadoorian@fresno.gov

Dear Mx. Asadoorian:

Caltrans has completed our review of the Re-circulated Draft Environmental Impact Report (DEIR) for the Southeast Development Area (SEDA) in the City of Fresno.

The proposed development area covers nearly 9,000 acres. It is bounded on the north by the Gould Canal, on the east by McCall and Highland Avenues, on the south by Jensen and North Avenues, and on the West by Locan, Temperance, and Minnewawa Avenues.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) process reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

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

All comments from our previous letter dated August 25th, 2023, regarding the VMT Analysis Comments, still apply.

SR 180 Interchange Queuing Analysis

1. This document provided a peak hour ramp queue analysis at the following State Route 180 interchanges: Clovis Avenue, Fowler Avenue, and Temperance Avenue. It also provided a peak hour queue analysis at the De Wolf Avenue, Highland Avenue, and McCall Avenue intersections along State Route (SR) 180.

The results of this analysis are listed in Table 3-8: 2035 Project and No Project Queue Analyses Results within the document. A substantial amount of the data in Table 3-8 needs to be more accurate. The following irregularities were observed:

A. Odd lane utilization on adjacent turn lanes (e.g., PM Peak Eastbound Clovis Avenue off-ramp, Left (pocket) versus Left (full lane) and PM Peak Eastbound Temperance Avenue off-ramp, Left (pocket) versus Left (full lane)).

B. Low queue lengths are listed at the Eastbound Fowler Avenue off-ramp left-turn lanes. Given the location of this development area, this off-ramp would be expected to receive many project-generated trips with the resulting vehicle queues.

C. Heavy reductions in queue lengths from "No Project Conditions" to "Proposed Project Conditions" at the Clovis Avenue interchange off-ramps.

D. Change values at the McCall Avenue intersection do not show the correct difference between "No Project Conditions" and "Proposed Project Conditions" queue lengths.

2. Given the irregularities, **it is recommended that the values in Table 3-8 be re-examined and updated where required**. Since the Project Specific Mitigation Measures were primarily based on Table 3-8 data, mitigation measures should also be re-examined.

3. Table 3-8 also utilized the full length of the off-ramp as available vehicle storage. This practice neglects the deceleration length needed by high-speed vehicles to come to a stop. The deceleration length should be accounted for on each off-ramp as provided in the Caltrans Highway Design Manual Figure 504.2B (single-lane exit) and Figure 504.3K (two-lane exit).

4. This document's Project Specific Mitigation Measures MM TRANS-3a and MM TRANS-3c propose the restripe of the eastbound State Route (SR) 180 off-ramp lane configurations at Clovis Avenue and Temperance Avenue. The alteration proposes to replace the existing two left-turn lanes and two right-turn lanes configuration with one left-turn lane and three right-turn lanes. The need for dual left turn lanes at each off-ramp was established during the development of those improvements. The additional capacity needed for right-turns at each ramp should be made through widening, not reducing left-turn capacity.

A cost estimate to be included in a traffic impact fee program should be prepared once the values in Table 3-8 are reevaluated and updated and the mitigation strategies are revised.

<u>Funding for Developer-Driven Impacts to State Facilities</u>

1. The Interregional Transportation Strategic Plan does not designate SR 180 as a High Emphasis Focus Route, so the State's portion of the State Transportation Improvement Program cannot be used to fund improvements to the SR 180 interchanges. Possible funding sources include Measure C, the Traffic Signal Mitigation Impact Fee (TSMIF) of the City of Fresno, the Regional Transportation

Mitigation Fee (RTMF) of Fresno County, the Regional Improvement Program, developer mitigation, etc. To deliver "needed" projects, infrastructure improvements in today's funding environment frequently require a variety of funding sources. The City of Fresno should mitigate since the SEDA creates the need for improvements.

2. Caltrans should be involved in reviewing any proposed new developments within the SEDA that would impact SR 180. **It is recommended that any proposed new developments that would impact SR 180 mitigate their impacts by including them in the next updates to Measure C, Fresno County's RTMF, and the City of Fresno TSMIF.** This would ensure the maintenance and improvement of the State facilities due to the absence of an all-inclusive fee program.

If you have any other questions, please call or email Keyomi Jones, Transportation Planner, at (559) 981-7284 or keyomi.jones@dot.ca.gov.

Sincerely,

Mr. Dave Padilla, Branch Chief,
Transportation Planning – North

C: Sophia Pagoulatos, Planning Manager, City of Fresno

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State of California – Natural Resources Agency
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

November 27, 2023

Adrienne Asadoorian, Planner III
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Subject: Partial Recirculated Draft Program Environmental Impact Report (PEIR) for the Proposed Southeast Development Area (SEDA) Specific Plan Project (Project)
State Clearinghouse Number (SCH No.): 2022020486

Dear Adrienne Asadoorian:

The California Department of Fish and Wildlife (CDFW) received a Partial Recirculated Draft for the Program Environmental Impact Report (PEIR) originally submitted to CDFW in August 2023.

The updated information contained in the October 2023 Partial Recirculated Draft PEIR does not appear to pertain to biological resources, thus CDFW's comments in our original letter, dated August 30, 2023 (attached), remain valid.

Thank you again for the opportunity to provide comments and recommendations to the City of Fresno regarding those activities involved in the Draft PEIR for the SEDA. If you have any questions, please contact Kelley Nelson, Environmental Scientist, at the address provided on this letterhead or by electronic mail at Kelley.Nelson@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Bob Stafford
5343A684FF02469...

Bob Stafford for Julie A. Vance
Regional Manager

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ec: Krista Tomlinson, Environmental Program Manager
Larry Bonner, Senior Environmental Scientist Supervisor
Kelley Nelson, Environmental Scientist
California Department of Fish and Wildlife

State Clearinghouse
Office of Planning and Research
state.clearinghouse@opr.ca.gov

Attachment: CDFW response letter dated 8/30/2023

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www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

August 30, 2023

Adrienne Asadoorian, Planner III
City of Fresno
Planning and Development Department
2600 Fresno Street, Room 3065
Fresno, California. 93721
Adrienne.Asadoorian@fresno.gov

Subject: Draft Program Environmental Impact Report (PEIR) for the Proposed Southeast Development Area (SEDA) Specific Plan Project (Project) State Clearinghouse Number (SCH No.): 2022020486

Dear Adrienne Asadoorian:

The California Department of Fish and Wildlife (CDFW) received a Program Environmental Impact Report (PEIR) from the City of Fresno for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code. While the comment period may have ended, CDFW would appreciate if you would still consider our comments.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statue for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Water Pollution: Pursuant to Fish and Game Code Section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. It is possible that without mitigation measures, implementation of the Project could result in pollution of Waters of the State from storm water runoff or Project-related erosion. Potential impacts to the wildlife resources that utilize any aquatic resources within Project limits include the following: increased sediment input from road or structure runoff; and toxic runoff associated with development activities and implementation. The Regional Water Quality Control Board and United States Army Corps of Engineers also have jurisdiction regarding discharge and pollution to Waters of the State.

In this role, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (e.g., CEQA), focusing specifically on Project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Fresno

Objective: The proposed Project is a Specific Plan for the Southeast Development Area (SEDA) of Fresno that would provide for increased density and accelerate housing production throughout the Plan Area. The proposed Project has the potential to accommodate approximately 45,000 homes and 37,000 jobs within the 9,000-acre planning area by the year 2050. The proposed Project would link a series of complete communities and mixed-use town centers with a multimodal transportation network.

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Additionally, the proposed Project would include residential districts, employment districts, open space, agriculture, and green infrastructure.

Location: The City of Fresno (City) is located in Fresno County, California, within the San Joaquin Valley. The City is located approximately 200 miles north of Los Angeles and 170 miles south of Sacramento. The City is located on the State Route (SR) 99 corridor and bounded by Madera County to the north, the City of Clovis to the northeast, and unincorporated land and communities to the east, south, and west. The City encompasses approximately 115.18 square miles and has a population of approximately 542,000 people.

The location of the nearly 9,000-acre Plan Area is in the southeast portion of the City and the Plan Area is bounded by the Gould Canal on the north, Highland and McCall Avenues on the east, Minnewawa, Temperance, and Locan Avenues on the west, and Jensen and North Avenues on the south.

Per Google aerial imagery (2023), the proposed Project site currently contains predominantly agricultural crops south of SR 180 with existing residential development to the north and west of the proposed site. Waterways including Fancher Creek Canal, Briggs Canal, Mill Ditch, Gould Canal, and Redbank Slough flow through the Project site. There is also a large pond located immediately northwest of Gould Canal within Project limits. It is just south of East Dakota Avenue and North Thompson Avenue with agricultural fields surrounding it and another ponded area to the west within the Project site.

Project information states that approximately 53% of the vegetation community contains deciduous orchards, approximately 34% contains irrigated row and field crops, approximately 12% of the Project site is urban, and riverine, lacustrine and pasture each comprise less than 1% of the total plan area.

Timeframe: Estimated Build-Out Completion by 2050

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the CEQA document.

The proposed Project does not lie within the boundaries of any adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or State HCP.

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There are many special-status resources that may utilize the Project site and/or surrounding area, and these resources need to be evaluated and addressed prior to any approvals that would allow ground-disturbing activities. CDFW is concerned regarding potential impacts to special-status species including, but not limited to, the federal threatened (FT) and State threatened (ST) California tiger salamander (*Ambystoma californiense*), the State candidate endangered (CE) Crotch's bumble bee (*Bombus crotchii*), the ST Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird (*Agelaius tricolor*), the FT vernal pool fairy shrimp (*Branchinecta lynchi*), and the State species of special concern (SSC) burrowing owl (*Athene cunicularia*), American badger (*Taxidea taxus*), Northern California legless lizard (*Anniella pulchra*), California glossy snake (*Arizona elegans occidentalis*), coast horned lizard (*Phrynosoma blainvillii*), pallid bat (*Antrozous pallidus*), western mastiff bat (*Eumops perotis*), western pond turtle (*Emys marmorata*), western spadefoot (*Spea hammondii*), California linderiella (*Linderiella occidentalis*) (State Rank S2S3), and listed plants including the federal endangered (FE) and State endangered (SE) California jewelflower (*Caulanthus californicus*) (1B.1) and the California satintail (*Imperata brevifolia*) (2B.1). While this list may not include all special-status species present in the Project area, it does provide a robust source of information as to which species could potentially be impacted.

