

South Central Specific Plan Environmental Impact Review

Comments Received 2019

Collated May 14, 2021
Planning and Development Staff

Please visit www.fresno.gov/SCSP or call (559) 621-8003 for any questions or concerns.





South Industrial Priority Area Specific Plan Project
Public Scoping Meeting
Comment Card

www.fresno.gov/SIPA

City of Fresno, City Council Chambers, 2600 Fresno Street, Fresno

Comments may be submitted at this scoping meeting or sent to the following address no later than 5:00 p.m. on August 6, 2019.

Jennifer Clark, Director
c/o Marty Sorge-Jauss, Executive Assistant
Planning & Development Department
2600 Fresno Street, Room 3065
Fresno, CA 93721
E-Mail: SIPA@fresno.gov

Name: TOM THOMAS

Organization: _____

Mailing Address: 7426 N. FRANCHER, CLOVIS CA. 93619

Email: thomasfarm@msn.com

Comment: NEW CONSTRUCTION (UTILITIES) IS TAKING
PLACE ON ORANGE AVE, SOUTH OF CENTRAL,
ON MALAGA BETWEEN ORANGE AND CEDAR, AND ON
CEDAR NORTH OF MALAGA. THE CITY IS FUNDING
THIS PROJECT BUT IT'S IN THE COUNTY.
THE PROPERTIES ALONG CENTRAL FRONTAGE ROAD
HAVE BEEN EXCLUDED FROM ANY OF THESE IMPROVEMENTS.
CAN THE CITY OR COUNTY JUSTIFY THESE EXCLUSIONS?
ALL RESIDENTS & PROPERTY OWNERS MUST BE
NOTIFIED PRIOR TO COMMENCEMENT OF THIS WORK.



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2600 Fresno Street, Room 3065
Fresno, CA 93721
E-Mail: SIPA@fresno.gov

Name:

Rosa DePew

Organization:

Mailing Address:

521 E Britten Ave

Email:

Fresno 93706

Comment:

rosadepewa@yahoo.com

I live in the county. I was not notified of the meeting.

Lucio - notified me today right before the meeting. Please

include us! Many don't get the Fresno Bee & they will not drive down my street.

Thank You, Rosa DePew



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E-Mail: SIPA@fresno.gov

Name: Terry Hirschfield
Organization: Orange Center School District
Mailing Address: 3530 S. Cherry Ave.
Email: thirschfield@orangecenter.org
Comment: EIR should study:

- Air pollution from vehicles & facility operations in relation to Orange Center School.
- Soil/dust pollution
- Health impacts on residents/students/employees/community members.
- Quality of life impacts noise/dust/lights/sleep/^{Animal} wildlife
- To include current & approved projects

Mitigation Factors:

- prohibit facilities associated w/ health risks
- rerouting freight vehicles
- Air quality monitors

Please use reverse side of page or use additional sheets as needed

- Buffer walls / Shrubs / greenery
- air filters
- green space

* Traffic on all days of the week ~~and~~ and all ~~times~~ times of day based on local businesses busy shift changes, Cherry Auction, & delivery & truck traffic

* ensure community / school / land owners input



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c/o Marty Sorge-Jauss, Executive Assistant
Planning & Development Department
2600 Fresno Street, Room 3065
Fresno, CA 93721
E-Mail: SIPA@fresno.gov

Name: Jeff Roberts
Organization: Assemi Group
Mailing Address: 1396 W. Herndon #110 Fresno, Ca. 93711
Email: jroberts@assemigroup.com
Comment: _____

1. How many acres of ag are within the
SOI/Additional Area and not yet
annexed?
2. What Biological Resources to you expect
to find within the study area?
3. Do you intend to propose an urban
land use pattern for the 1200 acre
proposed addition?

6/20/19

Ms. Clark:

I am writing in regards to the draft EIR for the Fresno South Industrial Priority Specific Plan.

I have enclosed 4 photos I recently took. Two show farms in my neighborhood which are within the proposed Plan boundary. The other two show existing industrial developments which are located within a mile away from my home. I would prefer the farms over *those* industrial developments in my neighborhood, wouldn't you?

Two sets of my great-grandparents lived within $\frac{1}{2}$ mile from where I now live. They were farm families. OK, so what is my point? I do not understand why our specific neighborhood is included in the Priority Area. Although there is some industry and some underutilized land, there are also lush farms and middle-class homes. It seems to me that the Plan should focus on existing industrial area sites where the operations could be upgraded. Furthermore, our neighborhood is included in the study area yet we are not even within the Fresno City limits.

I am not a planner and do not understand which developments trigger an EIR and which do not. Even if I did, it appears that so much is subject to interpretation. My perception is the developers and planners are better organized and their opponents are the uninformed, apathetic and/or underprivileged victims of "progress". This is only exacerbated when public regulators are understaffed or overworked. Things just slip through the cracks and the residents get industries in our front yards like what is shown in the photos.

1. I ask that the proposed EIR clearly address the parameters used to identify which areas are included within the Study Area.
2. I ask that the Plan EIR ensures that each future development in the Study Area is scrutinized to determine if it should go through the EIR process.



Stephanie Turnmire

2323 E. Malaga Avenue
Fresno, CA 93725









Sandy Raco
2235 E. Malaga Avenue
Fresno, CA 93725

July 2, 2019

Jennifer Clark
Development and Resource Management Department
2600 Fresno Street, 3rd Floor, Room 3065
Fresno, CA 93721-3604

Subject: EIR – South Industrial Area Specific Plan (SIASP)

Jennifer:

I view this as an opportunity to address Fresno and worldwide issues. Namely depletion of the ozone layer, air pollution and global warming.

Human activities since the beginning of the Industrial Revolution (around 1750) have produced a 45% increase in the atmospheric concentration of carbon dioxide (CO₂). In a complicated process involving greenhouse gas emissions, this has contributed to global warming. At the current emission rate, global warming could reach dangerous levels as early as 2036, per a United Nations report. This would affect ecosystems and human life! We are moving towards extinction of life.

Each person needs about 19 cubic feet of oxygen per day and it takes 7 to 8 mature trees to produce enough oxygen for each person. Similarly, humans exhale carbon dioxide and trees absorb it. *With a growing population, we need more trees and vegetation not less.*

DRAFT EIR

I ask that the SIASP draft EIR include a required program for compensating for the loss of any oxygen producing plant. I would go further and ban the removal of active farmland. We need attention to this issue now! With more wild fires, rising sea levels and species extinction, we cannot continue to ignore this critical issue. We need more oxygen not less.

Jennifer, I am sure you and your staff are responsible people who want to make Fresno a better place to live. I will share my concerns with others.

Yours truly,

A handwritten signature in black ink, appearing to read 'Sandy Raco', with a stylized flourish at the end.

Sandy Raco

August 6, 2019

Dear Ms. Clark,

We write to you as a group of residents who live in and around the area found in the plan known as the South Industrial Specific Plan and have serious concerns about the proposed changes. We care about our neighborhood and are seriously concerned about the proposed changes the City of Fresno is planning in this Specific Plan as it will greatly undermine our quality of life we've enjoyed for years. We've begun experiencing these preliminary effects from the development and current operations of the Amazon and Ulta warehouses. We only expect these impacts to worsen with the addition of millions of industrial square footage proposed in the South Industrial Specific plan.

This Specific Plan would impose serious health, environmental, and overall quality of life impacts on the families living in and surrounding the project areas, including those living along Malaga, Britten, and Central Avenues, and in the communities of Calwa, southwest Fresno, and Malaga... Despite all of these neighborhoods identified as some of the most polluted in the state, we don't believe all of the impacts from existing and future development is being adequately assessed. If it were, the City of Fresno would recognize the serious health and environmental risks the proposed increased in industrial facilities would have on our already polluted neighborhoods. As the City of Fresno conducts the required environmental analysis by California law, they should pay a great amount of attention on the cumulative impacts. Every industrial square foot, diesel truck, gas operating machinery, and hazardous chemicals that may be added and used, in addition to what is already there must be thoroughly analyzed as to how this will affect our environment.

Despite our community's severe risk of being impacted by the proposed development, a majority of us have not been engaged in this process. The South Industrial Priority Area Specific Plan is failing in engaging our thoughts, concerns, and solutions. We ask the City of Fresno conduct a meaningful specific planning process we've heard have been completed in the Southwest and Southeast Fresno. A meaningful public process should allow us to propose changes to what can be built and where so we are building a safe and health community that doesn't put another warehouse or something hazardous next to a school or homes. A good public process would also allow us to create good rules and regulations like hiring from our neighborhoods, planting extra trees than the City requires, and so on. We urge the City to allow us, community members, to participate in developing the Specific Plan of our community as we are the ones who will reap the benefits, or live with the burdens.

Additionally, the City should evaluate the following potential impacts and mitigation measures to alleviate the impacts:

Impacts:

- Noise, dust, vibrations, and lights from construction
- Air pollution from construction and operations of industrial sites

- Safety impacts from the additional diesel trucks, shipping vans, and employee vehicles
- Well water level, quality, and potential contamination from more sites using groundwater in the region. Previously wells went dry during the drought and will likely happen in the next drought.
- Septic system failures from construction and increased traffic vibrations that move the underground infrastructure
- Light pollution from parking lots and facilities that operate 24/7 Mitigation Measures:

Mitigation Measures:

- Prohibit certain facilities that could create serious health risks and really impair quality of life such as: slaughterhouses, meat rendering facilities, and chemical, plastic, metal, or glass manufacturing,,
- Rerouting freight trucks away from homes and school
- Reduce speeds
- Creating sidewalks and safe routes to school
- More urban greening
- Providing air monitors and air filters for households and the school

Sincerely,

Rosa Delee

Emma Cisneros

Makayla McCoy

Mary h. Rodriguez

Jose Estrada

Renato Marroquin

Alexander M. PUGLON

Marisela Estrada

Miguel Gómez

Gloria Rojas

~~María Molina~~

~~Alfonso Lopez~~

~~Jose Estrada~~

Jose p. Navarro

Renato Marroquin

Alexander M. PUGLON

~~Marisela Estrada~~

Miguel Gómez

6 de agosto de 2019

Querida Sra. Clark:

Le escribimos a usted como un grupo de residentes que viven en y alrededor del área que se encuentra en el plan conocido como el Plan Específico Industrial del Sur y tienen serias preocupaciones sobre los cambios propuestos. Nos preocupamos por nuestro vecindario y estamos seriamente preocupados por los cambios propuestos que la Ciudad de Fresno está planeando en este Plan Específico, ya que debilitará enormemente nuestra calidad de vida que hemos disfrutado durante años. Comenzamos a experimentar estos efectos preliminares del desarrollo y las operaciones actuales de los almacenes de Amazon y Ulta. Solo esperamos que estos impactos empeoren con la adición de millones de pies cuadrados industriales propuestos en el plan específico industrial del sur.

Este Plan Específico impondría serios impactos en la salud, el medio ambiente y la calidad de vida en general en las familias que viven en las áreas del proyecto y sus alrededores, incluidas las que viven en las avenidas Málaga, Britten y Central, y en las comunidades de Calwa, suroeste de Fresno, y Málaga ... A pesar de todos estos vecindarios identificados como algunos de los más contaminados del estado, no creemos que todos los impactos del desarrollo existente y futuro se evalúen adecuadamente. Si así fuera, la Ciudad de Fresno reconocería los graves riesgos para la salud y el medio ambiente que el aumento propuesto en las instalaciones industriales tendría en nuestros vecindarios ya contaminados. A medida que la Ciudad de Fresno realiza el análisis ambiental requerido por la ley de California, deben prestar mucha atención a los impactos acumulativos. Cada pie cuadrado industrial, camión diesel, maquinaria de operación de gas y productos químicos peligrosos que se puedan agregar y usar, además de lo que ya existe, deben analizarse a fondo en cuanto a cómo esto afectará nuestro medio ambiente.

A pesar del grave riesgo de nuestra comunidad de verse afectado por el desarrollo propuesto, la mayoría de nosotros no hemos participado en este proceso. El Plan Específico del Área de Prioridad Industrial del Sur no logra involucrar nuestros pensamientos, preocupaciones y soluciones. Le pedimos a la Ciudad de Fresno que realice un proceso de planificación específico significativo que hemos escuchado que se ha completado en el suroeste y el sudeste de Fresno. Un proceso público significativo debería permitirnos proponer cambios en lo que se puede construir y dónde estamos construyendo una comunidad segura y de salud que no ponga otro almacén o algo peligroso al lado de una escuela u hogares. Un buen proceso público también nos permitiría crear buenas reglas y regulaciones como la contratación de nuestros vecindarios, plantar árboles adicionales de los que la Ciudad requiere, y así sucesivamente. Instamos a la Ciudad a permitirnos a

nosotros, miembros de la comunidad, participar en el desarrollo del Plan Específico de nuestra comunidad, ya que somos nosotros quienes cosecharemos los beneficios o viviremos con las cargas.