The primary purpose of a PEIR is to consider all the potential impacts associated with the suite of projects that would eventually tier from the PEIR over time. As such, the PEIR should serve primarily as a planning level Environmental Impact Report and consider, in detail, the cumulative impacts of the past, present, and reasonably foreseeable future action/projects, in this case a Specific Plan for the City of Fresno to accommodate City population growth through 2050, on the environment, and on the species CDFW has identified in this comment letter. CDFW recommends that habitat assessments be conducted in and surrounding all locations for planned work in the PEIR and identify all the potential plant, animal, invertebrate, and fish species that could be present. Then, for those species, CDFW recommends that a robust cumulative impacts analysis be conducted for each biological resource identified herein and that the analysis focus more specifically on each resource, not on the Project, and include avoidance, minimization, and mitigation measures that could be implemented to reduce harm. These measures should include not only project by project measures but large-scale conservation measures to reduce harm. For many species, subsequent protocol level surveys may be required during biological studies conducted in support of the future CEQA documents that will be tiered from this PEIR and, depending on the results, avoidance and minimization measures, permits, and mitigation may be required.

Please note that implementation of certain mitigation measures such as the relocation of listed species would constitute take of listed species under the California Endangered Species Act (CESA), and erecting exclusion fencing could also result in take of listed species under CESA. Such take of any species listed under CESA would be unauthorized if an Incidental Take Permit (ITP) pursuant to Fish and Game Code Section 2081(b) was not acquired in advance of such actions. It is recommended to

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consult with CDFW before any ground-disturbing activities commence and to obtain an ITP if take (including capture related to salvage and relocation) cannot be avoided.

Mitigation Measure BIO-1.4 (Protection of Nesting Birds)

The PEIR lists the appropriate nesting bird season timeframe as February 1 through August, however; CDFW recognizes the nesting bird season as February through mid-September.

Project information states that the proposed Project may result in the removal or alteration of existing trees within the boundaries of the Plan Area. CDFW encourages that Project construction occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February 1 through September 15), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified biologist conduct a habitat assessment and analysis of impacts to nesting birds as part of the biological technical studies conducted in support of the CEQA document. Pre-activity surveys for active nests should be conducted, regardless of the initial results, no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. Surveys should cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction areas would be concealed from a nest site by topography. CDFW recommends that a qualified biologist

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advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

EDITORIAL COMMENTS AND/OR SUGGESTIONS

Lake or Streambed Alteration Agreement (LSA Agreement): It is likely that some projects and their activities will be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. If an LSA Agreement is needed, CDFW is required to comply with CEQA in the issuance or the amendment of an LSA Agreement. Therefore, for efficiency in environmental compliance, we recommend that any potential impacts to lakes or streams that may result from project activities be described, and mitigation for the disturbance be developed as part of the project's CEQA document. This will reduce the need for CDFW to require extensive additional environmental review for an LSA Agreement in the future. If inadequate or no environmental review has occurred for project activities that are subject to notification under Fish and Game Code section 1602, CDFW will not be able to issue the Final LSA Agreement until CEQA analysis for the project is complete. This may lead to considerable project delays.

Cumulative Impacts: CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the project, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the project, even if those impacts are relatively small (i.e. less than significant). Cumulative impacts should be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and should be focused specifically on the resource, not the project. An appropriate resource study area should be identified and utilized for this analysis. CDFW staff are available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

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FILING FEES

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CDFW appreciates the opportunity to comment on the Project to assist the City of Fresno in identifying and mitigating the Project's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols). If you have any questions, please contact Kelley Nelson, Environmental Scientist, at the address provided on this letterhead or by electronic mail at Kelley.Nelson@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

ec: Krista Tomlinson, Environmental Program Manager
Larry Bonner, Senior Environmental Scientist Supervisor
Kelley Nelson, Environmental Scientist
California Department of Fish and Wildlife

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LITERATURE CITED

California Department of Fish and Wildlife (CDFW). 2023. Biogeographic Information and Observation System (BIOS). https://www.wildlife.ca.gov/Data/BIOS.

PATIENCE MILROD
LAWYER/LICENCIADA EN LEYES

November 6, 2023

City of Fresno
c/o Adrienne Asadoorian, Planner
2600 Fresno Street
Third Floor, Room 3065
Fresno, CA 93721

Sent by email: adrienne.asadoorian@fresno.gov

RE: Supplemental Public Comment on Southeast Development Area Plan and Partial Recirculated Draft Program Environmental Impact Report

Clearinghouse Number 2022020486 dated July 14, 2023 and October 3, 2023

Dear Ms. Asadoorian:

On behalf of the Fresno Madera Tulare and Kings Counties Central Labor Council, the Central Valley IAF, and Regenerate California Innovation (RCI), please incorporate the following comments regarding the City's Southeast Development Area Specific Plan and draft Program Environmental Impact Report into the record of this matter.

Joinder in other public comment

As a preliminary matter, my clients join in the comments submitted to date, as well as any additional comments made through the end of the public comment period at the close of the City Council's final hearing on the Project. Of the 358 pages of comments available for review, only one was made after August 28, and that by previous arrangement with City staff. Because comments made after August 28, 2023 have not been made available to the public, this inclusion by reference cannot be specific as to commenter or comment.

Of the comments available for review, my clients do not join the following: BIA letter dated August 25, 2023; emails from Mark and Dale Reitz, dated August 19, 2023; Granville Homes letter dated August 22, 2023; email submitted on behalf of Harrison Farms by Arakel Arisian, dated August 25, 2023.

Partial Recirculated Draft Program EIR

My clients have no comments on the Geology, Soils, and Seismicity chapter included in the recirculated draft.

As to the amended Transportation and Traffic chapter, the only identifiable difference between the original and the recirculated Draft PEIR was the queuing analysis added at the behest of

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California Department of Transportation (CalTrans). However, the recommendation to perform a queuing analysis was only the first of many issues CalTrans raised in its comment letter. CalTrans' other recommendations generated no corrective action: for better planning (the SEDA plan should require multimodal methods), better mitigation (the City needs to develop and apply policies for EV charging stations), and better data:

> The preparer of the VMT Analysis concluded that the VMT per Service Population in the SEDA project region will fall from 45.72 to 5.07 when the project is completed in 2035. The move from a primarily rural location (as the SEDA project area is now) to a developed urbanized mixed-use site results in a significant drop in VMT. Additionally, the VMT Analysis preparer claims that this is attributable to residents and employees being better connected to jobs and services within the SEDA project area, reducing travel times on both the production (residential) and attraction (commercial) sides. Conversely, the Year 2035 No Project Conditions VMT for the SEDA Project Area is 371,397 per Table 7. Table 10 presents the Year 2035 With Project Conditions VMT for the SEDA Project Area is 974,369. This translates to ***a net VMT increase of 162.35%.***
>
> In theory, the relationship between production (residential) and attraction (commercial) may minimize VMT at full buildout; ***nevertheless, a typical land-use plan buildout begins with the production (residential), followed by the attraction (commercial). The concern is that the attraction (commercial) will develop slowly over time, causing a VMT impact in the SEDA region***.[1]

Based on its review of the PEIR's VMT Analysis, CalTrans recommends the City do the queue analysis it has now actually performed. Thus, although the Recirculated Draft PEIR does not correct its indefensible VMT numbers, it effectively acknowledges the accuracy of CalTrans' VMT analysis over its own.

A 162% increase in VMT produces its own massive air quality impacts, in the form of pollutants, and consequent human health impacts. To reduce those environmental impacts, the PEIR is required to impose feasible mitigation, which it does not even attempt to do. CalTrans' letter, at page 3, goes on to identify ***eight*** separate VMT mitigation strategies—none of which has been explored, discussed, or included as an enforceable condition of SEDA project entitlements in the Recirculated Draft Program Environmental Impact Report.

The Draft PEIR must be still further revised, and recirculated to the public and public agencies for additional comment. Please include my clients (see cc's, below) and me on the notification list for next steps in this process. Thanking you for your attention to these matters, I remain,

Very truly yours,

Patience Milrod

PATIENCE MILROD
Attorney for Central Valley IAF, Fresno Madera Tulare and Kings Counties Central Labor Council, and Regenerate California Innovation

[1] CalTrans' August 25, 2023 comment letter, pp. 2-3 [emphasis added].

cc: Dillon Savory, Fresno Madera Tulare and Kings Counties Central Labor Council, by email to dsavory@myunionworks.com

Keith Ford, Central Valley IAF, by email to theabsolutmoose@gmail.com

Keith Bergthold, Regenerate California Innovation (RCI), by email to keith@regenerateca.org

Jennifer Clark, Development Director, by email to Jennifer.Clark@fresno.gov

Sophia Pagoulatos, Manager of Long-Range Planning, by email to Sophia.Pagoulatos@fresno.gov

Andrew Janz, City Attorney, by email to Andrew.Janz@fresno.gov

Fresno Metropolitan Flood Control District

Capturing Stormwater since 1956

File 310. "BG", "BL", "BM",
"BS", "CS", "DS", "DV"
410.214

November 17, 2023

Ms. Adrienne Asadoorian, Planner
City of Fresno Planning and Development Department
2600 Fresno Street, Rm. 3065
Fresno, CA 93721

Dear Ms. Asadoorian,

Fresno Metropolitan Flood Control District (FMFCD) Comments on the Notice of Availability of a Partial Recirculated Draft Program Environmental Impact Report for the Proposed Southeast Development Area Specific Plan Project, Fresno, California

**Adopted Drainage Areas "BG", "BL", "BM", "BS", "CS", "DS", "DV"
and Proposed Drainage Areas "DT", "DU", "DW", "DX", "DY", "DZ"**

The Fresno Metropolitan Flood Control District (FMFCD) offers no additional comments in regards to the above referenced Partial Recirculated report. The District's previous comments for the Notice of Availability of a Draft Program Environmental Impart Report for the Southeast Development Area Specific Plan dated August 28, 2023 are still applicable. A copy of the letter is enclosed for your reference.

Thank you for the opportunity to comment. If you have any questions or concerns regarding our comments, please feel free to contact the District at (559) 456-3292.

Respectfully,

Denise Wade
Master Plan Special Projects Manager

DW/lrl

Attachment(s)

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Fresno Metropolitan Flood Control District
Capturing Stormwater since 1956

File 310. "BG", "BL", "BM",
"BS", "CS", "DS", "DV"
410.214

August 28, 2023

Ms. Adrienne Asadoorian, Planner
City of Fresno Planning and Development Department
2600 Fresno Street, Rm. 3065
Fresno, CA 93721

Dear Ms. Asadoorian,

Fresno Metropolitan Flood Control District (FMFCD) Comments on the Notice of Availability of a Draft Program Environmental Impact Report for the Proposed Southeast Development Area Specific Plan Project, Fresno, California

**Adopted Drainage Areas "BG", "BL", "BM", "BS", "CS", "DS", "DV"
and Proposed Drainage Areas "DT", "DU", "DW", "DX", "DY", "DZ"**

The Fresno Metropolitan Flood Control District (FMFCD) has reviewed the adopted and proposed Master Plan storm drainage systems for the areas located within the Southeast Development Area Specific Plan (SEDA Plan). The adopted Master Plan drainage systems were designed using the previously adopted General Plan land uses and the proposed Master Plan drainage systems are based on the SEDA Plan land uses as shown on Exhibits 1-1 and 2-2 of the DPEIR.

As noted in FMFCD's prior letter dated March 25, 2022, in Master Plan areas where no drainage facilities have been constructed, the Master Plan can be planned to accommodate the new land uses and pipe alignments within the SEDA Plan. FMFCD has located the proposed basin locations, as shown on Exhibit No. 1, needed to serve the SEDA Plan and recommends that the City incorporate the proposed basin locations into the SEDA Plan Proposed Land Use Map. Additional language to provide for an alternate land use designation for the proposed basins should be included in the SEDA Plan. FMFCD previously requested that the proposed basins, not yet acquired by FMFCD, be shown in its tentative location, but may be relocated within a mile of the proposed site. This will allow FMFCD to purchase land in the general vicinity of the proposed site without a Specific Plan update should the proposed basins not be located exactly on the parcel as shown on the SEDA Plan. The proposed basin locations are an essential element to the proposed Master Plan drainage systems as they take into consideration topography, land use, existing/proposed street alignments, pipeline collection system layout, and other planimetric features. This is an important element that must be addressed in the SEDA Plan.

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Upon review of the SEDA Plan land uses for the areas within the adopted Master Plan drainage systems it is determined that the Master Plan can accommodate the new land uses with revisions to the existing drainage system. Approximately 55 acres located northwest of McKinley and McCall Avenues is located within the SEDA Plan but not within an adopted drainage area. This area currently drains to the FMFCD Fancher Creek Basin. FMFCD has identified 94 acres outside of the SEDA Plan, located southeast of Temperance and Jensen Avenues that is planned to be served by a proposed Master Plan drainage system. This area is bounded by the Briggs Canal and does not have an alternate solution to be served due to the topographic constraints.

FMFCD shall be notified of any revisions to the SEDA Plan Proposed Land Use as changes may effect the existing and proposed Master Plan drainage systems.

Upon adoption of the SEDA Plan and EIR by the City of Fresno, FMFCD will prepare an update to its Municipal Services Review (MSR), for Fresno LAFCO consideration. The MSR is a LAFCO requirement and will demonstrate that FMFCD has the ability to extend flood control and drainage services into the SEDA Plan, as development occurs. Once the District's MSR update (covering all of the SEDA Plan) has been approved by LAFCO, FMFCD can proceed with a Sphere of Influence (SOI) Amendment designed to fold SEDA into the FMFCD SOI.

LAFCO is the CEQA Lead Agency for the Sphere of Influence Amendment, and FMFCD is the CEQA Lead Agency for subsequent annexation into SEDA, which is why it is critical that the SEDA EIR evaluate actions and impacts specific to the extension of flood control and drainage services into the SEDA Plan. Should the EIR fail to address extending FMFCD services into the SEDA Plan and fail to extend tax sharing services to FMFCD, the City/County will be required to fund the design and implementation of the Master Plan storm drainage system. LAFCO and FMFCD will rely on the City's analysis and treatment of environmental impacts in formulating their own CEQA responses to the demands of SEDA.

FMFCD may request that it's progressive annexation into SEDA take the form of LAFCO reorganizations, where our annexations mirror the sequence and configuration of City annexation. In this case, in the course of City pursuit of each annexation into SEDA, the City would present LAFCO with a reorganization proposal, where one LAFCO action simultaneously authorizes the City annexation, the FMFCD annexation, annexation by other urban service providers, and detachment from the County and special districts providing services to the unincorporated area (e.g. rural fire protection districts).

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Comments specific to the Southeast Development Area Specific Plan
FMFCD offers the following comments specific to the review of the SEDA Plan (The individual pages are included, and the section or sentence has been highlighted for your reference):

1. In all references to proposed basins located within the SEDA Plan, FMFCD suggests the proposed basin locations be identified on Exhibits 1-1 and 2-2 of the Specific Plan Map as previously outlined on Exhibit No. 1 of FMFCD prior letter dated March 25, 2022. Identifying the proposed basins within the SEDA Plan is essential to the available land use acreages prior to approval of the Specific Plan.

2. Page 2-6, 2.3.2 – Proposed Specific Plan Buildout Table 2-1: Flood Control Basin are included in the proposed specific plan acreages. FMFCD suggests the proposed basin locations be identified on Exhibits 1-1 and 2-2.

3. Page 2-14: Replace the word Municipal with Metropolitan.

4. Page 3.2-19, Impact AG-2 and Exhibit 3.2-2: Informational purposes only, FMFCD has identified one (1) proposed basin site, Basin "DY" is located on properties within the Williamson Act Contract.

5. Page 3.10-11, Hydrology and Water Quality Paragraph 2: Correct 164 to 165. Replace "…of 2-year storms and for at least" with "…not less than". Replace "…rainfall" with "…annual runoff". Delete "…or relocated".

6. Page 3.10-12, Hydrology and Water Quality Paragraph 3: Replace "…a 2-year storm and for at least" with "…not less than". Replace "…rainfall" with "…annual runoff".

7. Page 3.10-12 and 13, Table 3.10-1: FMFCD was not given the opportunity to review the SEDA Specific Plan Storm Drain Technical Study dated June 10, 2022. We are therefore providing the most current information available and suggest revisions be made to Table 3.10-1 to most accurately address the Drainage Area summaries.

8. Page 3.10-34, Hydrology and Water Quality, Paragraph 1 and 2: Replace the word Municipal with Metropolitan.

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9. Page 3.10-37, Hydrology and Water Quality, Paragraph 6: Replace "…a 2-year storm and for at least" with "…not less than". Replace "…rainfall" with "…annual runoff".

10. Exhibit 3-17.1 Proposed Major Street Circulation: FMFCD's Basin "DS", located at the northwest corner of Clinton and Leonard Avenues, was acquired in anticipation of Clinton Avenue not going through between Leonard and DeWolf Avenues. FMFCD requests the SEDA plan remove this circulation plan for Clinton Avenue based on the proposed vacation documents to be submitted by CUSD to the County.

11. Page 3.18-19, Utilities and Service Systems, Paragraph 3: Replace "…of two year storms and for at least" with "…not less than". Replace "…rainfall" with "…annual runoff".

12. Page 3.18-19, Utilities and Service Systems, Paragraph 5: Delete "…Community Block" and add "…from the Federal and State governments".

13. Page 3.18-20, Utilities and Service Systems, Paragraph 5: Replace "…a 2-year storm and for at least" with "…not less than". Replace "…rainfall" with "…annual runoff".

Thank you for the opportunity to comment. If you have any questions or concerns regarding our comments, please feel free to contact the District at (559) 456-3292.