Además, la Ciudad debe evaluar los siguientes posibles impactos y medidas de mitigación para aliviar los impactos:

Impactos:

- ruido, polvo, vibraciones y luces de la construcción
- Contaminación del aire de la construcción y operaciones de sitios industriales
- Impactos de seguridad de los camiones diesel adicionales, camionetas de transporte, y vehículos de empleados
- Nivel de agua de pozo, calidad y posible contaminación de más sitios que usan agua subterránea en la región. Anteriormente, los pozos se secaron durante la sequía y probablemente ocurrirán en la próxima sequía.
- Fallas del sistema séptico debido a la construcción y el aumento de las vibraciones del tráfico que mueven la infraestructura subterránea
- Contaminación lumínica de estacionamientos e instalaciones que operan 24/7

Medidas de mitigación

Medidas de mitigación:

- prohibir ciertas instalaciones que podrían crear serios riesgos de salud y realmente perjudicar la calidad de vida, tales como: mataderos, plantas de reciclaje, la carne y los productos químicos, plástico, metal o la fabricación de vidrio „
- Reencaminamiento camiones de carga lejos de casas y la escuela
- reducir la velocidad de trafficio
- creación aceras y rutas seguras a la escuela
- Más ecología urbana
- Proporcionar monitores de aire y filtros de aire para los hogares y la escuela

Sinceramente,

_____	_____
_____	_____
_____	_____

August 6, 2019

Dear Ms. Clark,

We write to you as a group of residents who live in and around the area found in the plan known as the South Industrial Specific Plan and have serious concerns about the proposed changes. We care about our neighborhood and are seriously concerned about the proposed changes the City of Fresno is planning in this Specific Plan as it will greatly undermine our quality of life we've enjoyed for years. We've begun experiencing these preliminary effects from the development and current operations of the Amazon and Ulta warehouses. We only expect these impacts to worsen with the addition of millions of industrial square footage proposed in the South Industrial Specific plan.

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Mitigation Measures:

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- Reduce speeds
- Creating sidewalks and safe routes to school
- More urban greening
- Providing air monitors and air filters for households and the school

Sincerely,

Linda Calvillo 8/5/2019

From: [Mike Betts](#)
To: [SIPA](#)
Subject: Letter of Support for the EIR and Industrial Park moving forward
Date: Tuesday, August 06, 2019 11:30:52 AM

Jennifer Clark, Planning Director

c/o Marty-Sorge-Jauss, Executive Assistant

Development and Resource Management

2600 Fresno Street, Room 3065

Fresno, CA 93721

(559) 621-8003

SIPA@fresno.gov

Dear Jennifer

Betts Company is honored to be celebrating its 151st year doing business in California. In 2009 we moved our headquarters and main manufacturing location to Fresno. Many in our business have been actively involved in Fresno since our move here. I say this because we are proud and supportive of a strong Fresno where quality jobs are plentiful into the future. We built our first Fresno plant approximately 25 years ago. Both plants sit on the same property on South Maple Ave. We purchased our property in an Enterprise and Empowerment Zone. We were one of the first companies to do such in our neighborhood, and if you look at our neighborhood today you can see significant additional investment has occurred.

Our company started looking at Fresno in 1980 and we looked elsewhere in and out of the State. During my visits to Fresno I met with several city leaders who were excited about a new industrial park they were working on, it was called Roeding Park. Unfortunately, the investment on the new Roeding Industrial Park never materialized. I understood there were several reasons, but from an outsiders perspective, it looked as though our city leaders could not come together and get it done. The idea was to have industrial sites shovel ready for businesses that were interested in moving and investing in the Central Valley. What occurred for Betts Company was a journey to find another property and build on our own accord. While our journey dealing with all the bureaucracy to find a new property and building with all the necessities to operate

were many, we got it done. The issue is this, finding the property and getting it shovel ready to build took us two years.

The benefit of having the 6,500 acres zoned properly with shovel ready property that includes all the necessities like water, sewer, power to the sites eliminates significant time to get projects approved and built. Why is this important, moving a business is not something that companies take lightly, making the process as easy as possible is what business is looking to achieve. In manufacturing we are focused on taking care of our customers and delivering product on time. The distraction of a move can be debilitating and put a business in jeopardy if not done right.

Fresno is competing with other States and Cities for business and job growth. Not having shovel ready sites makes it difficult to come here? States like Texas, Oklahoma, Nevada and hundreds of Cities throughout the west have shovel ready industrial parks that are for sale and ready for purchase. I think it is important to know that most manufacturers, especially those that are family owned want to own their property and buildings. Why, because the capital expenditure on manufacturing buildings with all the improvement like the installations of equipment, electrical, BACT technology is expensive. So, that makes the thought of leasing cost prohibitive. Fresno has historically had mostly lease held developers that build buildings for warehousing, which makes it difficult for family owned manufacturers to move here.

Below are some talking points several business leaders and I put together for consideration;

- The South Industrial Park is critical to the goal of increasing economic mobility for Fresno County residents.
- Fresno needs more high-income jobs.
- Preferably, these high income jobs should be in the tradeable sector (exports out of the county)
- The Manufacturing sector is the most attractive industry sector for expansion of middle-income jobs because (a) we have a strong and growing manufacturing base; and (b) manufacturing jobs have the highest multiplier of any industry sector, up to 3 to 5 more jobs created.
- While U.S. manufacturing has grown by 13.3% since the great recession bottomed

out, California has grown by only 5.4%, but Fresno County has grown by 13.1%.

- We could have grown faster if not for two constraints: (a) availability of skilled workers; and (b) availability of shovel-ready land. The former is being addressed through increasingly more effective CTE programs and growing enrollment in STEM courses at Fresno State. The latter is a constraint that we have failed to address for decades (i.e., the failed effort to develop the Roeding Industrial Park).
- Fresno has a very low percentage of workers with BS degrees, CTE certificates or industry-recognized credentials. This needs to be remedied, but it will take time to catch up. Both shovel ready land and proper educational credentials go hand in hand for job growth. You can not have one without the other.

We started the Manufacturing Alliance in order to bring everyone together behind shared goals—industry, education, government and job seekers. We are committed to advancing this work as civic stewards, ensuring that we are considering impacts on the economy, social equity and the environment in everything we do. We believe by working together, we can create an industrial park that enhances all of these concerns and serves the best interests of the whole community.

If I was asked what is the most important thing that could help Fresno become a World Class City, it would be to properly prepare the available 6,500 with shovel ready properties for purchase. There is an old saying “Build it and they will come”. Having shovel ready properties available will make Fresno much more attractive for the right investors.

Betts Company is 100% in favor of completing the EIR and moving forward on approving the 6,500 acres for industrial development. Fresno’s future depends on this bold initiative.

Sincerely,

Mike Betts

Chairman & CEO

Betts Company

2843 S Maple Ave, Fresno

93725, CA, US

t: 559.498.3304 x 9802

m: 510.813.5090

e: Mike.Betts@Betts1868.com

www.betts1868.com

Mike Betts

Chairman & CEO

Betts Company

2843 S Maple Ave, Fresno

93725, CA, US

t: 559.498.3304 x 9802

m: 510.813.5090

e: Mike.Betts@Betts1868.com

www.betts1868.com

Banner

The content of this email is confidential and intended for its recipient only.

2289 E. Malaga Ave.
Fresno. CA 93725

June 26, 2019

Regarding: Fresno South Industrial Area Priority Area Specific Plan EIR

Dear Ms. Clark

I am sending this request to be included in the draft EIR for the subject plan. I ask that the EIR address how air quality will be improved while removing vegetation and adding more steel and concrete for industrial development in the area shown for potential development. Please see the attached article I have enclosed.

It shows that Fresno is among cities with the worst air pollution in the entire US.

For small particle matter pollution year-round concentration – No. 1

For small particle matter pollution dangerous “spikes” – No. 2

For ozone pollution – No. 4

Currently, there are days when I cannot go outside due to the air pollution even though I live in a rural area.

Removing oxygen producing farms/trees, constructing more buildings and adding more carbon dioxide producing cars will just make that condition worse. Ms. Clark, if the planners don't address this problem who will?

I further recommend that Fresno adopt a strict mandatory vegetation mitigation plan as follows. For every oxygen producing plant that is removed for development, the developer must immediately replace any removed plant with a combination of oxygen producing plants to maintain or improve the oxygen/carbon dioxide ratio. My request is to maintain or improve at a development onset! Not gradually. We are already facing a critical and perhaps irreversible situation!

I will share this letter with my friends, neighbors and politicians to ensure that my concerns at least get heard if not addressed.



Mary Lynn Munoz



AP PHOTO/SCOTT SMITH

Children in Fresno, California sometimes have to stay inside all day due to air pollution.

PASS THE OXYGEN TANK

These are the US cities with the worst air pollution

By [Zoë Schlanger](#) – Quartz environmental reporter April 25, 2019

Among the US cities where breathing the air is most dangerous to human health, California's metro areas dominate the list.

The combination of the state's topography and large population have kept many California cities on the most-polluted list throughout the 20-year history of the American Lung Association's State of the Air report, and this year's is no different.

It seems the US's air pollution problem is worsening in several regions. The culprit for this rise is likely climate change: Excessive heat makes it easier for ozone pollution to form, for example, and wildfires, exacerbated by unusually

hot and dry conditions, cause spikes in small particulate matter pollution (known as PM_{2.5}) wherever soot from fires travels.

The [2019 State of the Air report](#), published on April 24, analyzed the 2015-2017 period, which is the most recent block of time for which nationwide air pollution data has been verified. Those three years were also notably the hottest years on Earth ever recorded.

An additional 7.2 million people were exposed to harmful spikes in pollution during that time than were in 2013-2015, the period analyzed by the previous State of the Air report. Eight cities on its list of most-polluted cities broke their own records for dangerous spikes in PM_{2.5}. And overall, the US recorded more days when air pollution reached “emergency condition” levels than ever before.

All metropolitan areas in the US with at least one urban core of 50,000 people or more were included in the American Lung Association’s assessment.

Most-polluted metro areas by average year-round concentration of PM2.5

1. Fresno-Madera-Hanford, CA
2. Bakersfield, CA
3. Fairbanks, AK
4. Visalia, CA
5. Los Angeles-Long Beach, CA
6. San Jose-San Francisco-Oakland, CA
7. Pittsburgh-New Castle-Weirton, PA-OH-WV
8. El Centro, CA
9. Cleveland-Akron-Canton, OH
10. Medford-Grants Pass, OR

Notable on this list is Fairbanks, Alaska, which moved from 15th place on the last report's list to third place this year, due to [improvements in local air monitoring](#) that revealed the city's air-pollution problem is far worse than previously thought.

Most-polluted metro areas by dangerous “spikes” in PM2.5

1. Bakersfield, CA
2. Fresno-Madera-Hanford, CA
3. Fairbanks, AK
4. San Jose-San Francisco-Oakland, CA
5. Missoula, MT
6. Yakima, WA
7. Los Angeles-Long Beach, CA
8. Salt Lake City-Provo-Orem, UT
9. Seattle-Tacoma, WA
10. Pittsburgh-New Castle-Weirton, PA-OH-WV

California’s Bay Area—San Francisco, Oakland, and San Jose—doesn’t usually show up on this list, but this year it landed in fourth place, likely due to [wildfires in the area](#).

Bakersfield, California remains [the most polluted city in America](#) in terms of spikes in particulate matter, with Fresno coming in second. A “spike” is defined as a day when the concentration of PM2.5 rises above the limit set by the US Environmental Protection Agency for acceptably healthy air. Both Bakersfield and Fresno are in California’s Central Valley, where the air is laden with PM2.5 because of high volume of oil and gas drilling and diesel engines in the area.

The Central Valley is also topographically cursed—it’s shaped like a bowl, so pollution is often trapped, unable to disperse. Los Angeles, similarly, is stuck in a topographic bowl, which helped to land it at number one on the list of the

most ozone-polluted cities in America for the 19th time in 20 years (on that list, Visalia, a Central Valley city, came in second, and Bakersfield came in third).

Most-polluted cities by ozone pollution

1. Los Angeles-Long Beach, CA
2. Visalia, CA
3. Bakersfield, CA
4. Fresno-Madera-Hanford, CA
5. Sacramento-Roseville, CA
6. San Diego-Chula Vista-Carlsbad, CA
7. Phoenix-Mesa, AZ
8. San Jose-San Francisco-Oakland, CA
9. Houston-The Woodlands, TX
10. New York-Newark, NY-NJ-CT-PA

Both PM_{2.5} and ozone are linked to a [long list of health problems](#), including asthma, lung cancer, premature death, and developmental delays in children. Exposure to PM_{2.5} has detrimental effects on the heart and lungs. It [hits babies and the elderly hardest](#), and exposure in the womb has long been associated with an array of adverse outcomes that include [preterm birth](#) and [low birth weight](#).

[Plenty of studies](#) have also found that children who live or attend school in places with high traffic-related air pollution perform [worse on cognitive tests](#).



Jennifer Clark, Planning Director
c/o Marty-Sorge-Jauss, Executive Assistant
Development and Resource Management
2600 Fresno Street, Room 3065
Fresno, CA 93721
(559) 621-8003
SIPA@fresno.gov

Dear Ms. Clark:

On behalf of the Fresno Business Council, a business civic group founded in 1993 to work in partnership with other sectors to address critical issues, we would like to offer our strong support for the a 6,500 industrial park under consideration.

As you may know, the Manufacturing Alliance is part of the Fresno Business Council and a number of the leaders have weighed in.

We would like to underscore one of the points many have made—we must approach solutions to concentrated poverty as a whole community, everybody standing together to get the right things done. We are heavily involved in one of critical components of success—developing a strong workforce. Fortunately, our educational leaders have stepped up and are making significant changes.

There have been numerous attempts in the past to develop a world class industrial park but the we could not come into alignment. As we support triple bottom line approaches and this is the direction of business and government are heading, Fresno has an opportunity to come together behind this effort and by doing so, build a collaborative culture where we can do much more.

We appreciate the City's leadership in bringing everyone together and getting this done. Without this critical component of the ecosystem, related efforts will have limited impact.

Please keep us informed of your progress.

Sincerely,

A handwritten signature in black ink that reads "Deborah J. Nankivell".

Deborah J. Nankivell
Chief Executive Officer



Fresno Business Council

From: [David Gomez](#)
To: [SIPA](#)
Subject: Comments to NOP regarding EIR
Date: Tuesday, August 06, 2019 4:56:11 PM
Attachments: [image001.png](#)

Jennifer,

Our business just got an email today from the City of Fresno regarding an Environmental Impact Report that would be done for the area in which our business is located. Weir Floway/ Trillium's only concern is traffic during construction if the project would take place near 2494 S Railroad. This is our only concern due to HSR plans to remove access to Railroad Avenue, we have large shipments and imports that are of concern if Goldenstate Avenue were to be impacted during this future project.

David Gomez
*Lean Facilitator/
Special Projects Manager*

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CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

FIGHTING FOR JUSTICE, CHANGING LIVES

August 5, 2019

Jennifer Clark, Planning Director
c/o Marty-Sorge-Jauss, Executive Assistant
Development and Resource Management
2600 Fresno Street, Room 3065
Fresno, CA 93721

Via email to SIPA@fresno.gov

Re: Scoping Comments Fresno South Industrial Priority Area Specific Plan Draft Environmental Impact Report

Dear Jennifer Clark:

California Rural Legal Assistance, Inc. (CRLA) submits this letter in response to the Notice of Preparation of an Environmental Impact Report (NOP) for the Fresno South Industrial Priority Area Specific Plan (S. Industrial Project) that Fresno City (City) staff sent to our firm on July 8, 2019. CRLA is a non-profit law firm with over fifty-years of experience providing legal representation to low-income Californians. CRLA provides the following scoping comments on the draft environmental analysis to ensure compliance with the California Environmental Quality Act. (CEQA).

I. Overview of CEQA Mandate

CEQA mandates that the City undertake a good faith effort to analyze foreseeable direct, indirect, and cumulative environmental impacts of the S. Industrial Project in the project's environmental impact report (EIR). *Pub. Resources Code §21100; 14 CCR §15126(a)*. City staff explained at the June 4, 2019 public scoping meeting on this project that the EIR would analyze complete build-out of the Industrial Triangle area in south Fresno, the area covered in the S. Industrial Project, located between Highways 99 and 41. The EIR analysis must therefore evaluate the environmental impact of the complete industrial development of the six thousand, one hundred and fifty (6,150) acre planning area. *Notice of Preparation dated July 8, 2019*.

II. EIR Must Analyze Potential Impacts on Residential and Commercial Development Resulting from the Project

The EIR must analyze physical changes that will result from the project as well as changes to population distribution, population concentration, and human uses of land induced by the project.



Specifically, an EIR must analyze changes to commercial and residential development that will result from the project. *14 CCR § 15126.2(a)*.

The increase of industrial and commercial development within the project area, and the creation of additional jobs resulting from this development, will impact population density and concentration in and adjacent to the project area and will lead to a need for additional housing stock and services. The City must identify and evaluate these impacts even if they take place outside of the boundaries of the project area. *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors*, 91 Cal. App. 4th 342. Specifically, the EIR must identify the number and type of housing units that persons working in the project area can be anticipated to require, as well as the probable location of those units. If housing and services are not sufficient or accessible to serve the needs of persons working in the area, that fact should be identified and the EIR must explain the actions that will be needed to provide those services and units, or both. *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors*, 91 Cal. App. 4th 342.

Housing units in the area within and adjacent to the S. Industrial Project area are limited. There is very little residential development in the nearest community of Malaga, and residential development within the S. Industrial Project area is sparse. Vacant land within the Industrial Triangle is not zoned for residential development, and Malaga and Calwa, also nearby, have limited areas where additional residential development is possible. The City must therefore analyze the need for additional housing outside of the project area and the immediately surrounding communities, and may not dismiss the requirement of this analyze based on the fact that housing will be required in other areas of the City or County.

The EIR must also analyze the environmental impact that the project will have on commercial development. *14 CCR § 15126.2*. Build-out of the project area will result in over six-thousand acres of industrial and commercial development. The environmental impacts of this build-out will include but are not limited to increased VMT in the area due to trucks and employee commuting, changes in traffic patterns and volume, odors, noise, air emissions, night-time lighting, aesthetic impact, loss of agricultural land, increased water usage, and cumulative environmental impacts. The EIR must analyze each of these issues, including their impacts on the environment outside of the planning area.

III. The EIR Must Analyze Social and Economic Effects of the Project

- a. *Analysis of social and economic impacts of a project is required when those impacts lead to environmental changes*

Environmental changes resulting from the economic and social impacts of a project must be analyzed in the EIR. *14 CCR § 15065 (e)*. “An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes.” *14 CCR § 15131(a)*.



The project will foreseeably have social and economic impacts that will result in changes to the environment. The increase in residents re-locating to the area will result in an increased strain on existing facilities, including recreation and educational facilities in Malaga, which is the most proximate residential community. Strained facilities will necessitate expansion of existing facilities or addition of new facilities and services, which will have a resulting physical environmental impact of construction, related air, noise, and aesthetic impacts, as well as traffic increases. *14 CCR §15131(a)*. The additional growth will also require expansion of fire facilities such as fire stations, the construction of which will have environmental impacts. *See City of Hayward v. Board of Trustees of Cal. State Univ. (2015) 242 CA4th 833, 842.*

b. Analysis of social and economic impacts of a project is required to determine the significance of an environmental effect

Evaluation of social and economic impacts of a project should also be considered when determining if an environmental impact is significant. *14 CCR §§15064(e), 15382*. For example: “if construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant.” *14 CCR §15131 (b)*. If the environmental effects of a project have substantial adverse social and economic effects, either directly or indirectly, those effects must be considered significant and subject to further environmental review and mitigation measures. *Pub. Resources Code §21083(b)(3)*. When evaluating build-out of the S. Industrial Project area, the City must evaluate whether the environmental changes resulting from the project will have a substantial adverse social and economic effects. If they do, those impacts must be considered when determining the significance of the environmental impact.

c. Analysis of social and economic impacts of a project is required for mitigation purposes

The CEQA Guidelines also require an agency to consider the social and economic impacts of a mitigation measure when “deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR.” *14 CCR §§15091(a)(3); 15131(c)*. The CEQA Guidelines define feasible as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” *14 CCR §15364*. In order to determine whether a mitigation measure is feasible, CEQA requires an analysis of the social and economic impacts of the mitigation measure.

A social and economic impact analysis is required where, as in the S. Industrial Project, the project will lead to environmental changes, to determine the significance on an environmental effect and the feasibility of mitigation measures.



IV. The EIR Must Include a Water Supply Assessment

a. A water supply assessment must be completed for large industrial projects

A lead agency must assess water supply conditions in its EIR when an industrial project occupies more than forty (40) acres of land. *W. Code §10912(a)(5); Pub. Resources Code §21151.9*. Since the S. Industrial Project EIR will consider complete build-out of 6,150 acres of industrial development, a water supply assessment must be included.

Water Code §§10910-10915 detail the requirements of this analysis. The lead agency must identify all public water systems that supply or could potentially supply water for the project and request a water supply assessment from those systems. The assessment must include

a discussion with regard to whether the public water system's total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the public water system's existing and planned future uses, including agricultural and manufacturing uses. *W. Code §10910 (c)(3)*.

The assessment must also include an analysis of water rights, entitlements, or contracts impacting water supply. *W. Code §10910(d)*. If the project includes groundwater reliance, as the current project will, additional information must be included: (1) a review of any information contained in any urban water management plan relevant to the project; (2) a description of any water basins that will supply water for the project; (3) any adjudicated determinations about the groundwater supply; (4) whether the basin is in overdraft and subject to overdraft conditions; (5) a copy of any relevant groundwater sustainability plan adopted by a local groundwater sustainability agency; (6) an analysis of the amount and location of groundwater serving the project; (7) the ability of groundwater supplies to adequately supply the project. *W. Code §10910(f)*. If it is determined that water supplies are not sufficient to serve the project, the lead agency must describe plans for acquiring additional water resources. *W. Code §10911*.

b. The City must include a water analysis in the EIR

The City must include an assessment of the water supply for the S. Industrial Project area in the EIR. The closest public water systems to the area are the City of Fresno and the Malaga County Community Services District (Malaga CSD), which currently provides water service to some industrial projects within the area and may foreseeably provide additional water in the future to projects within the S. Industrial Project area. The City must request water supply assessments from Malaga CSD and the City of Fresno and include them in the EIR.



V. The EIR Must Analyze Transportation Impacts of the Project

a. CEQA requires an analysis of the Vehicle Miles Traveled impact of a project

CEQA requires an analysis of changes in the man-made and natural physical conditions which exist within the area by the proposed project. *14 CCR §15360; Pub. Resources Code §21060.5*. Changes to transportation infrastructure constitute a direct change in the physical environment and must be analyzed in an EIR. Vehicles, whether driven or parked, may constitute man-made physical conditions in the area and require a lead agency to study their impact on the environment. *Taxpayers for Accountable School Bond Spending v. San Diego (2013) 15 Cal. App. 4th 1013, 1053*. Changes in traffic and traffic infrastructure also will foreseeably increase direct and cumulative air quality and GHG emissions.

Changes to CEQA implemented in January 2019 require the use of a vehicle miles traveled (VMT) analysis in traffic impact studies, replacing the traditional level of service (LOS) analysis. A lead agency adopting a threshold of significance, or evaluating transportation impacts on a case-by-case basis should ensure that the analysis addresses: (1) Direct, indirect and cumulative effects of the transportation project, *14 CCR§ 15064(d), (h)*; (2) Near-term and long-term effects of the transportation project, *14 CCR §§15063(a)(1); 15126.2(a)*; (3) The transportation project's consistency with state greenhouse gas reduction goals, *Pub. Resources Code § 21099*; (4) The impact of the transportation project on the development of multimodal transportation networks, *Pub. Resources Code § 21099*; and (5) The impact of the transportation project on the development of a diversity of land uses. *Pub. Resources Code § 21099*.

An EIR traffic study also must analyze the health impacts that will result from increased VMT. The Office of Planning and Research explains that

human health is impacted as increases in VMT lead to more vehicle crashes, poorer air quality, increases in chronic diseases associated with reduced physical activity, and worse mental health. Increases in vehicle travel also negatively affect other road users, including pedestrians, cyclists, other motorists, and other transit users.¹

Lead agencies should ensure that their analysis is substantive and complete. Lead agencies should not truncate any VMT analysis because of jurisdictional or other boundaries, for example, by failing to count the portion of a trip that falls outside the jurisdiction or by discounting the VMT from a trip that crosses a jurisdictional boundary. CEQA requires environmental analyses to reflect a “good faith effort at full disclosure.” *CEQA Guidelines, §15151*. Thus, where methodologies exist that can estimate the full extent of vehicle travel from a project, the lead agency should apply them to do so. Where those VMT effects will grow over time, analyses should consider both a project's short-term and long-term effects on VMT.

¹ Office of Planning and Research, ‘Technical Advisory on Evaluating Transportation Impacts in CEQA,’ December 2018, pg 17



b. The S. Industrial Project will result in increased VMT and cause additional changes to the physical environment

It is reasonably foreseeable that the S. Industrial Project will increase total VMT and cause a significant effect on the environment. Complete build-out of the Industrial Triangle will lead to a substantial increase in industrial development in the project area. The build-out of over six-thousand acres of industrial land will lead to a substantial increase in VMT as vehicles enter the area to serve the facilities located there. Complete build-out will lead to thousands of additional truck trips and employee trips into the area, especially if the City continues siting distribution warehouses in the project area.

The substantial increase in traffic in the area will foreseeably lead to capacity-increasing transportation projects in the area, as traffic congestion traditionally has been addressed by adding capacity to transportation infrastructure.²² Determinations related to traffic infrastructure to serve the project area are currently underway in a study being conducted by Fresno Council of Governments; Caltrans is also beginning interchange expansion projects to serve the Industrial Triangle.

Studies have shown that capacity-increasing transportation projects ultimately fail to relieve congestion and lead to an overall increase in VMT. The National Center for Sustainable Transportation has found that a capacity expansion of 10% is likely to increase VMT by 3-6% in the short run and 6-10% in the long run. This increase does not happen immediately; the full effects on increased VMT from a capacity-increasing project take 5-10 years to materialize. Evidence has shown that a net increase of VMT takes place—not merely a shifting of VMT from one road to another—as cars utilize new expanded infrastructure. A short-term and long-term analysis of the environmental and human health impacts resulting from an increase of VMT, including a cumulative impacts analysis, must be included in the S. Industrial Project EIR.