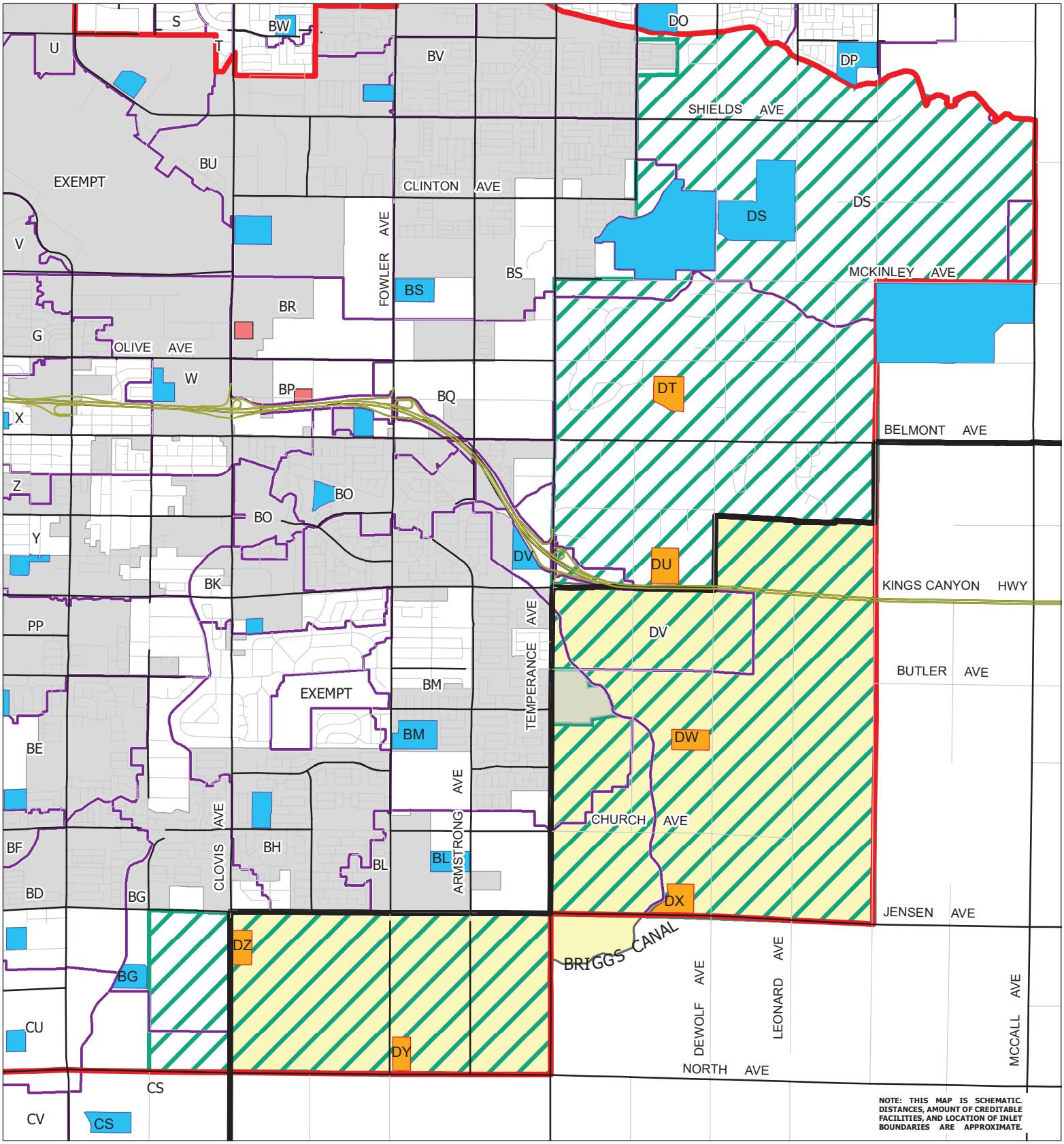
Respectfully,

Denise Wade
Master Plan Special Projects Manager

DW/lrl

Attachment(s)

5469 E. Olive Avenue • Fresno, CA 93727 • (559) 456-3292 • FAX (559) 456-3194
www.fresnofloodcontrol.org



FMFCD BOUNDARY
CITY OF FRESNO SPHERE OF INFLUENCE
DRAINAGE AREA
CITY LIMITS
SOUTHEAST DEVELOPMENT AREA
FMFCD ANNEXATION AREA

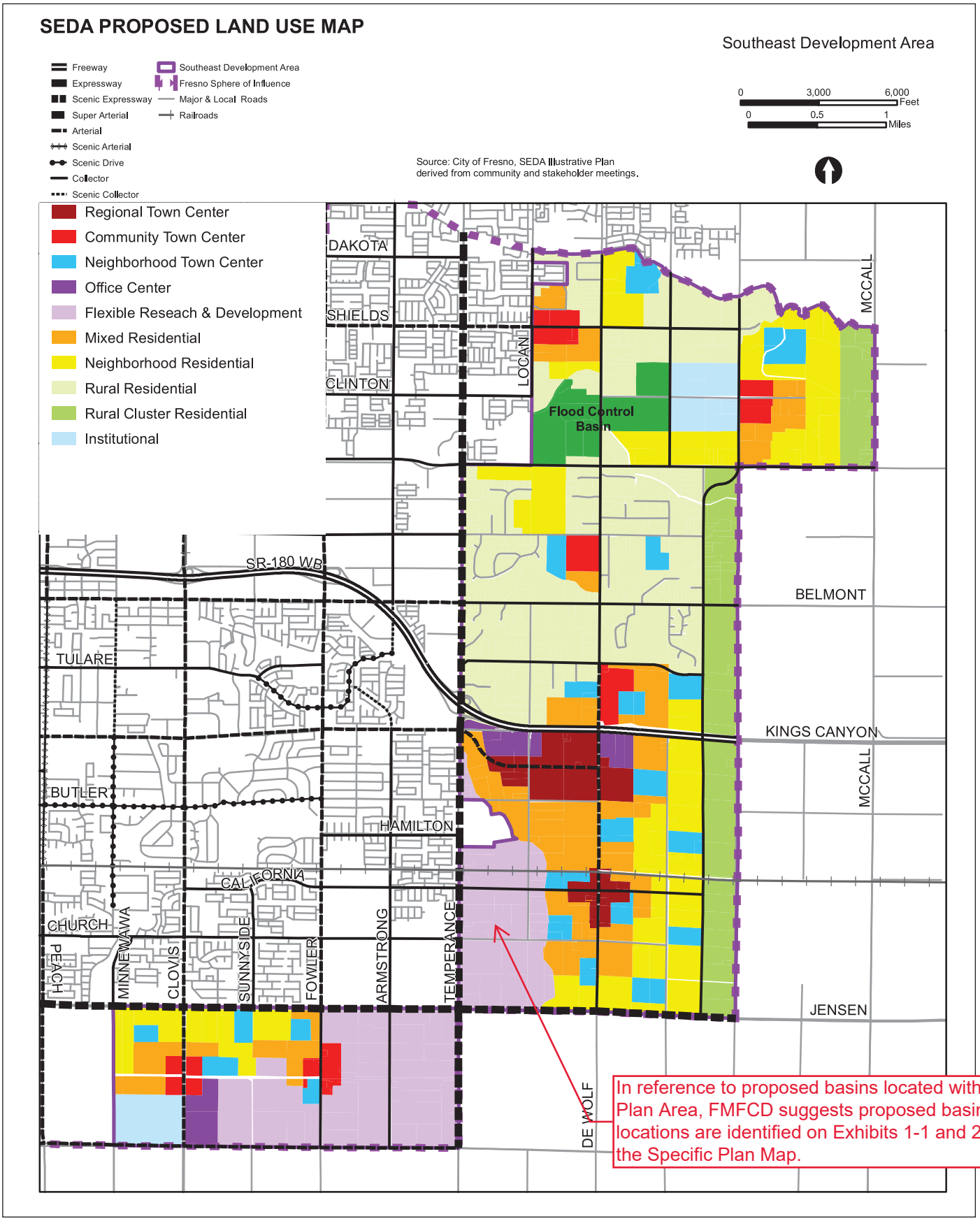
BASINS
EXISTING
PROPOSED
PROPOSED SEDA

Prepared by: rebeccal
Date: 8/22/2023
Path: I:\Projects\Accounting\Maps\SoutheastDevelopment.mxd

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

EXHIBIT NO. 1

1 " = 4300 '



Source: City of Fresno, SEDA Regulating Districts, 07/2023.

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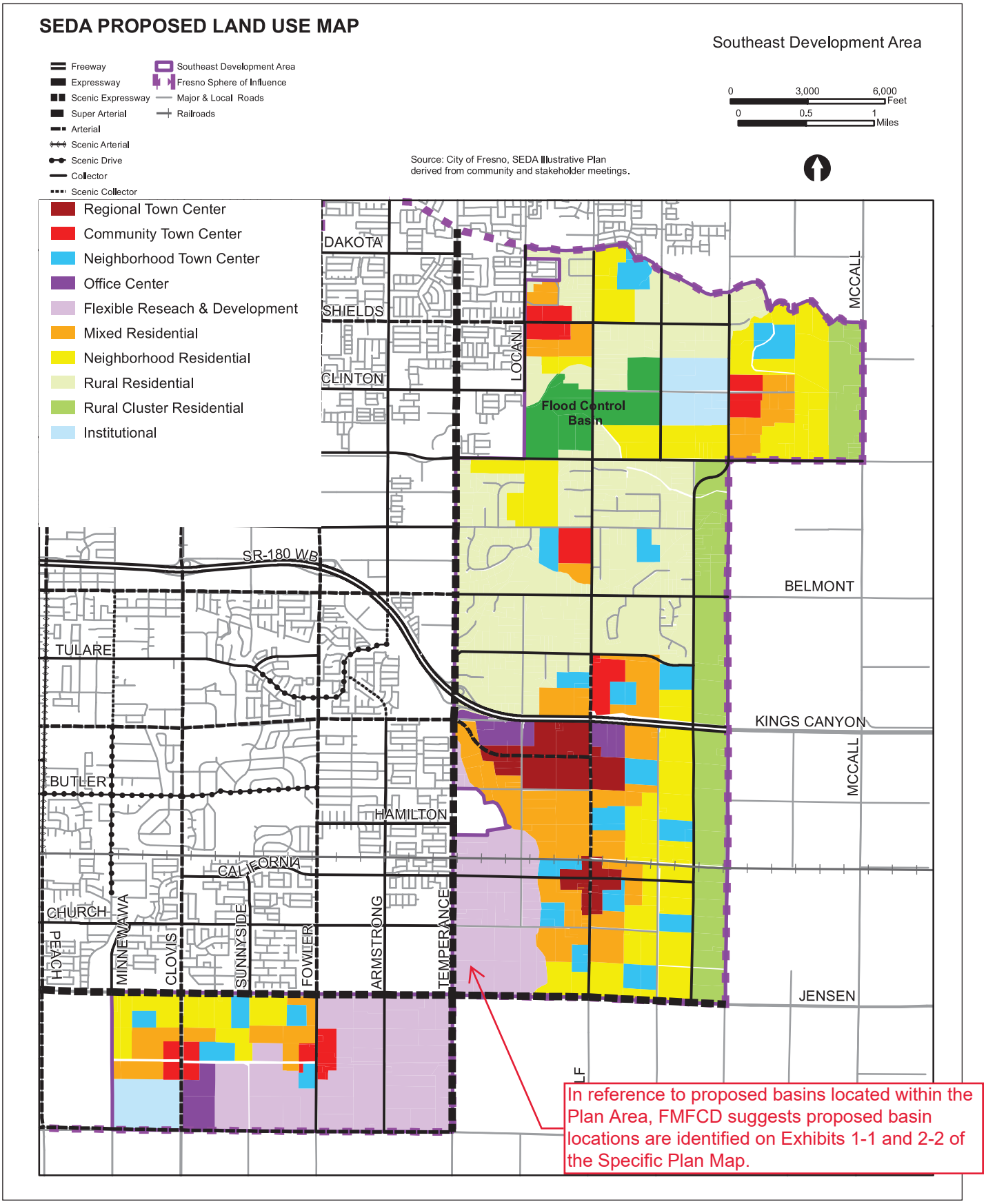
Exhibit 1-1
Specific Plan Map



Source: City of Fresno, SEDA Regulating Districts, 07/2023.