VI. The EIR Must Analyze Growth-Inducing Impacts from the Project

a. CEQA requires an analysis of significant growth-inducing impacts from a project

An EIR must examine whether a project will foreseeably, directly or indirectly, lead to an increase in population growth, economic growth, or will encourage development or other activities that could affect the environment. *Pub. Resources Code* §21100(b)(5); *14 CCR §15126.2(d)*. The EIR must analyze growth-inducing impacts even if those effects will only indirectly result from the project. *Napa Citizens for Honest Gov't v. Napa County Bd of Supervisors* (2001) 91 CA4th 342, 368. Increases in growth that may tax existing community service facilities, necessitating the construction of new facilities that could impact the environment, should also be included. *14 CCR §15126.2(d)*. An EIR must include growth-inducing impacts even if they take place outside the project area; failure to analyze these impacts undermines the purpose of CEQA and may be

²² Id.



prejudicial. *Napa Citizens for Honest Gov't v. Napa County Bd of Supervisors* (2001) 91 CA4th 342, 368.

- b. *The S. Industrial Project will encourage economic and industrial development that has a significant environmental effect*

Given that the EIR will analyze the full build-out of the S. Industrial Project's 6,150 acres, the EIR must analyze the growth-inducing impacts of this build-out. It also must analyze the foreseeable additional industrial and economic growth that will result from additional parcels being annexed into the area and re-zoned in the long-term due to the City's policy of directing all future industrial development into the area.

The City must consider the degree to which siting and build-out of industrial and commercial projects in the S. Industrial Project area will foreseeably lead to the County directing industrial development to the area. It must also evaluate the economic and commercial development necessary to support the increased population density and housing development required to support additional workers in the industrial facilities. Secondary environmental impacts from the development of these projects that must be analyzed include air, noise, and traffic impacts during construction in addition to the environmental changes resulting from the growth itself.

VII. The EIR Must Substantively Link the Project's Air Quality Impacts to Human Health Consequences

CEQA Guidelines §15162.2 (a) requires a project EIR to "identify and focus on the significant environmental effects of the proposed project . . . examin[ing] changes in the existing physical conditions in the affected area" and discuss, inter alia, "health and safety problems caused by the physical changes" that the proposed project will precipitate. These requirements mandate that agencies evaluate the specific human health consequences caused by significant air quality impacts from the project. *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal. App. 4th 1184, 1220.

The EIR discussion of air emissions resulting from the project must be informative and substantive; a member of the public must be able to understand the specific health consequences that will result from the project. *Bakersfield, supra*, 1220. The project air quality analysis should not simply provide a generalized description of health impacts that commonly result from exposure to certain types of pollutants. The quantity and composition of pollutants resulting from the project must be connected to specific adverse effects on human health and must identify the concentration at which the pollutants will trigger identified health impacts. *Sierra Club v. County of Fresno* (2018) 6 Cal. 5th 502, 524. Agencies should analyze the air quality effects of the project over time, not merely when the project is initially implemented. *City of Long Beach v. City of Los Angeles* (2018) 19 Cal App. 5th 465, 487.



The S. Industrial Project will have significant adverse air impacts that must be thoroughly analyzed in the EIR and connected to specific human health consequences. Build-out of the S. Industrial Project area will lead to increased adverse air quality impacts resulting from stationary sources such as the industrial facilities that will be built in the area, and non-stationary sources such as increased truck traffic serving the communities and increased car traffic for employees driving to the facilities. The increased traffic will result in tens of thousands, if not more, of additional daily vehicle trips to the area.

The air quality impacts must be clearly laid out, including the type of air pollutants and the estimated concentration and quantity of each over the life of the S. Industrial Project. The air quality impacts will change over time as the build-out continues, and this should be clearly shown. The specific health impacts that will be triggered by the air pollution must also be discussed. As well as a clear indication of the concentration levels that will trigger each health impact. If it is not possible to connect specific emissions data to specific health impacts, the City must identify why that analysis is not possible. *Sierra Club v. County of Fresno (2018) 6 Cal. 5th 502, 524*. Mitigation measures must also be developed to offset the human health impacts of these air emissions.

VIII. The EIR Must Analyze and Address Cumulative Impacts

a. CEQA requires an analysis of a project's cumulative impacts

A project EIR must identify and analyze the cumulative impacts of a project when the project's incremental effect is cumulatively considerable. *14 CCR §15130(a)*. "Cumulative impacts" refers to "two or more individual effects which, when considered together, are considerable or which increase or compound other environmental impacts. . . [c]umulative impacts can result from individually minor but collectively significant projects taking place over a period of time." *14 CCR § 15355*. A cumulative impacts analysis must evaluate a project's cumulative impact with "related past, present and reasonably foreseeable probable future projects." *14 CCR § 15355(b)*. The EIR should consider all sources of related impacts, not only those that are similar sources or projects. *14 CCR §15130(a)(1)*; *City of Long Beach v. Los Angeles Unified Sch. Dist (2009) 176 CA4th 889, 907*. The regional cumulative impacts of a project must also be considered. *Citizens of Goleta Valley v. Board of Supervisors, (1990) 52 Cal. 3d 553,575*

The EIR must summarize the anticipated cumulative environmental effects of the project and other related projects, provide a reasonable analysis of their cumulative impacts, and identify reasonable mitigation measures to reduce or eliminate the project's contribution to the significant cumulative impacts. *14 CCR §15130(b)*. The analysis should describe the severity of the impacts and their likelihood of occurrence. *14 CCR §15130(b)*. The summary of projections may be based on local, regional, or statewide planning documents such as general plans, community plans, or regional transportation plans. *14 CCR §§15130(b);(d)*.



b. The Project will result in significant cumulative impacts in the project area

Build-out of the S. Industrial Project area will result in significant cumulative environmental impacts, particularly related to air quality. The project zip codes rank in the top 1% most polluted zip codes in the State of California as determined by CalEnviroScreen 3.0, a cumulative pollution-burden analysis tool developed by the California Office of Environmental Health Hazard Assessment. The air basin is in severe non-attainment status for several air pollutants. Significant stationary and mobile sources of these pollutants are sited within the project area and adjacent to the area in the community of Malaga. Malaga includes several of the highest emitters of particulate matter in the San Joaquin Valley: the Rio Bravo biomass facility and a glass manufacturer. Other local stationary air pollution sources include car crushing facilities, recycling and demolition facilities, truck stops, and fabrication facilities. These sources cumulatively contribute significant levels of the same air pollutants that likely will be produced by build-out of the S. Industrial Project, and therefore must be considered in a cumulative impact analysis. Any emissions of the non-attainment pollutants from the S. Industrial Project will cumulatively compound the current non-attainment status of the basin, as well as the specific human health impacts that result; they must be analyzed.

Foreseeable future projects that will have the same potential environmental effects as the Industrial Triangle build-out also must be considered in the cumulative impacts analysis. The Fresno County draft 2020-2040 General Plan indicates that the County will direct all future industrial development adjacent to the project boundaries. The Fresno Council of Governments is undertaking an infrastructure study of the industrial area to further facilitate industrial development in the project area. Recent construction of distribution warehouses in the area has led, and will continue to lead, to an increase in industrial truck traffic that will utilize the project interchanges. The City is anticipating that the heavy-duty maintenance facility for the High Speed Rail Project may be located in the project area. At least two parcels in Malaga are under consideration for rezoning from agricultural to heavy industrial uses and it can be anticipated that these uses will also contribute to cumulative environmental impacts. These and other future projects must be considered in evaluating cumulative impacts from the project.

IX. The EIR Must Consider and Address the Environmental Justice Impacts of the Project

The Notice of Preparation for the project states that the EIR will “include a discussion of environmental justice issues, and identify and evaluate a range of reasonable alternatives to the proposed project.” *Notice of Preparation*. To adequately comply with this requirement, the EIR must consider the current cumulative pollution burdens of the project area, the way that build-out of the project area will impact those pollution burdens, and alternative options that would eliminate or substantially mitigate any negative impacts on environmental justice communities.



a. The City has civil rights and environmental justice obligations

Civil rights and environmental justice obligations for cities extend from both federal and state law. Title VI of the federal Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating on the basis of race, color, or national origin in the provision of their programs or activities. Title VI obligations extend to all programs and activities conducted by the funding recipient, not merely the programs specifically funded by federal dollars.

The City is also subject to federal legal requirements related to environmental justice, which originate from Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.” These regulations are designed to address historical patterns wherein low-income communities and communities of color have been disproportionately burdened with the social, economic, environmental, and health costs of development while being largely excluded from its benefits. Executive Order 12898 and implementing guidance mandate that recipients of federal funds identify and address the disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations.

California Government Code §11135 prohibits discrimination on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation by any agency receiving state funding. As a recipient of both state and federal funding, the City is subject to both Title VI and Government Code §11135 obligations.

Senate Bill 1000 (SB 1000) created additional environmental justice obligations for jurisdictions engaging in land use planning. SB 1000 mandates that jurisdictions updating their General Plans implement an environmental justice element that, at a minimum, must:

- A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.
- (B) Identify objectives and policies to promote civil engagement in the public decision-making process.
- (C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.

The mandates of SB1000 take effect when a jurisdiction updates two (2) or more of its general plan elements. Fresno City is in the process of updating its general plan, a process that is taking place concurrently with the development of the S. Industrial Project. The City will be mandated to develop policies to comply with SB1000 at the same time as it is developing the EIR for the S. Industrial Project. All projects must be consistent with a jurisdiction’s general plan. Because the



City's general plan update will include SB1000 environmental justice mandates, to ensure consistency between the S. Industrial Project and the general plan, these environmental justice principles must be integrated into the project EIR.

b. Build-out of the S. Industrial Project area will conflict with the City's environmental justice obligations

Complete build-out of the S. Industrial Project area will conflict with the City's environmental justice obligations. This area is one of the most pollution-burdened census tracts in the State of California. Communities living within and adjacent to the project area are comprised primarily of low-income individuals and communities of color—groups explicitly protected by environmental justice laws. Permitting or facilitating additional industrial uses within and adjacent to these communities will have a disproportionate negative impact on protected communities by contributing additional pollution to an already over-burdened area.

c. The City must develop alternatives to siting industrial facilities in environmental justice communities

The City must develop alternatives to siting industrial facilities in environmental justice communities. It is inequitable and unlawful to direct all industrial development to economically and racially segregated areas that have the lowest life expectancy rates, highest rates of asthma, and highest pollution burdens. The City must consider other locations for industrial sites that will have a diminished impact on protected populations and will equitably distribute the pollution burdens associated with industrial development. Developing mitigation measures that reduce but do not eliminate pollution burdens on environmental justice communities is necessary but not sufficient as it does not prevent a disproportionate negative impact on protected populations.

The City, at a minimum, must consider (1) zoning unpopulated and remote parts of the City's Sphere of Influence for industrial development and directing future industrial development to those locations instead of the S. Industrial Project area, examples could include the area adjacent to the waste water treatment plant, (2) expanding the City's Sphere of Influence to include additional remote land where industrial development can be located away from residences, (3) siting industrial facilities in parts of the City not currently overburdened by pollution or protected by civil rights and environmental justice laws, such as in the northern part of the jurisdiction.

X. The EIR Must Be Written in Plain and Transparent Language

The EIR must be written in clear, everyday language that allows citizens of Fresno City and Fresno County to reasonably understand the project and the environmental impacts that will result from the project. The purpose of an EIR is to 'inform the public and its responsible officials of the environmental consequences of their decisions before they are made.' *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 563-564. A document that precludes informed decision-making and informed public participation is considered a prejudicial error and may



CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

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expose a lead agency to litigation. *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors*, 91 Cal. App. 4th 342, 356. It is critical that Fresno prepare an EIR that is transparent and accessible to citizens and can ensure their informed participation in the environmental review and development process.

Sincerely,

Mariah C. Thompson
Staff Attorney, Community Equity Initiative
California Rural Legal Assistance, Inc.
Fresno, CA 93726
(559) 441-8721
mthompson@crla.org

cc: Ilene J. Jacobs, Director of Litigation, Advocacy, and Training, California Rural Legal Assistance, Inc. ijacobs@crla.org

Marisol F. Aguilar, Director, Community Equity Initiative, California Rural Legal Assistance, Inc.
maguilar@crla.org



August 6, 2019

Jennifer Clark
Planning Director
Development and Resource Management
2600 Fresno Street, Room 3065
Fresno, CA 93721

Dear Ms. Clark:

This purpose of this communication is to express our strong support for the development of manufacturing in the South Industrial Park. The South Industrial Park is critical to the goal of increasing economic mobility for Fresno county.

Manufacturing has been the path to development and is the most attractive industry sector for the expansion of middle-class income jobs. We need a strong and growing manufacturing base because manufacturing jobs have the highest multiplier of any industry sector. While U.S. Manufacturing has grown by 13.3%, since the great recession bottomed out, California has only grown by 5.4% Importantly, Fresno county has kept trend with U.S growth at 13.1%.

Simply stated manufacturing creates jobs. Most jobs, directly or indirectly, depend on manufacturing. Fresno County could have grown faster if not for 2 constraints: (a) the availability of skilled workers; and (b) availability of shovel-ready land. That is why the development of the South Industrial Park is so essential. CTE programs and growing enrollment in STEM courses at Fresno State have been effective in the education of the skilled workers. However, Fresno has a very low percentage of workers with BS Degrees, CTE certifications or industry recognized credentials. This needs to be remedied, but it will take time to catch up. Fresno needs more good entry-level jobs for people with just high school degrees. Many of the jobs in manufacturing fulfill that need.

Anlin Industries urges that we aggressively pursue the development of the South Industrial Park.

Thank you for your attention to this very important topic.

Sincerely,

John J. Maloney
President/CEO
Anlin Industries
(559) 322-1531
jmaloney@anlin.com



June 11, 2020

City of Fresno
Planning and Development
Summer Cecil, Project Manager
2600 Fresno St.
Fresno, CA 93721

SUBJECT: 4035 South Maple-Downgrade of Existing Zoning from Heavy Industrial to Residential

Dear Summer,

Robert V. Jensen, Inc. purchased approximately 4.5 acres at 4035 South Maple from Malaga Water District which had been zoned for Heavy Industrial since the 1980's when LAFCO annexed the area into the city. This property connects with Kinder Morgan's pipeline terminal property where 50 million gallons of fuel are stored and dispensed. Robert V. Jensen's existing business is located on the other side of Kinder Morgan at 4021 and 4029 South Maple and Central Avenue. We hired Don Pickett and Associates to develop plans to relocate and expand this business of over 50 years. Our present location would be expanded and partially repurposed to include Hydrogen and CNG fueling as well as other zero and near zero emissions which are vital to the valley. Having zero emission fuel solutions available for the AB 617 area would greatly benefit the residents by reducing emissions that have been increasing with the amount of trucks and cars added to the area. While the property was annexed 35 years prior, an appropriate city review was made and a DRC scheduled on 2/26/19 during which it was determined that a fire station was not yet located to meet "FMC SEC.12-4-4.508.-UGM FIRE STATIONS E.2.b. IN NO EVENT WILL COMMERCIAL OR INDUSTRIAL DEVELOPMENT BE PERMITTED BEYOND THE THREE-MILE RUNNING DISTANCE OF AN EXISTING AND OPERATING FIRE STATION." This created a roadblock effecting our plan to relocate our current location at 4021 and 4029 S Maple to 4035 South Maple. If more information is needed to determine why this project was stalled, you could contact Deputy Fire Chief, Ted Semonious, Byron Beggles from FFD as well as Jennifer Clark, Director of Development as we have had discussions with them regarding this issue. I would assume keeping the property zoned as Heavy Industrial would be a priority for all concerned. We have cleared the property of over 40 truckloads of debris in addition to evicting the homeless which neighbors from miles around have appreciated. We have had neighbors thank us for finally doing something better with the property. Since we are not allowed to build anything new, we left the old existing house in the event we should need to use it in the interim of relocating. It was our hope that we could progress with our building plans when the SCSP plan was completed. It was my understanding that the purpose of the plan was to set more areas for appropriate uses rather than interrupt years long general planning. To change this property to residential would be a gross mistake. It is very unlikely that homes would be built on this property based on the present and future intent for the area. It is unlikely that the fuel pipeline from the bay area would ever be moved from its present location, which eliminates emissions from thousands of trucks that would otherwise have to bring the fuel from various refineries to our valley.



We had been negotiating with Kinder Morgan to buy the adjoining property extending our parcel to the railroad tracks. It would be necessary to keep zoning as Heavy Industrial to accommodate our business as a bulk distributor of fuel, petroleum, oil and chemical products. This business has been located across the street from an existing trailer park for over 53 years with no known complaints. In fact, I am proud to report, that residents occasionally thank us for providing them with our services 24 hours a day, seven days a week, 365 days of the year.

I hope your staff will reconsider and keep the property zoned for Heavy Industrial. Changing it will hamper significant job and business growth on the property. This project will greatly provide future environmental and economic benefits to the city and valley.

Please do not hesitate to contact me with any additional questions or information.

Sincerely,

Bill Jensen, CEO
Robert V. Jensen, Inc.
559-240-5740

From: [DIRK CHARLEY](#)
To: [SIPA](#)
Cc: [Dirk Charley](#)
Subject: Re: Notice of Preparation for an Environmental Impact Report for the proposed South Industrial Priority Area Specific Plan (www.fresno.gov/SIPA)
Date: Monday, July 08, 2019 9:31:40 AM

Dear Rodney Horton,
On behalf of the Dunlap Band of Mono Indians Tribe I am providing this official response. This project is outside our area of interest. We will not be requesting consultation nor providing comments. We recommend you continue to engage the following tribes: Table Mountain Rancheria, Santa Rosa Rancheria of Tachi Yokuts and the Traditional Choinumni Tribe. Please write back to confirm receipt. Feel free to contact me if you have any questions or need additional information.

Respectfully submitted,

Dirk Charley
Tribal Secretary/Land Management Ordinance Officer
Dunlap Band of Mono Indians
P.O. Box 14
Dunlap, Ca. 93621
(559) 554-5433

Sent from my iPhone

On Jul 8, 2019, at 1:00 AM, Rodney Horton <Rodney.Horton@fresno.gov> wrote:

TO: All Responsible Agencies, Interested Parties, and Organizations.

I am pleased to provide you with an electronic copy of the Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for the proposed South Industrial Priority Area (SIPA) Specific Plan. The City of Fresno is the lead agency responsible for preparation of an EIR for the proposed SIPA Specific Plan project, located in the City of Fresno. Pursuant to provisions of the California Environmental Quality Act (CEQA), the City has prepared this NOP for the proposed project. Once a decision is made to prepare an EIR, the lead agency must prepare a NOP to inform all responsible and trustee agencies that an EIR will be prepared (CEQA Guidelines Section 15082). The purpose of this NOP is to provide agencies, interested parties, and organizations with sufficient information describing the proposed project and the potential environmental effects to enable meaningful input related to the scope and content of information to be included in the EIR.

The EIR will provide an evaluation of potential environmental impacts

associated with the proposed project. A brief project description, location, and potential environmental issue areas that may be affected by development of the proposed project are described below. The EIR will evaluate the potentially significant environmental impacts of the proposed project, on both a direct and cumulative basis, identify mitigation measures that may be feasible to lessen or avoid such impacts, and identify alternatives to the proposed project. You may use the following methods:

Mail:

City of Fresno – Planning & Development Department
Attn: Jennifer K. Clark, AICP, HDFP
2600 Fresno Street, Suite 3065
Fresno, CA 93721-3604

Electronic mail:

SIPA@fresno.gov

Also, on Monday, July 15, 2019, the City of Fresno will conduct a public scoping meeting to solicit input and comments from public agencies and the general public on the proposed project and scope of the EIR. This meeting will be held at Fresno City Hall, 2nd Floor, 2600 Fresno Street, Fresno, CA 93721, from 5:30 PM to 7:30 PM. Representatives from the City of Fresno and the EIR consultant will be available to address questions regarding the EIR process and scope. Members of the public may provide written comments throughout the meeting.

For more information and to view the draft Specific Plan – please visit www.fresno.gov/SIPA. If you have any questions regarding the scoping meeting, contact the project team at SIPA@fresno.gov or (559) 621-8003.

In Public Service,

Rodney L. Horton, MPA
Planner III
Planning and Development Department
Rodney.Horton@fresno.gov
559.621.8181

Disclaimer:

Please be advised, in accordance with the applicable provisions of the Brown

Act, all forms of community feedback and public input that is provided to the City of Fresno will be made available to the general public.

<EIR_NOP_FINAL.pdf>



DEPARTMENT OF TRANSPORTATION

DATE: July 29, 2019

TO: Jennifer Clark, Director, Department of Planning and Development

FROM: GREGORY A. BARFIELD, Director
Department of Transportation

SUBJECT: Environmental Impact Report for South Industrial Priority Area (SIPA)
Specific Plan

The City of Fresno Transportation Department, Fresno Area Express (FAX) received the copy of the Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for the South Industrial Priority Area (SIPA) Specific Plan. FAX commends the City of Fresno Planning and Development Department for undertaking the effort to consolidate the adopted goals and policies of multiple planning efforts into one unified plan that will provide policy direction for the South Industrial Priority Area for years to come.

While the SIPA Specific Plan includes several goals related to transportation and public transit, it does not alter the area's long-term planned land uses or zoning designations, which will predominantly remain centered around low density office, industrial, and business park land uses, with low Floor Area Ratios. The Specific Plan envisions this area as an employment hub, promoting economic opportunities for City of Fresno residents. An accessible and well-connected transportation network is a critical component of the area's ability to flourish.

Given challenges associated with implementing transit in low-density, campus-style employment settings, FAX requests that the EIR include a coordinated analysis of transportation alternatives, as well as consideration of potential mitigation measures to help fund transit operations should the EIR determine that transit is a feasible component of the long-term transportation network.

In providing transit service, FAX must continually balance the competing needs of productivity and coverage, meaning the performance of its existing transit routes versus service expansions to new and developing areas that are not within proximity of existing services. Ongoing financial constraints must be taken into consideration when evaluating the financial sustainability of operating new transit services. In short, if FAX adds new transit service to any given area, it must remove or reduce service to other areas to keep the operational costs of the system in check. FAX is looking forward to better understanding the environmental impacts of the planned land uses on transportation, traffic congestion, and air quality, as well as the proposed mitigation measures that will support the operation of the most effective transportation network.



WELL REVIEW REPORT

The Division of Oil, Gas, and Geothermal Resources (Division) possesses records regarding oil and gas wells drilled and operated in the State of California. (Cal. Public Res. Code, §§ 3215, 3126.) Based on the Division's records and expertise, the Division has undertaken review of the well(s) referenced below at the request of a party either having jurisdiction over the use of the parcel referenced above, or a party having control over, or an interest in, the use of the parcel. This request is considered by the Division as voluntary participation in the Division's Well Review Program. The Division provides the information below to facilitate local permitting agencies' exercise of local land use authority regarding use of land where oil and gas wells are situated. In contrast, the Division does not possess local land use decision authority, but alternatively has authority for permitting any necessary work on any well in the state. (Cal. Public Res. Code, §§ 3106 and 3203.)

The Division has conducted a record review of the known well(s) located on the referenced parcel(s). The record review process consists of determining the possible location, last known operator, and abandonment status of any known well on the property by examining records previously submitted to the Division, and then comparing the abandonment status with current abandonment standards.

In general, a well may be considered adequately abandoned when both the record review and on-site evaluation process reflect that steps have been taken to isolate all oil-bearing or gas-bearing strata encountered in the well, and to protect underground or surface water suitable for irrigation or farm or domestic purposes from the infiltration or addition of any detrimental substance, and to prevent damage to life, health, property, and other resources. (Cal. Public Res. Code, § 3208.)

The local permitting agency, property owner, and/or developer should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil and gas wells. These issues are non-exhaustively identified in the

following comments, and are provided by the Division for consideration by the local permitting agency, in conjunction with the property owner and/or developer, on a parcel-by-parcel or well-by-well basis. **As stated above, the Division provides the above well review information solely to facilitate decisions made by the local permitting agency regarding potential development near oil or gas wells.**

1. The Division recommends that access to any well located on the property be maintained in the event abandonment or re-abandonment of the well becomes necessary in the future. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access. This includes, but is not limited to, buildings, housing, fencing, landscaping, trees, pools, patios, sidewalks, and decking.
2. Nothing guarantees that wells abandoned to current standards will not start leaking oil, gas, and/or water in the future. It always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. The Division acknowledges wells that are presently abandoned to current standards have a lower probability of leaking oil, gas, and/or water in the future, but makes no guarantees as to the adequacy of the abandonment or the potential need for future re-abandonment.
3. Based on comments **1** and **2** above, the Division makes the following general recommendations:

a. Maintain physical access to all oil and gas wells.

b. Ensure that the abandonment of all oil and gas wells is to current standards.

If the local permitting agency, property owner, and/or developer chooses not to follow recommendation **b** for each well located on the development site property, the Division believes that the importance of following recommendation **a** for each well located on the subject property increases. If recommendation **a** cannot be followed for each well located on the subject property, then the Division advises the local permitting agency, property owner, and/or developer to consider any and all alternatives to proposed construction or development on the site (see comment **4** below).

4. Sections 3208 and 3255(a)(3) of the Public Resources Code give the Division the authority to order the re-abandonment of any well that is hazardous, or that poses a danger to life, health, or natural resources. Responsibility for re-abandonment costs for any well may be affected by the choices made by the local permitting agency, property owner, and/or developer in considering the general recommendations set forth in this letter. (Cal. Public Res. Code, § 3208.1.)
5. Maintaining sufficient access to an oil or gas well may be generally described as maintaining “rig access” to the well. Rig access allows a well servicing rig and associated necessary equipment to reach the well from a public street or access way, solely over the parcel on which the well is located. A well servicing rig, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure.
6. The Division recommends that a local permitting agency consider the use of surface mitigation measures as a condition for project approval, if and when appropriate. Examples of surface mitigation measures include venting systems for wells, venting systems for parking lots, patios, and other hardscape, methane barriers for building foundations, methane detection systems, and collection cellars for well fluids. The Division **does not** regulate the design, installation, operation, or adequacy of such measures. The Division recommends that such surface mitigation measures are designed, installed, and operated by qualified engineers. The permitting of surface mitigation measures falls under the jurisdiction of the local permitting agency.
7. If during the course of development of a parcel any unknown wells are discovered, the Division should be notified immediately so that the newly discovered well(s) can be incorporated into the Well Review processes.
8. The Division recommends that any soil containing significant amounts of hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered during development.
9. The Division recommends that the information contained in this Well Review Report, and any pertinent information obtained after the issuance of this report, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property. This is to ensure that present and future property owners are aware of (1) the wells located on the property, and (2) potentially significant issues associated with any improvements near oil or gas wells.