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Exhibit 2-2
Specific Plan Map

would include major transit lines, mixed-use centers, diverse residential districts, employment districts, open space, agriculture, and green infrastructure.

2.3.2 - Proposed Specific Plan Buildout

The Land Use Map defines the physical extent of Land Use Districts, as well as major roadway alignments which constitute the buildout of the proposed project as shown in Exhibit 2-2. It also identifies potential locations for certain open space and institutional features. These locations, as well as certain roadway configurations and specific transit alignments, are more closely specified in the Infrastructure Plan. The implementation of the Land Use Map is administered through the application of Land Use District Standards and Street and Circulation Standards. The proposed project land use categories by district are shown in Table 2-1 along with the total proposed acreage. Descriptions of each of the associated land use categories are further discussed below.

Table 2-1: Proposed Specific Plan Acreages

Land Use	Proposed Plan Acres	Percentages
Mixed-Use Land Uses		
Regional Town Center	310	3.5%
Community Town Center	290	3.3%
Neighborhood Town Center	520	5.9%
Mixed-Use Land Uses Total	***1,120***	***12.7%***
Residential Land Uses		
Mixed Residential	1,090	12.4%
Neighborhood Residential	1,520	17.3%
Rural Residential	2,160	24.5%
Rural Cluster Residential	810	9.2%
Residential Land Uses Total	***5,580***	***63.4%***
Employment Land Uses		
Office Center		1.8%
Flexible Research and Development		15.7%
Institutional		3.2%
Employment Land Uses Total	***1,820***	***20.7%***
Other Land Uses		
Flood Control Basin	280	3.2%
Total	***8,800***	***100%***
Source: City of Fresno 2022.		

FMFCD suggests proposed basin site locations be shown on the Specific Plan Map Exhibits 1-1 and 2-2.

the proposed project. This Draft PEIR will provide environmental information to these agencies and other public agencies, which may be coordinated with other agencies, as part of project implementation. These agencies may include, but are not limited to, the following:

- California Department of Transportation
- California State Water Resources Control Board (State Water Board)
- California Department of Fish and Wildlife (CDFW)
- Central Valley Regional Water Quality Control Board (Central Valley RWQCB)
- Fresno Local Agency Formation Commission
- San Joaquin Valley Air Pollution Control District (Valley Air District)
- Fresno ~~Municipal~~ Flood Control District
- Fresno Irrigation District

Level of Significance After Mitigation

Significant and unavoidable impact.

FMFCD has identified one (1) proposed basin site located on parcels identified within Williamson Act Contract

Conflict with Existing Zoning or Williamson Act Contract

Impact AG-2:	**The proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act Contract.**

According to the General Plan, the City and its SOI includes lands under Williamson Act Contract, and the majority of these lands are located within the Plan Area. Exhibit 3.2-2 shows the locations of the Williamson Act Contract parcels within the Plan Area. Comparing these parcels to Exhibit 2-2, the majority of land within the Plan Area that is under Williamson Act Contract would be designated for non-agricultural land uses (such as various types of residential, regional and community center land uses) with implementation of the Specific Plan. The General Plan PEIR identifies that implementation of the approved General Plan would conflict with land under Williamson Act Contracts, which would result in a significant and unavoidable impact.

Therefore, the continued implementation of the approved General Plan as well as implementation of the proposed Specific Plan could conflict with existing Williamson Act Contracts because non-agricultural uses would be allowed on lands under a Williamson Act Contract. As a result, the continued implementation proposed Specific Plan could result in a significant impact on existing Williamson Act Contract land.

Therefore, project impacts would remain significant and unavoidable. No feasible mitigation measures are available.

Level of Significance Before Mitigation

Potentially significant impact.

Fresno General Plan PEIR Mitigation Measures

None.

Project Specific Mitigation Measures

No feasible mitigation measures are available.

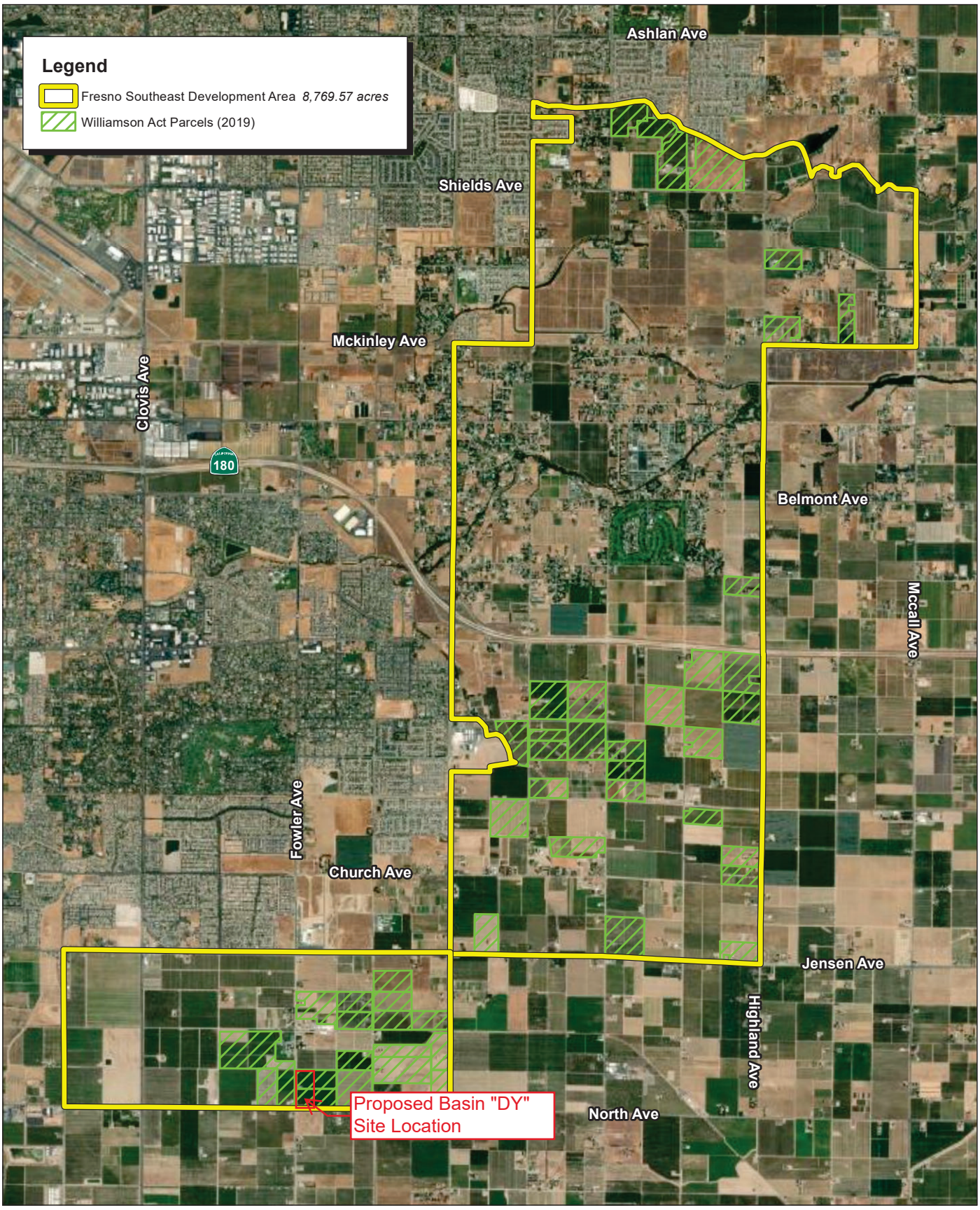
Level of Significance After Mitigation

Significant and unavoidable impact.

Forest Land and Timberland

Impact AG-3:	**The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).**

As identified in the General Plan, no land within the City or SOI is used for forestry purposes and no land within the City or SOI is designated or zoned for forestry resources. Therefore, the Plan Area



Source: ESRI Aerial Imagery. City of Fresno (2019). LSA

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4,600 2,300 0 4,600 Feet

Exhibit 3.2-2
Williamson Act Contract Parcels

the Storm Drainage and Flood Control Master Plan (Storm Drain Master Plan), which is developed and updated by FMFCD. FMFCD's Storm Drain Master Plan divides the service area into many local drainage areas of 1–2 square miles throughout Fresno. Drainage area boundaries are determined by geographic and topographic features and the economics of providing storm drainage service to the watershed. Storm drainage facilities within a drainage area typically consist of storm drain inlets, pipelines, retention basins, urban detention (water quality) basins, and stormwater pump stations. Surface grading improvements such as streets, curbs, gutters, and valley gutters are part of the City of Fresno infrastructure, but the general grading of these features is governed by the Storm Drain Master Plan to provide a coherent implementation of drainage within Fresno.

All inlets, pipes, and pump stations within each drainage area are maintained by the FMFCD. The gutters, along with public streets and sidewalks, are maintained by the City's Street Maintenance Division. It is assumed that this maintenance agreement will remain in place for the foreseeable future. The FMFCD's Storm Drain Master Plan includes ~~164~~ 165 adopted or proposed drainage areas, most served by a retention or detention facility.[30] FMFCD basins have been sized for capacities ~~of 2-year storms and for at least~~ not less than 60 percent of average ~~rainfall;~~ annual runoff;[31] FMFCD allows a 20 percent change in volume before basins need to be resized ~~or relocated.~~ Delete: or relocated.

Stormwater collection in the City begins with street gutte[illegible]y stormwater runoff to storm drain inlets. The runoff is collected in these inlets and delivered to FMFCD's pipe networks, pump stations, and infiltration basins for groundwater recharge. Most runoff is discharged into recharge basins, but during heavy rainfall events, excess runoff overflows into a system of relief channels and canals that discharge to the San Joaquin River, its tributary streams, local agricultural canals, and FID facilities.

Storm drain inlets are located at low points in the topography as determined by the Storm Drain Master Plan. Pipeline alignments and sizes are also shown on the Storm Drain Master Plan. Pipeline alignments are subject to change as development proposals are put forward by development projects. Retention basin and urban detention basin locations and sizes are part of the Storm Drain Master Plan as well. Basins are sited in the topographic low point of the drainage area. All of the storm drainage pipelines within the drainage area are directed to the basin for that area. Retention basins store and percolate stormwater from the drainage area if time between storms permits; otherwise, the water is pumped to designated irrigation canals. Urban detention basins provide quiescent (still) conditions for the removal or settling out of suspended solids prior to discharge of the stormwater to the San Joaquin River.

The Fresno-Clovis Metropolitan area consists of drainage areas that are completed (e.g., all Master Planned facilities are constructed and functional) or in the process of being completed (e.g., portions of the retention basin, pipelines, and inlets are constructed and other portions are not). For the drainage areas that are in the planning stage, the planning area may be planned and documented and the retention basin land may be purchased, but no construction has occurred; other areas may not have the land purchased for the basins yet. Implementation of the Storm Drain Master Plan

[30] Fresno Metropolitan Flood Control District (FMFCD). 2016. 2016 District Services Plan.
[31] Ibid.

occurs in response to development activity in newly developing areas and through Capital Improvement Projects (CIPs) in previously developed areas.

Plan Area

In accordance with the Storm Drain Master Plan and other planning documents, the FMFCD is developing improvements for the Plan Area for storm drain facilities. The Plan Area encompasses all or part of the following existing drainage areas: BG, BL, BM, BS, CS, DS and, DV. Proposed drainage areas for SEDA include DT, DU, DW, DX, DY, and DZ. Most of the existing drainage areas include existing storm drain collection facilities, but the proposed drainage areas generally have no existing storm drain facilities. Areas DS and DV are the exceptions in that they are existing drainage areas with basins but have not been built out to Master Plan conditions. FMFCD improvements include storm drain inlets and piping, which are being analyzed and developed in conjunction with the proposed land uses for the Plan Area. Those portions of the Plan Area encompassed in existing drainage areas include Master Planned utilities designed by FMFCD.

There are seven existing basins contributing to stormwater collection for the Plan Area and six proposed basins within the Plan Area. There are also two existing basins outside of the Plan Area that are not part of existing drainage areas, including the Redbank Basin and the Fancher Creek Basin, which may contribute to additional drainage capacity; however, these two basins were not considered in the analyses completed as part of the Storm Drain Technical Study prepared for this Draft PEIR (Appendix I). FMFCD basins are designed for a capacity of a ~~2-year storm and for at least~~ not less than 60 percent of average ~~rainfall.~~ annual runoff. Per the FMFCD, the proposed drainage areas for SEDA have not been adopted yet, and the basin locations have not been finalized. Table 3.10-1 shows the capacities of both existing basins that serve the Plan Area and proposed basins that will serve the Plan Area.

Table 3.10-1 Drainage Areas and Basin Capacities

Drainage Area Designation	Drainage Area Size [A] (acres)	Basin Volume [B] (AF)	Basin Design Use	Basin Type	Relief Line to FID Facility
Existing Drainage Areas/Basins					
BG	~~755~~ 753.61	232.1	Nonresidential	Recharge	Yes; Washington Colony Canal
BL	~~782~~ 783.63	301.1	Residential	Recharge	No; relief line to Basin BH
BM	1,519	390.4	Residential	Dual Use	No; relief line to Basin BH
BS	~~1,341~~ 1190.39	~~396.7~~401.3	Nonresidential	Recharge	Yes; Mill Ditch
CS	854 860.99	346.5	Nonresidential	Recharge	Yes; Washington Canal
DS [C]	~~1,960~~ 1958.14	1,383.3	Residential	Undetermined [D]	Yes; Mill Ditch and Redbank Basin
DV [C]	505	230.0	Nonresidential	Undetermined [D]	Yes; Briggs Canal and Fancher Creek

Drainage Area Designation	Drainage Area Size [A] (acres)	Basin Volume [B] (AF)	Basin Design Use	Basin Type	Relief Line to FID Facility
Proposed Drainage Area/Basins					
DT	983 975.46	232.4	Residential	Undetermined [D]	Yes; Fancher Creek
DU	1,307 1268.94	323.8	Residential	Undetermined [D]	No; relief line to Basin DV
DW	756 749.99	233.9	Residential	Undetermined [D]	Undetermined
DX	879 877.9	304.5	Residential	Undetermined [D]	Yes; Briggs Canal
DY	749 771	295.2	Nonresidential	Undetermined [D]	No; relief line to Basin DZ
DZ	698 694.5	263.6	Nonresidential	Undetermined [D]	No; relief line to Basin BG

Notes:
AF = acre-feet
FID = Fresno Irrigation District
FMFCD = Fresno Metropolitan Flood Control District
GIS = Geographic Information System
[A] Drainage area sizes obtained from GIS Shape Files provided by FMFCD.
[B] Basin volumes obtained from H&H calculation sheets provided by FMFCD.
[C] Existing drainage area and basin but not yet built out.
[D] Approved use of proposed basins will be determined via coordination between FMFCD and City.
Source: Blair, Church & Flynn Consulting Engineers. SEDA Specific Plan Storm Drain Technical Study. June 10, 2022.

Flooding and Inundation

The City of Fresno is located in the alluvial fans of numerous foothill stream sand creeks that drain the western slope of the Sierra Nevada foothills. These streams include Big Dry Creek, Alluvial Drain, Pup Creek, Dog Creek, Redbank Creek, Mud Creek, and Fancher Creek. Numerous smaller, unnamed drainage courses also drain into the City from the rural areas east of Fresno.

Based on a review of the FEMA Flood Insurance Rate Maps (FIRMs) for the City of Fresno,[32] there are areas that are subject to the 100-year flood frequency flood zone as shown in Exhibit 3.10-1. The primary area that is subject to the 100-year flood zone is along the San Joaquin River below the bluffs. There are additional areas in the vicinity of the Fresno International Airport, the SEDA Specific Plan Area in the vicinity of the Redbank Creek Dam, adjacent to SR-180 east of Clovis Avenue, and within an industrial area east of SR-99, south of California Avenue and north of Jensen Avenue. In addition, various detention basins are subject to the 100-year flood zone.

Project Site

According to the FIRMs that include SEDA, a majority of the SEDA Specific Plan Area is outside the 100-year flood zones; most areas are located within Zone X (unshaded) (outside the 500-year floodplain with minimal risk of flooding) as shown in Exhibit 3.10-1.

[32] Federal Emergency Management Agency (FEMA). 2021. National Flood Hazard Layer. Website: https://www.fema.gov/flood-maps/national-flood-hazard-layer. Accessed June 13, 2022.

Metropolitan

Fresno ~~Municipal~~ Flood Control District Post-Development Standards Technical Manual

The FMFCD published a Post-Development Standards Technical Manual[37] in 2014 to provide development and redevelopment standards to address stormwater quality requirements for projects in areas that do not drain to the Regional Stormwater Management Basin System. Per the manual, five drainage areas in the FMFCD service area do not drain into a stormwater management basin and two areas outside the service area do not drain into a regional stormwater management basin. These post-development requirements were developed to comply with the MS4 Permit maintained for stormwater and non-stormwater discharges from MS4 to waters of the United States. The manual provides guidance and recommendations for implementing stormwater quality BMPs with the intention of improving water quality and mitigating potential water quality impacts from stormwater and non-stormwater discharges.

Metropolitan

Fresno ~~Municipal~~ Flood Control District Standard Plans and Specifications

The FMFCD maintains a set of standard specifications and plans intended to serve as requirements for FMFCD improvements and projects. The specifications and plans are maintained and published by FMFCD for use by designers and contractors.

3.10.4 - Methodology

The potential project-related impacts related to hydrology and water quality were evaluated on a qualitative basis due to the programmatic nature of this Draft PEIR. Qualitative impacts were assessed by evaluating the project's potential for impacting hydrology and water quality within the Plan Area based on information regarding the current service commitments and capacities of public service providers within the Plan Area.

Technical studies were developed to analyze the impacts of development under the proposed Specific Plan versus the approved General Plan; the Storm Drain and Water Technical Studies are applicable to this section. General Plan land use classifications and Specific Plan land use classifications were provided by the City of Fresno Planning and Development Department in the form of Geographic Information System (GIS) and Shape files. GIS and Shape files were also obtained from the City of Fresno Department of Public Utilities for the existing facilities in Fresno, including the Plan Area.

The Water Technical Study (Appendix F) focused on the analysis of water demand in the Plan Area and how it may change based on Specific Plan development. For the General Plan land use case, the technical memorandum prepared by West Yost Associates for the City of Fresno General Plan Update Master EIR[38] was used in obtaining projected water demand data for SEDA. For the Specific Plan analysis, the water demand factors used were prepared by Akel Engineering as part of the Metro Plan Update.[39] The GIS files for the General and Specific Plan land uses were used to determine the total areas of each land use classification. The water demand factors were then used with the area of the corresponding land use classification to determine a total water demand for the Plan Area based

[37] Fresno Metropolitan Flood Control District (FMFCD). Post-Development Standards Technical Manual. June 2014.
[38] West Yost Associates. Hydraulic Evaluation of the Proposed 2035 General Plan Land Use Update for the Master Environmental Impact Report. Table 2. Water Demand Comparison for General Land Use Plan Land Changes. January 21, 2013.
[39] Akel Engineering Group Inc. Water and Wastewater Unit Factor Update for Metropolitan Water Resources Management Plan Update. October 2020.

waters or groundwater. Additionally, construction materials such as fuels, solvents, and paints may result in contamination of stormwater and present a risk to surface water quality.