No well work may be performed on any oil or gas well without written approval from the Division in the form of an appropriate permit. This includes, but is not limited to, mitigating leaking fluids or gas from abandoned wells, modifications to well casings, and/or any other re-abandonment work. NOTE: The Division regulates the depth of any well below final grade (depth below the surface of the ground). Title 14, Section 1723.5 of the California Code of Regulations states that all well casings shall be cut off at least 5 feet but no more than 10 feet below grade. If any well needs to be lowered or raised (i.e. casing cut down or casing riser added) to meet this grade regulation, a permit from the Division is required before work can start.

To reiterate, the local permitting agency, property owner, and/or developer should be aware of, and fully understand, that the above comments are made by the Division with the intent to encourage full consideration of significant and potentially dangerous issues associated with development near oil or gas wells.

Total number of known wells on development site: **1**

Well	Status
Fresno Expl. Co., Inc. Well 1 019-06062	<p>The record review process shows that these subject wells are not abandoned to current Division standards as of 7/24/2019.</p> <p>Section 29, T. 20S, R. 15E, MD B&M</p> <p>Based on well records:</p> <p style="padding-left: 40px;">This well does not meet plugging and abandonment requirements for surface plugging. CCR 1723.5</p> <p>Please refer to the enclosed maps and the Division's online Well Finder map for well location at http://www.conservation.ca.gov/dog/Pages/Wellfinder.aspx</p> <p>California Code of Regulations (CCR) and PRC may be found at ftp://ftp.consrv.ca.gov/pub/oil/laws/PRC10.pdf CCR accessed on July 24, 2019 for this review.</p>



July 24, 2019

Jennifer Clark
2600 Fresno St.
Fresno, CA 93721

Subject: South Industrial Priority Area Specific Plan Project
SCH#: 2019079022

Dear Ms. Clark:

The Department of Conservation, Division of Oil, Gas, and Geothermal Resources (Division) regulates oil and gas production facilities in addition to supervising the drilling, maintenance, and plugging and abandonment of oil, gas, and geothermal wells in California. All oil and gas well operations are subject to the Division's well permitting process, and all oil and gas operations must abide by any pertinent Division statute or regulation. The Division has received and reviewed the above referenced Initial Study and Mitigated Negative Declaration and submits the following evaluation.

The project is located in Fresno County, outside of any of the Division's oil field administrative boundaries. Division records indicate there is one known abandoned oil and gas well located within the proposed development boundaries. Please see the enclosed Well Review Report for additional information about this well.

The well may have had a mud pit/drilling sump associated with drilling operations. The Division recommends soil testing and remediation of any contamination found. Please see comment 8 in the enclosed Well Review Report.

According to Section 3208.1 (a) of the Public Resources Code (PRC), the supervisor or district deputy may order the reabandonment of any previously abandoned well if the supervisor or district deputy has reason to question the integrity of the previous abandonment. Depending on circumstances described in PRC 3208.1 (b) (1), (2), (3), and PRC 3208.1 (c), the landowner, developer, or project owner could be responsible for reabandonment operations.

The developer/project owner is required to consult with the Division prior to the commencement of any work to uncover a known abandoned well.

If during project operations, any unrecorded wells are encountered the project developer or property owner shall immediately notify the Division's Inland District office for consultation. Remedial plugging and abandonment operations may be required

Should you have any questions, please contact the Victor Medrano at (661) 326-4060 or via e-mail at Victor.Medrano@conservation.ca.gov

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rohit Sharma', with a stylized flourish extending from the end.

Rohit Sharma
Senior Oil and Gas Engineer for

Cameron D. Campbell
District Deputy, Inland District

From: [Jennifer Clark](#)
To: [Chris Mundhenk \(Chris.Mundhenk@ascentenvironmental.com\)](#); [SIPA](#)
Subject: FW: South Industrial Priority Area SP (SCH 2019079022)
Date: Monday, August 12, 2019 3:47:09 PM

From: Padilla, Dave@DOT [mailto:dave.padilla@dot.ca.gov]
Sent: Monday, August 12, 2019 1:43 PM
To: Jennifer Clark
Cc: state.clearinghouse (state.clearinghouse@opr.ca.gov)
Subject: South Industrial Priority Area SP (SCH 2019079022)

Hello Jennifer,

I realize this is outside the review window, however we have no comments to provide other than please include us during the scoping of the traffic impact study.

Thank you

DAVID PADILLA

Associate Transportation Planner

Caltrans

Office of Planning & Local Assistance

1352 W. Olive Avenue

Fresno, CA 93778-2616

Office: (559) 444-2493, Fax: (559) 445-5875



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 210-7815
E-Mail: Scott.Lichtig@doj.ca.gov

August 2, 2019

Jennifer Clark, Director
c/o Marty Sorge-Jauss, Executive Assistant
Development and Resource Management
2600 Fresno St., Room 3065
Fresno, CA 93721

RE: City of Fresno's South Industrial Priority Area Specific Plan

Dear Ms. Clark:

The Office of the Attorney General appreciates this opportunity to provide comments regarding the City of Fresno's preparation of its South Industrial Priority Area (SIPA) Specific Plan and the scope of the accompanying environmental analysis pursuant to the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq.¹ The City proposes to prioritize south Fresno for future additional industrial development in an effort to support the City's economic growth and fiscal sustainability. We recognize Fresno's efforts to attract good job opportunities for its residents and we appreciate the City's efforts to develop a comprehensive plan for the SIPA. Because the SIPA Specific Plan will serve as the "framework" for increased industrial development, it is critical that the Environmental Impact Report (EIR) fully evaluate the associated significant impacts on the public health and safety of Fresno's residents and the environment. We respectfully submit these comments for the City's consideration as it develops its EIR for the SIPA Specific Plan.

I. THE EIR MUST ACCOUNT FOR THE FACT THAT THE SIPA IS ALREADY ONE OF THE MOST HEAVILY POLLUTED AREAS IN CALIFORNIA

The SIPA contains and is adjacent to several communities already suffering from the highest pollution burdens in Fresno and indeed in the State. The SIPA Specific Plan anticipates substantially increasing industrial development in and around the same communities that have historically borne and continue to bear a disproportionate share of industrial pollution in Fresno. Though the several neighborhoods impacted by development of the SIPA are distinct, they share several common characteristics. For example, a significantly higher than average number of young children live in these communities. Children and pregnant mothers are more vulnerable to

¹ The Attorney General submits these comments pursuant to his independent power and duty to protect the environment and natural resources of the State. (See Cal. Const., art. V, § 13; Gov. Code, §§ 12511, 12600-12612; *D'Amico v. Bd. of Medical Examiners* (1974) 11 Cal.3d 1.)

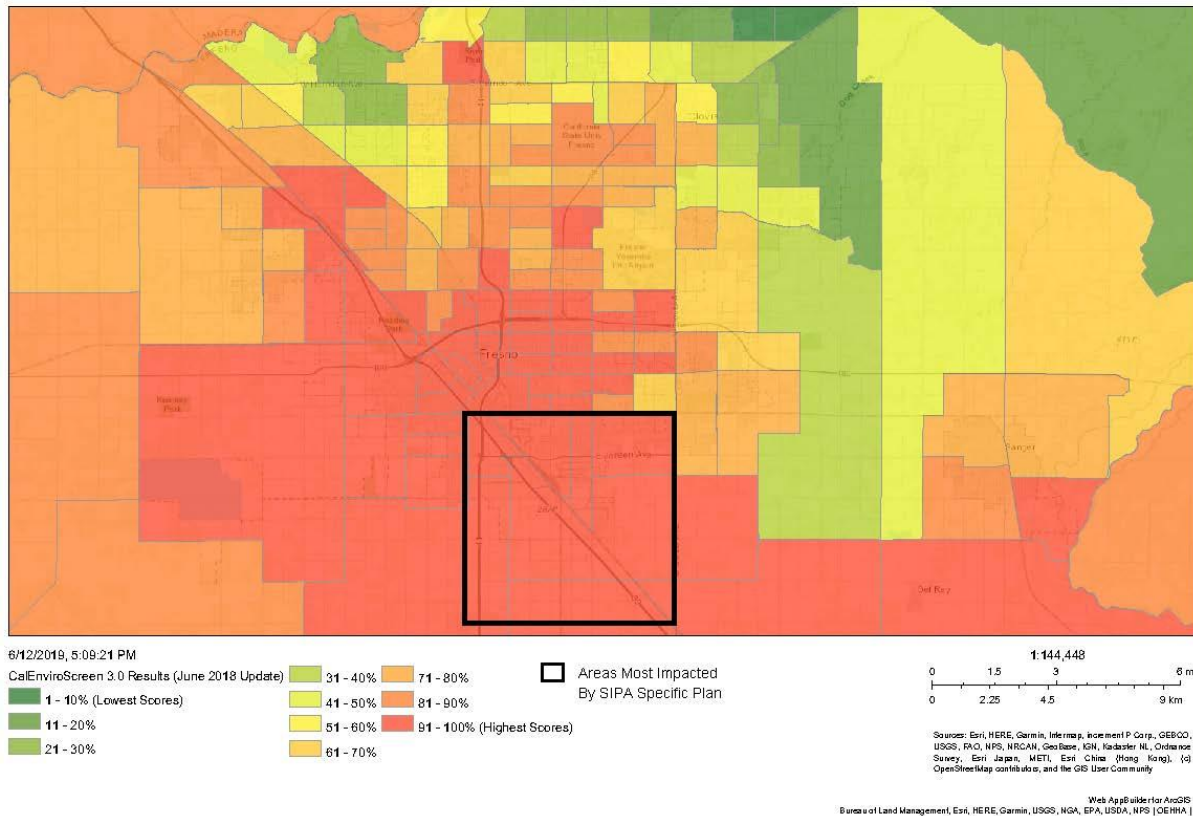
the health effects of exposure to pollution. They are also overwhelmingly low-income communities and communities of color.

<u>SIPA CalEnviroScreen Statistics²</u>					
Census Tract No.	Population	CalEnviroScreen Pollution Burden (%)	Population Children Under 10 (%) ^A	Population People of Color (%) ^B	Poverty Rate (%)
6019001100	3,174	100	19	96	97
6019001201	5,936	99	21	95	94
6019001202	4,756	100	23	97	98
6019001410	9,109	98	18	87	74
6019001500	2,206	100	15	79	90
6019001700	5,701	97	16	74	72
6019001800	4,615	98	15	68	64
^A The average census tract in California contains 13% children under 10 years of age.					
^B According to the 2010 census, Fresno's total population consists of approximately 50% people of color.					

According to the Office of Environmental Health Hazard Assessment's CalEnviroScreen 3.0 tool, which uses environmental, health, and socioeconomic information to produce scores and rank every census tract in the state, the census tracts that comprise the SIPA and its surrounding area are among the worst off in the state. Because of the extremely high amounts of pollution these vulnerable communities are already exposed to, it is critical that the SIPA Specific Plan EIR accurately disclose, analyze, and mitigate all the potential impacts, including cumulative impacts, of future development on these communities.

² Figures from CalEnviroScreen 3.0, available at <https://oehha.ca.gov/calenviroscreen>. A census tract with a high score is one that experiences a much higher pollution burden than a census tract with a low score. (Office of Environmental Health Hazard Assessment, CalEnviroScreen 3.0 Report (January 2017), available at <https://oehha.ca.gov/media/downloads/calenviroscreen/report/ces3report.pdf>.)

CalEnviroScreen 3.0 Results (June 2018 Update)



The SIPA Specific Plan EIR must consider the potential environmental impacts from increased industrial development on both the families living within the SIPA boundaries and those adjacent to the SIPA. Within the SIPA boundaries, communities already suffer the highest pollution burden in all of California, the 100th percentile. Along and around East Central Avenue between Highways 41 and 99 are several small communities such as Daleville and the Flamingo Mobil Home Lodge. Also in the boundaries of the SIPA is the Orange Center Elementary School, where over 300 low-income, largely minority students are enrolled. According to the California Department of Education, the Orange Center Elementary School enrollment consists of 96% students that qualify for free or reduced lunches and 46% English language learners.³ Down the street from the school is the Gurdwara Nanaksar Sahib, and the Fuerza del Calvario church is around the corner. These sensitive receptors are already exposed to levels of ozone in the 98th percentile and particulate matter smaller than 2.5 micrometers (PM_{2.5}) in the 97th percentile. PM_{2.5} is a particularly pernicious air pollutant that lodges deep into the lungs and is linked to several serious health impacts. Studies have linked increases in daily PM_{2.5} exposure, to which children and the elderly are most vulnerable, with increased respiratory and cardiovascular hospital admissions, emergency department visits, and deaths. Short-term health

³ See California Department of Education website:
<https://www.cde.ca.gov/sdprofile/details.aspx?cds=10623316007009>.

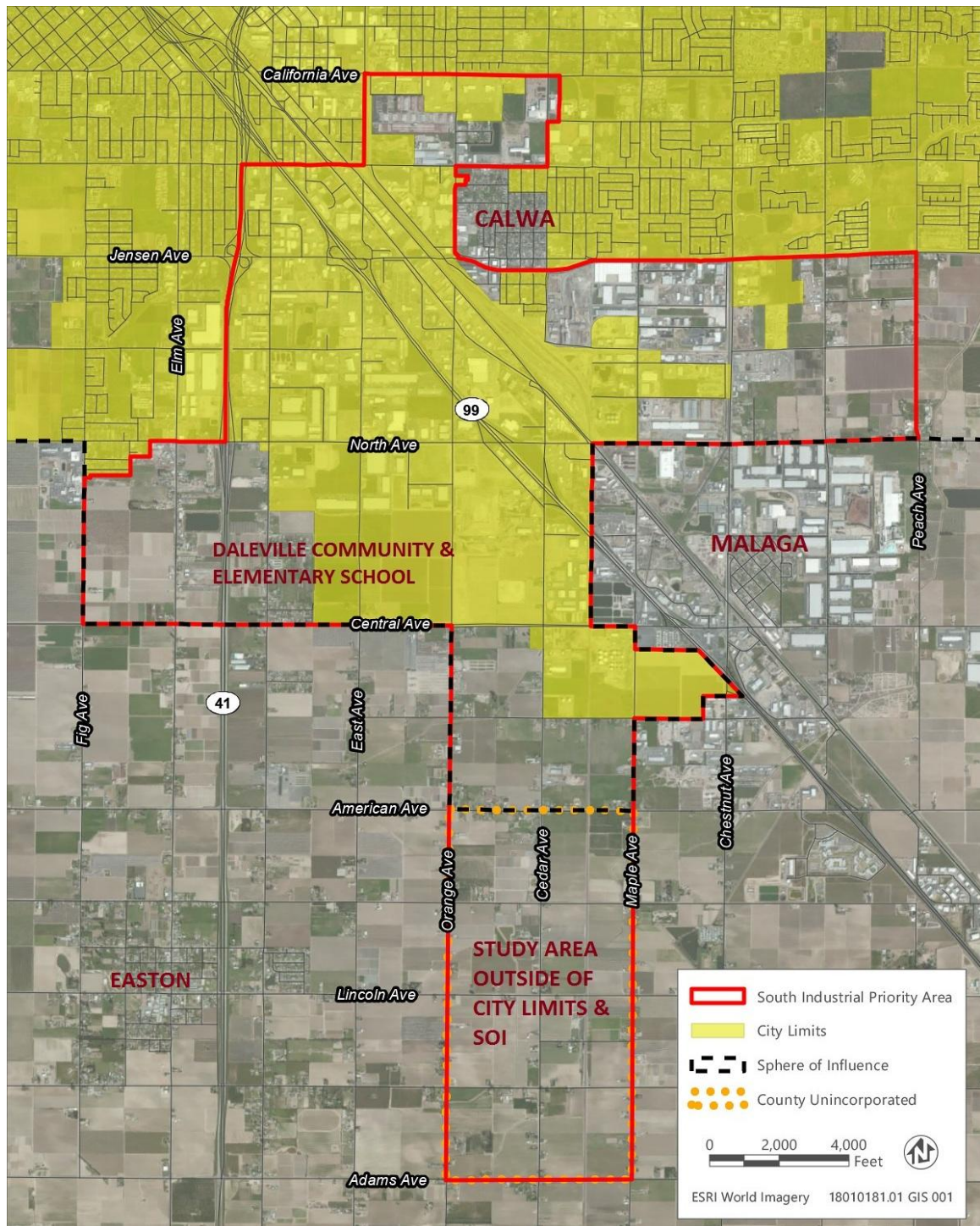
effects include eye, nose, throat and lung irritation, coughing, sneezing, runny nose and shortness of breath. Long term exposure to PM_{2.5} can also affect lung function and worsen medical conditions such as asthma and heart disease. Notably, this portion of the SIPA already suffers an asthma rate in the 90th percentile for California and a rate of cardiovascular disease in the 92nd percentile.

The SIPA Specific Plan EIR must also address the impact of planned industrial development on residential neighborhoods adjacent to the SIPA boundaries, including those that exist outside of City boundaries.⁴ The SIPA virtually encircles, but excludes, the large residential neighborhoods of Calwa and Malaga that sit just outside City lines. Calwa is an unincorporated community of approximately 6,000 residents already suffering a pollution burden in the 99th percentile, including exposure to ozone in the 99th percentile and PM_{2.5} in the 98th percentile.⁵ The community is largely populated by low-income households and includes over 95% people of color. CalEnviroScreen estimates that 21% of Calwa residents are children under the age of 10, over double the statewide average, and the neighborhood includes several schools, such as Calwa Elementary School, Balderas Elementary School, and Aynesworth Elementary School. Several churches and other houses of worship are located in parts of Calwa that will be impacted by increased industrial development. Malaga is similarly a community of several thousand residents already suffering from an extraordinarily high pollution burden in the 100th percentile. If the portion of the SIPA adjacent to Malaga is built out, the families living in that community will be encircled by industrial uses. Malaga also has a disproportionately high number of children and includes the Malaga Elementary School and Konkel Junior High School. The SIPA Specific Plan must disclose, analyze, and mitigate the Plan's impact on the communities' public health and safety and the environment both within the SIPA as well as in the adjacent unincorporated communities, Calwa and Malaga.⁶

⁴ According to the Specific Plan, the SIPA includes 3,360 acres of unincorporated Fresno County land, compared to only approximately 2,790 acres of City land. (SIPA Specific Plan at p. 7.)

⁵ Calwa consists largely of census tract 6019001201.

⁶ Depending on the nature of development planned for the Study Area, the EIR may need to analyze the potential impacts on Easton, another nearby unincorporated community to the west of the SIPA suffering a similarly high pollution burden in the 98th percentile.



II. THE PROJECT DESCRIPTION NEEDS TO BE CLARIFIED

A project description that adequately describes the action being taken is necessary to meet CEQA's central purposes of enhancing informed decision making and public participation.⁷ We request clarification regarding the Project Description provided within the City's Notice of Preparation (NOP), which indicates that the City intends to make no changes to existing land use plans or policies. Specifically, the City identifies the "Project" as the "previously adopted goals and policies" from several existing planning documents, including the 1992 Roosevelt Community Plan, the 2014 City of Fresno General Plan, and the 2017 Southwest Fresno Specific Plan. Indeed, the draft SIPA Specific Plan released in March consists mostly of policies copied from those already-in-place land use plans.⁸ The NOP further asserts that "no land use/zoning designation changes or specific development projects are currently proposed as part of this EIR." It appears from the information provided by the City that the SIPA Specific Plan is simply a combination of already-existing land use policies requiring no further action by the City to be applicable in the SIPA. Regardless of the City's ultimate approval or denial of this Specific Plan, it seems the same land use policies will be active. It is therefore not clear what discretionary action the City is taking in approving or denying the Specific Plan.

Relatedly, the Project Description is unclear as to the amount and type of development the City is considering in the SIPA Specific Plan. The NOP explains that the EIR will "evaluate potential impacts associated with development ... that may occur in the planning area through the year 2040." But the City has not provided a projection of the amount or type of development that the City expects, making it unclear as to the scope of the impacts the EIR will need to analyze. The City should provide a clear, detailed explanation of what it envisions to be "buildout" of the SIPA Specific Plan. Without this information, Fresno's decision makers and the public will not have the critical information necessary to understand the impacts of approving the SIPA Specific Plan.

Further, the City should provide additional information regarding the approximately 20% of the total SIPA located in the "Study Area" south of both City boundaries and the City's sphere of influence (SOI). The City's General Plan requires that the City not expand its SOI except "to allow for the siting of a maintenance yard for the California High Speed Train project and related industrial and employment priority areas."⁹ The City should provide additional information regarding the status of siting decisions related to High Speed Rail, in addition to defining what

⁷ See *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 C3d 553; *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 C3d 376; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730, *as modified* (Sept. 12, 1994) ["an accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity."]

⁸ The draft SIPA Specific Plan includes the 1973 "North-Avenue-Industrial-Triangle Specific Plan," but that plan is not identified as relevant in the NOP.

⁹ Fresno General Plan LU-1-g SOI Expansion.

type of industrial development qualifies as “related industrial and employment priority areas.” Further, the City should disclose the status of plans to annex this Study Area, including expanding Fresno’s SOI to include newly impacted areas.

III. THE EIR MUST ADDRESS THE SIPA SPECIFIC PLAN’S COMPLIANCE WITH AB 617

The SIPA Specific Plan EIR should address the Plan’s compliance with existing legal requirements, including AB 617’s air quality improvement requirements. The California Legislature passed AB 617 specifically to combat the State’s existing air quality inequities, in which historically disadvantaged communities still bear substantially higher pollution burdens than others.¹⁰ Pursuant to AB 617, the California Air Resources Board (CARB) analyzed communities throughout California and selected seven of the most impacted areas in which to prioritize emissions reductions to protect the public health and safety of local residents. Given its current status as one of the most heavily-polluted regions in the State, the area of south Fresno encompassing the SIPA and surrounding communities was unsurprisingly selected in the first year of AB 617 implementation. As such, the San Joaquin Valley Air Pollution Control District (SJVAPCD) is required by state law, in consultation with the City and community, to develop a plan that “shall result in emissions reductions in the community, based on monitoring or other data.”¹¹

The SJVAPCD is currently developing an emissions reduction plan for south Fresno and recently released the South Central Fresno Community Emissions Reduction Program (CERP). The South Central Fresno CERP proposes expenditures of tens of millions of dollars in public funds in order to reduce air pollutants in south Fresno.¹² In contrast, the City’s SIPA Specific Plan proposes substantially increasing industrial development in this same area, which is likely to greatly increase the very same air pollutants SJVAPCD is mandated to reduce. For example, a SJVAPCD proposal includes investing \$15 million to replace 150 heavy-duty diesel trucks in order to reduce nitrogen oxide (NO_x) and PM_{2.5}.¹³ Yet full buildout of the SIPA Specific Plan, particularly with the types of distribution warehouses most recently constructed, could bring thousands of additional heavy-duty trucks daily into the area, negating any reductions in NO_x and PM_{2.5} that the SJVAPCD hopes to achieve and likely exacerbating the already dire situation. Similarly, the SJVAPCD proposes investing \$7 million to deploy 50 new low-emission yard truck and transportation refrigeration units, while full buildout of the SIPA would add hundreds, if not thousands, of these types of vehicles to the area.¹⁴ While the SJVAPCD is working on a

¹⁰ Stats. 2017, ch. 136, § 8

¹¹ Health & Saf. Code § 44391.2, subd. (c)(5).

¹² See SJVAPCD Presentation on South Central Fresno Community Emissions Reduction Program Development dated July 24, 2019, available at: <http://community.valleyair.org/media/1334/scfresnocerpstrategypresentation-7-24-19-final.pdf>

¹³ *Id.* at p. 3.

¹⁴ *Id.* at p. 4.

plan to decrease emissions to protect the public health and safety of Fresno's residents, the City appears headed in the opposite direction, facilitating new industrial development that will likely exacerbate the existing extreme air pollution burden in this part of south Fresno. The City's EIR must account for how additional industrial development will comply with the existing legal requirement that emissions be reduced in this area.

IV. THE CITY MUST CONSIDER ALL FEASIBLE MITIGATION MEASURES

CEQA prohibits agencies from approving projects with significant environmental effects where there are feasible mitigation measures that would substantially lessen or avoid those effects. The lead agency is expected to develop mitigation in an open public process,¹⁵ and mitigation measures must be fully enforceable and cannot be deferred to a future time.¹⁶ To the extent the EIR finds significant environmental impacts – especially any affecting sensitive receptors – the City should consider robust mitigation measures to avoid or limit those impacts.

For example, possible air quality mitigation measures¹⁷ could include:

- Requiring buffer zones between industrial uses, including warehouses, and sensitive receptors;
- Ensuring that operations of diesel trucks or equipment on site are as far from sensitive receptors as possible;
- Limiting the size of the SIPA away from City and County residents and sensitive receptors;
- Limiting the maximum amount of industrial space, including warehouse space, that can be built in the SIPA;
- Limiting operation and construction days and times;
- Establishing and enforcing truck routes that avoid sensitive receptors;

¹⁵ *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 93.

¹⁶ CEQA Guidelines, § 15126.4.

¹⁷ For more in-depth information about potential air quality mitigation measures near high volume roadways, see CARB's Technical Advisory on the topic and, more generally, the CARB Handbook, which offers more mitigation ideas. Both are available at: <https://www.arb.ca.2:ov/ch/landuse.htm>. The mitigation measures included here are focused on air quality; however, additional mitigation measures may be necessary for traffic, noise, or other significant impacts.

- Requiring special consideration and mitigation for warehouses with cold storage capability, including requiring the use of zero-emission or all-electric, plug-in capable transport refrigeration units and electrical hookups at all loading docks;
- Establishing fleet requirements for warehouse tenants and carriers serving tenants, such as requiring the exclusive use of zero-emission delivery trucks and vans and requiring any Class 8 trucks entering the site use zero-emissions technology or meet CARB's lowest optional NOx emissions standard;
- Requiring installation of indoor air filtration at nearby schools and residences;
- Requiring installation of indoor air filtration and climate control at new warehouses to reduce-impacts on workers;
- Requiring electric vehicle charging infrastructure for both cars and trucks necessary to support zero-emission vehicles and equipment on site;
- Requiring and enforcing no idling policies;
- Requiring the use of electric-powered yard equipment onsite
- Requiring that all construction equipment meet Tier 4 emission standards;
- Constructing new or improved transit stops, sidewalks, bicycle lanes, crosswalks, and traffic control or traffic safety measures, such as speed bumps or speed limits;
- Improving vegetation and tree canopy for communities in and around the SIPA to avoid the "heat island effect;"
- Requiring methods to reduce employee vehicle traffic, such as van shuttles, transit and carpool incentives, and providing bicycle parking and facilities for employees;
- Requiring installation of solar panels with backup energy storage on each building roof area with a capacity that matches the maximum allowed for distributed solar connections to the grid; and
- Adhering to green building standards.