New projects that are 1 acre or larger in size will be required to comply with the General Construction Permit, Order No. 2012-0006-DWQ, issued by the State Water Board, and will need to develop and implement a SWPPP to estimate sediment risk from construction activities to receiving waters, and specify BMPs that would be used by the project to minimize pollution of stormwater.

Future development would be required to prepare, implement, and be consistent with the Construction General Permit, including the SWPPP and BMPs, which would reduce project construction impacts on water quality to less than significant. Therefore, construction impacts associated with water quality standards and WDRs would be less than significant.

Operation

The Plan Area will eventually be under the jurisdiction of the FMFCD for stormwater and flood control management. (Portions of the Plan Area are currently within FMFCD boundaries, with the rest actively being developed and annexed.) Stormwater runoff is collected by FMFCD facilities and will typically end up in retention basins. These basins will sometimes be forced to discharge water to surface waters during periods of heavy or consistent rain. These discharges may increase the concentration of sediment and pollution found in stormwater.

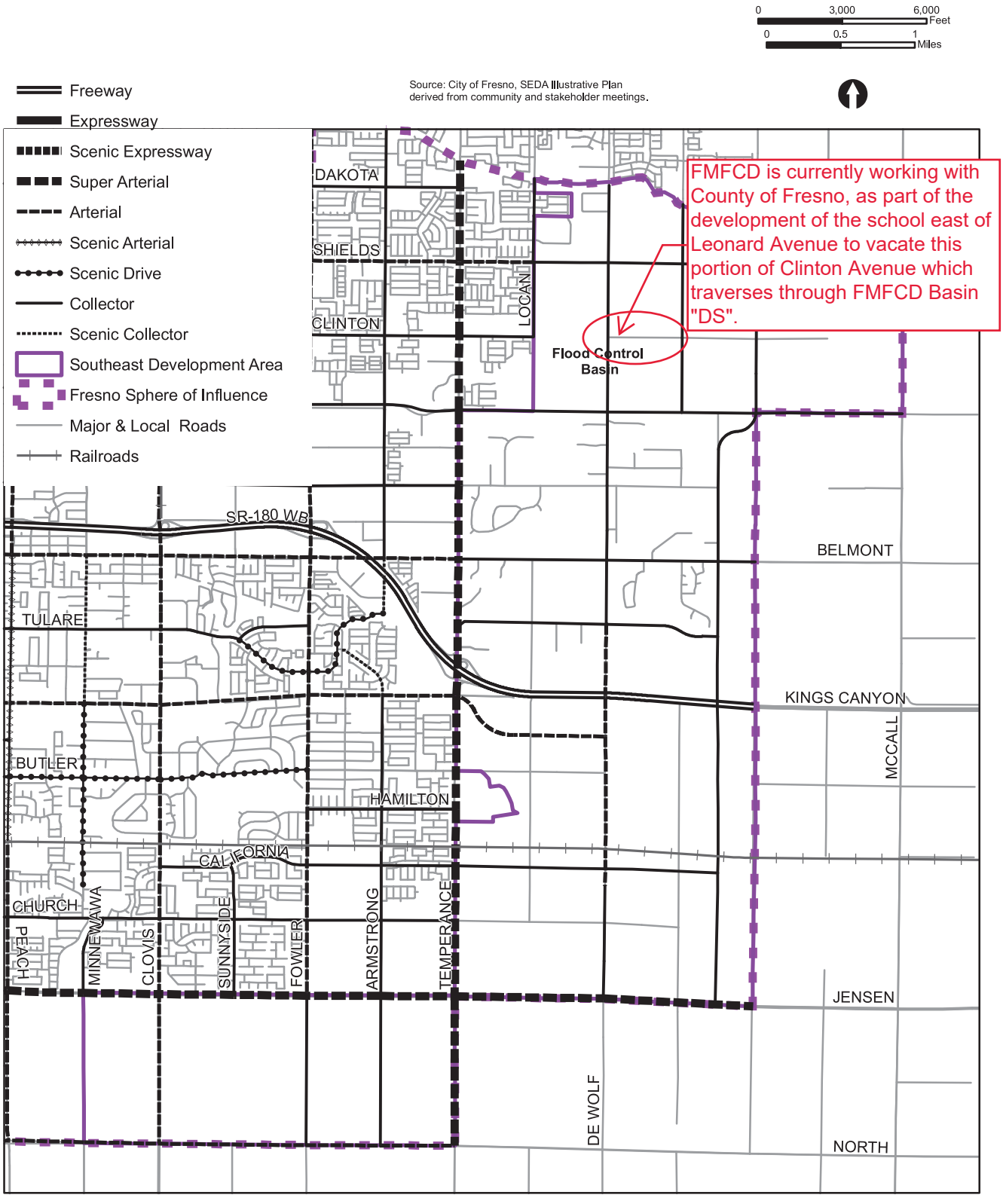
Typically, stormwater runoff from urban development contains an array of constituents, such as automotive fluids (e.g., fuels, oils, antifreeze), combustion and exhaust byproducts (e.g., lead, cadmium, nickel), sediments, fertilizers, pesticides, herbicides, and nutrients and bacteria pollutants from domestic and agricultural animal waste. These constituents are expelled into the environment throughout the year, where they settle onto the ground surface. During the wet season, stormwater runoff conveys these pollutants downstream, resulting in polluted stormwater runoff, especially during the first storm events of the season.

Water quality treatment for post-construction discharges to stormwater in the FMFCD urban flood control system area is provided by retention basins. Development in the FMFCD Master Plan area is exempt from further water quality requirements as long as the FMFCD's Storm Water Quality Management Plan is implemented. Storm drainage improvements are funded by local drainage fees paid by developments and constructed by either FMFCD, developers, or both. Basins are effective at reducing average concentrations of a broad range of contaminants via filtration through soil and are built to design criteria exceeding Statewide Standard Urban Stormwater Mitigation Plan standards. There are seven existing basins contributing to stormwater collection for the Plan Area and six proposed basins within the Plan Area. FMFCD basins are designed for a capacity of ~~a 2-year storm and for at least~~ 60 percent of average ~~rainfall~~ annual runoff. not less than

The City is a co-permittee with the FMFCD, the County of Fresno, the City of Clovis, and California State University Fresno in the Phase 1 NPDES Permit for Stormwater Discharges from MS4s. This Phase 1 MS4 Permit requires that the City and its co-permittees implement water quality and watershed protection measures for all development projects. The WDRs contained in the NPDES Permit have been designed to be consistent with the water quality standards and goals established

PROPOSED MAJOR STREET CIRCULATION

Southeast Development Area



Source: City of Fresno

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Exhibit 3-17.1
Proposed Major Street Circulation Network

rural streams management, local stormwater drainage, stormwater quality management, water conservation, recreation, and related wildlife management. The FMFCD coordinates with cities and the County of Fresno via a framework provided in the Storm Drainage and Flood Control Master Plan (Storm Drain Master Plan), which is prepared by the FMFCD as a specific element within the general plan of each agency. The Storm Drain Master Plan identifies urban and rural drainage area boundaries, computes runoff flows based on planned land use, identifies facility size and location, establishes street grades necessary to accomplish drainage of the runoff from the point of origin to the nearest collector facility, and identifies natural channels requiring preservation.

Stormwater collection in the City is typically completed via FMFCD facilities. It begins with street gutters that collect and convey stormwater runoff to storm drain inlets. The runoff is collected in these inlets and delivered to FMFCD's pipe networks, pump stations, and infiltration basins for groundwater recharge. Most runoff is discharged into recharge basins, but during heavy rainfall events, excess runoff overflows into a system of relief channels and canals that discharge to the San Joaquin River, its tributary streams, local agricultural canals, and FID facilities.

The Storm Drain Master Plan divides FMFCD's service area into many local drainage areas of one to two square miles throughout the City. All inlets, pipes, and pump stations within each drainage area are maintained by the FMFCD. The gutters, along with public streets and sidewalks, are maintained by the City's Street Maintenance Division. It is assumed that ~~thi~~ not less than nt will remain in place for the foreseeable future. The FMFCD's Storm Drain Master Plan includes 164 adopted or proposed drainage areas, with all but five areas served by a retention or detention facility. FMFCD basins have been sized for capacities ~~of two-year storms and for at least~~ 60 percent of average ~~rainfall;~~[45] FMFCD allows a 20 percent change in volume before basins need to be resized or relocated.[46] Retention basins are designed to provide storage for up to 6 inches of rainfall on the drainage are annual runoff l runoff to rainfall ratios used for urban drainage design.

FMFCD pipes range in size from 15 to 108 inches, and basins range in size from 5 to 25 acres. The drainage areas are delineated along topographic boundaries and are limited in size from 200 to 600 acres. This size limitation helps reduce the size requirements of the collection and disposal facilities.

FMFCD utilizes three means to implement drain from the Federal and State governments ropolitan Area. One method is the use of ~~Community Block~~ Grants and low interest infrastructure loans from the State of California to construct drainage facilities in the older, previously developed areas of the City. A second method is to form assessment districts under the provisions of the 1915 Bond Act; assessment districts were formed based on drainage area boundaries, the parcels within the assessment districts were assessed a proportional share of the cost of the collection and disposal system, and the drainage system for the drainage area was constructed. The third and currently employed method is to collect drainage fees from parcels as they develop based on their prorated share of the cost of the drainage area collection and disposal systems. The implementing ordinance for the drainage fee structure is adopted by the City, and the drainage fees are collected by the City when entitlements are granted or building permits are issued.

[45] Fresno Metropolitan Flood Control District. 2016. District Services Plan.
[46] Placeworks. 2017. Southwest Fresno Specific Plan Environmental Impact Report. August.

FMFCD is also a primary participant in groundwater recharge for the City. Unlined retention basins provide recharge of both stormwater runoff and imported water from the San Joaquin River and Kings River. Through a cooperative agreement, the City uses FID canals to deliver allocated water from the San Joaquin and Kings Rivers to these basins for groundwater recharge.

Flood Control

FMFCD provides flood control measures on major creeks and waterways that drain to the City; these waterways include Big Dry Creek, Alluvial Drain, Pup Creek, Dog Creek, Redbank Creek, Mud Creek, and Fancher Creek. The flood control measures maintained are designed for the 0.5 percent exceedance interval (i.e., 200-year-return frequency) flood flow event, which include a series of dams and detention basins. These include the Big Dry Creek Dam, Fancher Creek Dam, Redbank Dam, Friant Dam, Alluvial Drainage Detention Basin, Pup Creek Detention Basin, Redbank Creek Detention Basin, Fancher Creek Detention Basin, and Big Dry Creek Detention Basin.

Project Site

In accordance with the Storm Drain Master Plan and other planning documents, the FMFCD is developing improvements for the Specific Plan Area for storm drain facilities. The Specific Plan Area encompasses all or part of the following existing drainage areas: BG, BL, BM, BS, CS, DS and, DV. Proposed drainage areas for SEDA include DT, DU, DW, DX, DY, and DZ. Most of the existing drainage areas include existing storm drain collection facilities, while the proposed drainage areas generally have no existing storm drain facilities. Areas DS and DV are the exceptions in that they are existing drainage areas with basins but have not yet been built out to Master Plan conditions.

FMFCD improvements include storm drain inlets and piping, which are being analyzed and developed in conjunction with the proposed land uses within the Plan Area. Those portions of the Plan Area encompassed in existing drainage areas include master planned utilities designed by FMFCD.

There are seven existing basins contributing to stormwater collection for the Plan Area, and six proposed basins within the Plan Area. There are also two existing basins outside of the Plan Area that are not part of existing drainage areas, including the Redb er Creek Basin, that may contribute to additional drainage capacity; however, these two basins were not considered in the analyses completed as part of the Storm Drain Technical Study (Appendix I). FMFCD basins are designed for a capacity of ~~a 2-year storm and for at least~~ not less than 60 percent of average ~~rainfall.~~ annual runoff Per the FMFCD, the proposed drainage areas for SEDA have not been adopted yet and the basin locations have not been finalized; those presented here have been placed by FMFCD staff.[47] The Specific Plan must be analyzed and evaluated for impacts on the aggregate area and each planne

An area's runoff rate and volume are heavily affected by the amount of impervious surfaces within the area. Imperviousness is directly related to the type of land use and can either positively or negatively affect an area's drainage capabilities with a change in impervious surfaces. A common characteristic that can define an area's imperviousness, i.e., its ability to handle drainage during

[47] Wade, Denise. FMFCD Master Plan Special Projects Manager, FMFCD. Personal communication: email. February 22, 2022.

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November 7, 2023

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2600 Fresno Street, Room 3065
Fresno, CA 93721

With a copy to
Jennifer Clark, Director
Planning and Development Department
c/o Sophia Pagoulatos, Planning Manager
2600 Fresno Street, Room 3065
Fresno, California 93721

SUBJECT: Partial Recirculated Draft Program Environmental Impact Report for the Proposed Southeast Development Area Specific Plan Project (State Clearinghouse No. 2022020486)

This comment letter is being submitted on behalf of our client, the County of Fresno (the "County") Department of Public Works and Planning regarding the City of Fresno's (the "City") Partial recirculated Draft Environmental Impact Report ("DEIR") for the Southeast Development Area Specific Plan Project (the "Specific Plan"), which is intended to govern future development of the area commonly referred to as SEDA (the "Project"). Please ensure this letter and its referenced enclosures are included in the Record of Proceedings regarding the consideration of the Project by the City of Fresno (the "City").

A. <u>The Recirculated Materials to Not Fix All of the Deficiencies in the DEIR's Transportation and Traffic Analysis</u>.

In our prior comment letter to the originally circulated DEIR, we noted that the Project lacked sufficient planning details to permit an adequate analysis in the DEIR of the Project's potentially significant environmental impacts. Among those inadequacies is the fact that the Specific Plan does not indicate how such infrastructure is designed to integrate with the intensity of the intended development, because important facets of that density is deferred to a future SEDA Development Code update. We further noted that the actual impact on existing roadways (including intersections) is nowhere detailed in either the Specific Plan or its DEIR, presumably because, without any understanding of the density of developments in the land use designations, the projected traffic demands on specific roadways cannot be fairly estimated. As an example of that deficiency we also noted that the queuing analysis for impacts on the State High system interchanges, requested by Caltrans in its Comment Letter dated August 25, 2023, was not prepared.

The recirculated materials now include the previously omitted queuing analysis. However, that analysis is based on modeling data that apparently does not incorporate specific densities of specific land areas. This is confirmed by the statement in Section 3.6.5 of the Recirculated materials which cautions that "*As previously discussed, the proposed project does not approve or entitle any specific development and specific project design is unknown at this time.*" Therefore the primary point of our prior criticism, that the Project lacks sufficient planning details to permit an adequate analysis of the Project's potentially significant environmental impacts, remains unaffected by the inclusion of the previously omitted queuing analysis.

Other inconsistencies in the Recirculated DEIR materials also remain. For instance, page 3.6-30 of the Recirculated materials states that the Project will be consistent with the City's General Plan policy of planning and designing roadway systems to meet LOS D on major roadways. Page 11 of the Traffic Impact Analysis says that the relevant General Plan policy is that a standard of E or better for all roadway segments is to apply.

At its page 3.4-27 Recirculated DEIR materials state that the Project's standard is to provide for LOS E at peak hour impacts, rather than LOS D. Further, at page 3.3-22 the analysis includes Policy UF-6.1, which states that for arterials, collectors and local streets (both intersections and segments) at peak traffic hours, LOS E applies, but that LOS F would apply in areas with transit, including in an around mixed use districts. This standard is driven by a stated goal of not having more than four through lanes on the roadway facilities (other than portions of Jensen and Temperance).

At page 11 of the Traffic Impact Analysis, it states that the SEDA project is located in Traffic Impact Zone IV. However, at page 3.4-27 of the Partially Recirculated Materials, it states that SEDA is located in Traffic Impact Zone III (which it also labels as TIZ II).

We understand that the traffic impact analysis indicates that none of the road segments it evaluated would fall below LOS D. However, no analysis was set forth for any relevant intersections other than those requested by Caltrans in the recently distributed queuing analysis. The hazard analysis intended by the DEIR is therefore inadequate because of the lack of the intersection LOS analysis.

In addition, based on the above inconsistent statements about the applicable regulatory standard, it is not clear what LOS standard would apply, if and when an appropriate intersection analysis is conducted. Further, it appears that the lack of an intersection analysis of LOS standards is due to the lack of fully determined density standards and land uses applicable to various elements of the Project, which the City intends to defer until the adoption of a future SEGA development code. It is also therefore unclear how the queuing analysis or the road segment analysis that are included have sufficient information to provide an adequate analysis of the impacts, regardless of the uncertainty of the LOS Standards that the DEIR intends to apply.

B. Conclusion.

Based on the foregoing, we respectfully renew our request that the City not consider the Project DEIR until after there have been appropriate updates to the Specific Plan and the DEIR, to address the matters detailed above and in our prior comment letter.

Sincerely,
McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

Jeffrey M. Reid

cc: Bernard Jimenez, Planning & Resource Management Officer
Fresno County Department of Public Works and Planning

November 8, 2023

City of Fresno

Planning and Development Department

c/o Adrienne Asadoorian, Planner

2600 Fresno Street, Room 3065

Fresno, CA 93721

Dear Ms. Asadoorian:

Reviewing the revised EIR, I note that the description of Temperance Ave. has been changed only with the addition of '45' to the speed limit. Nothing else was changed. All previous challenges to the description made in my previous comments of July 24, 2023 and letter of September 27, 2023 to the Mayor and City Council Members remain.

1, Temperance Ave. is not now and never has been a four-lane super arterial.

2. The speed limit in front of my house is 55 mph. Three lots south of my house is a sign reading 'END 45'.

3. Land adjacent to Temperance Ave., with the exception of Sunny Farms at Butler Ave., is not now farmland. It is and has been, for decades, rural residential.

While the expansion of Temperance Ave. has been in the Master Plan for decades, it is unlikely to ever happen simply because Fresno depends on developers to expand roadways. Since the area around Temperance Ave. is almost fully built-out there is nowhere Fresno can obtain the tens of millions of dollars required for not only construction but property acquisition as well.

It is quite obvious that, once again, no on-site research has been done. Once again, I must say, if something so minor cannot be corrected, the validity of the entire EIR must be questioned.

Such sloppy and/or absent research should be neither tolerated nor accepted.

Thank you,

Ross & Marie Potter

1598 N. Temperance Ave.

Fresno, CA 93727559-252-2085

SUNNYSIDE
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SERVING SUNNYSIDE FOR 75 YEARS
P.O. Box 8096, Fresno, CA 93747-8096

November 10, 2023

City of Fresno
Planning and Development Department
Adrienne Asadoorian, Planner III
2600 Fresno Street, Room 3065
Fresno, CA 93721

RE: Proposed Partial Recirculated Draft Program Environmental Impact Report for the Southeast Development Area (State Clearinghouse No. 2022020486)

ATT: Adrienne Asadoorian

Thank you for recirculating the Draft Program Environmental Impact Report (DEIR) with the missing Chapter on Soils and the queue analysis of State Highway 180 interchanges for public comment.

However, the recirculated materials do not fix all of the deficiencies in the DEIR's transportation and traffic analysis. We agree with the issues raised in the County of Fresno's letter (attached for your reference) regarding the inconsistent application of LOS, inadequate queuing analysis for impacts on the State Highway system because the modeling data does not incorporate specific densities of specific land uses, as the SEDA Development Code has yet to be adopted, and the failure to study relevant intersections other than those requested by Caltrans.

The Specific Plan and DEIR should not be considered until the City addresses the inadequacies and inconsistencies in the Specific Plan and DEIR.

Respectfully,

Sue Williams
Corresponding Secretary

Cc: Sophia Pagoulatos, Planning Manager

Attachments: County of Fresno letter dated October 2023

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