Mitigation measures like these are feasible and have been adopted by similar projects throughout California over the past several years. The Attorney General's Office would be happy to continue to provide any assistance it can as the City considers how best to mitigate the SIPA's environmental impacts.

V. FRESNO MUST ACCOUNT FOR THE FULL IMPACTS OF EACH PROJECT AS REQUIRED BY CEQA

We also use this opportunity to reiterate our Office's concern that the City has previously approved large-scale industrial projects in the SIPA in a manner that does not adequately disclose, analyze, and mitigate the projects' significant environmental impacts as required by CEQA. As mentioned above, one of CEQA's basic purposes is to accurately inform government decision makers and the public about a project's potential significant environmental impacts *before* the decision is made to approve the project. However, because the City has not analyzed the entirety of project impacts in previous environmental review documents, it has provided Fresno's public officials and residents with an inaccurate picture of the significant negative impacts created by recent large-scale industrial approvals.

In the past few years, Fresno has approved over 5 million square feet of industrial warehouse space along E. Central Avenue, and the City prepared no EIR for this massive increase in industrial development.¹⁸ According to the City's respective analyses, none of this industrial development, including the thousands of associated truck trips visiting these warehouses daily, had any significant environmental impacts on the surrounding community.¹⁹ When evaluating the impacts of a project, CEQA mandates the lead agency consider the "whole of the action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment."²⁰ However, to support its findings of no significant impacts for these large-scale industrial developments, the City incorrectly applied the applicable significance thresholds. Rather than considering the entirety of the approval, the City broke each "project" into pieces for applying the significance threshold, a practice commonly referred to as "piece-mealing." The use of such a "truncated project concept" that does not consider the entirety of the project and its foreseeable impacts violates CEQA and renders the ultimate approval legally deficient.²¹ The unfortunate result of such a practice is that the City's project approvals have created significant impacts on residents that remain undisclosed, unaccounted for, and unmitigated. These residents are now exposed to the impacts from a significant increase in new development and related heavy duty

¹⁸ See Fresno approvals of TPM-2012-06 (authorizing approx. 2.1 million sq. ft. of heavy industrial space); TPM-2015-06 (authorizing approx. 1 million sq. ft. of heavy industrial space); and D-16-109 (authorizing approx. 2.1 million sq. ft. of industrial space). Fresno's 2017 approval of D-16-109 was challenged in court as legally deficient for violating CEQA's requirement to adequately disclose, analyze, and mitigate the project's environmental impacts, a case in which this Office intervened on behalf of Petitioners. On January 17, 2019, the Fresno City Council voted unanimously to withdraw its prior project authorization.

¹⁹ As explained further below, the City's findings of no significant impact were based on an inaccurate accounting of, at minimum, these projects' air quality emissions.

²⁰ CEQA Guidelines section 15378(a).

²¹ *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730, *as modified* (Sept. 12, 1994).

diesel truck traffic, including substantial increases in diesel emissions, street noise and vibrations, nighttime light pollution, temperature increases from paving over and developing farmland (i.e., the “heat island effect”), and the consequent risks to their health and safety.

For example, in 2017, Fresno approved a project, Tentative Parcel Map TPM-2012-06, that authorized the development of a 122-acre parcel with several separate warehouses totaling approximately 2.1 million square feet of industrial space, anticipated by the City to attract approximately 14,000 daily vehicle trips. Nonetheless, the City concluded that the project would not have any significant environmental impacts, either individually or cumulatively, and accordingly analyzed the Project pursuant to a Mitigated Negative Declaration (MND), rather than an EIR, which requires a more thorough analysis and public process. Specifically, the City found that the project would not exceed the CEQA threshold of significance for NO_x, which SJVAPCD has set as 10 tons per year. However, in order to support this finding, the City applied the 10-ton NO_x threshold not to the entirety of the approved 2.1 million square foot warehouse project, but to each smaller, individual warehouse as it approved building permits pulled by the landowner. Thus, relying on the analysis from the City’s initial approval of the project, the City approved Permit D-16-145 for the first building at the site, an approximately 855,000 sq. ft. warehouse that is now an Amazon Fulfillment Center. The Amazon Fulfillment Center comprises less than half of the total 2.1 million square feet approved by the City through the original project. According to the City’s figures, that facility emits 14.9 tons of NO_x annually, and because it exceeded the SJVAPCD threshold, the City required that the developer pay into a fund to mitigate the 4.9 tons of NO_x it would emit above the threshold.²² With the 4.9 tons of NO_x mitigated, the Amazon Fulfillment Center adds 10 tons per year of NO_x to the environment.

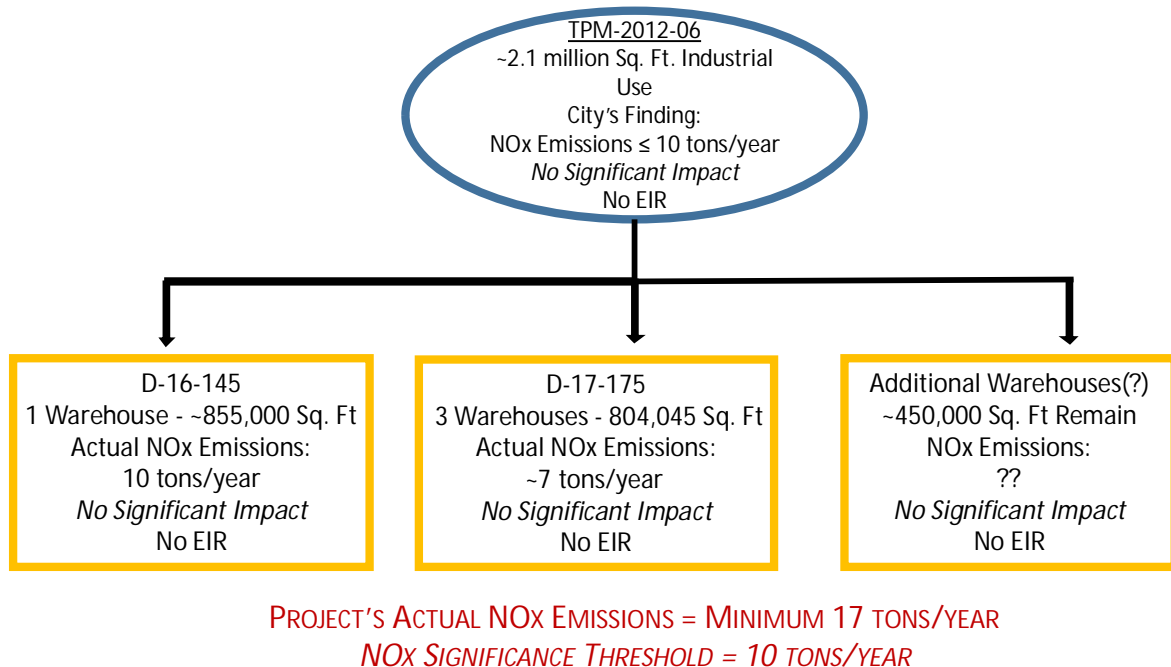
After issuing the Amazon building permit and permitting the associated 10 tons of annual NO_x, the City again relied on its earlier TPM-2012-06 project approval to authorize a second building permit, D-17-175. With this permit, the City allowed the construction of several additional buildings totaling 804,045 square feet of commercial space.²³ Despite the fact that the project originally approved through TPM-2012-06 was already emitting 10 tons of NO_x annually, and that any additional NO_x would surpass the 10-ton NO_x significance threshold and therefore have a significant impact pursuant to CEQA, the City applied a new 10-ton annual NO_x threshold of significance to the second permit, requiring no additional mitigation of the estimated seven tons of annual NO_x the new buildings would emit.²⁴ Even though the City

²² Despite our multiple requests for this information, we have not received confirmation from the City that the mandatory mitigation fee of \$456,211 was paid by Amazon. We request confirmation that the City has fully enforced its mitigation measure and collected the fee.

²³ The City released an Addendum to the MND for TPM-2012-06 for the approval of D-17-175 on January 16, 2018, without public review, asserting that D-17-175 would create no new significant environmental impacts not previously analyzed. However, the current status of D-17-175 is unclear, and the additional warehouses are not yet constructed.

²⁴ Estimation of NO_x emissions for D-17-175 based on Indirect Source Review application submitted to SJVAPCD for “North Pointe Business Park Buildings 25, 27, & 31”

originally found that the project as a whole would not have a significant impact because it would not exceed 10 tons of NOx annually, the building permits subsequently approved by the City will result in NOx emissions far greater than the significance threshold. Chopping a project into smaller pieces and double-counting the significance threshold in this manner is prohibited by CEQA because it fails to disclose and mitigate the full scope of the environmental impacts from a project's approval.



The City has pointed to addenda to the MND it produced, without public notice or review, for the subsequent approval of permits for these individual warehouses.²⁵ However, neither addendum the City produced identified any significant environmental impacts nor disclosed new information regarding the NOx emissions exceeding the SJVAPCD significance threshold. Absent public disclosure and adequate mitigation of the significant air quality impacts, the City's addenda fail to correct the CEQA violation. Ultimately, the result of the respective Project approvals is an increase in NOx that far exceeds the SJVAPCD's threshold of significance, without adequate disclosure or mitigation. Moving forward, authorization of industrial uses in

totaling 804,045 sq. ft. of "industrial warehouse buildings" dated November 20, 2017, and SJVAPCD's resulting "Off-site Emissions Estimator Worksheet."

²⁵ See Attachment A, E-mail from City Attorney's Office dated July 1, 2019; *see also* City's First Addendum to MND for TPM-2012-06 for the approval of D-16-145 dated December 5, 2016 and the City's Second Addendum to MND for TPM-2012-06 for the approval of D-17-175 dated January 16, 2018.

the SIPA must accurately account for the entirety of a project's impacts in compliance with CEQA.

VI. CONCLUSION

Thank you for the opportunity to provide these comments. While the Attorney General's Office fully supports Fresno's efforts to provide its residents with economic opportunity, we encourage the City to take seriously its obligation to adequately disclose, analyze, and mitigate the environmental and public health impacts of additional industrial development in one of the most heavily polluted areas in the State. We look forward to working with the City throughout this process to ensure an equitable future for all Fresno residents.

Sincerely,

SCOTT LICHTIG
Deputy Attorney General

For XAVIER BECERRA
Attorney General

ATTACHMENT A

From: [Talia Kolluri](#)
To: [Scott Lichtig](#)
Cc: [Douglas Sloan](#); [Katie Doerr](#); [Laurie Avedisian-Favini](#)
Subject: re VERA Calculations for TPM-2012-06 and Associated Projects
Date: Monday, July 01, 2019 3:10:57 PM
Importance: High

Scott,

Thank you for your patience while I worked with staff to answer your questions.

1. The first answer is pretty simple. Project Cougar (formally entitled as D-16-145) is expected to have annual NOx emissions of 14.9 tons annually, which is 4.9 over the threshold of 10 tons per year. Based on information available to me, ISR analysis assumes 10 years of a project life. So 4.9 tons per year produces 49 tons because of the 10 year multiplier.
2. As to your second question, you are correct, the City intends to tier from the MND for TPM-2012-06 (dated March 20, 2015) for development permits or other discretionary approvals that are within that footprint. And as we have discussed, CEQA encourages the use of tiering to discourage duplication of analysis and encourage efficiency. I have carefully reviewed the mitigation measures that apply to emissions thresholds, specifically AQ III in the project specific mitigation measures for the MND for TPM-2012-06. The two that are relevant state as follows:
 1. MM AQ III.1 "Individual projects to be developed within the limits of the proposed project will be subject to San Joaquin Valley Air pollution Control District Rules and regulations, including Rule 9510 (Indirect Source Review), Regulation VIII (Fugitive Dust Prohibitions), Rule 2201 (New and Modified Stationary Source Review; applying to any stationary/industrial equipment that emits regulated pollutants in amounts specified by the rule), Rule 4002 (National Emissions Standards for Hazardous Air Pollutants), Rule 4102 (Nuisance; applying to any operation that emits or may emit air contaminants or other materials), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations)."
 2. MMAQIII.2 "Development projects that exceed San Joaquin Valley Air Pollution Control District thresholds after accounting for Rule 9510 reductions to mitigate significant criteria pollutant impacts shall enter into Voluntary Emission Reduction Agreement (VERA) contracts with the SJVAPCD to purchase emission reduction obtained through projects funded under SJVAPCD grant and incentive programs."

The City and the Air District have both interpreted the plain language of the

mitigation measures to show the clear intent of the document to be that individual projects are each subject to ISR on their own instead of cumulatively reviewed pieces of the previous project (i.e. the Parcel map). The key language for these measures is that "individual projects" and "development projects" are identified as being subject to SJVAPCD rules including ISR. If there had been no further discretionary approvals after the parcel map, then the entire map would be subject to those rules as a single project. However, the subsequent discretionary projects are reviewed individually per the mitigation measures. As a practical matter, this means that each project's emissions are reviewed to determine whether or not they exceed the thresholds. This is the approach that was taken with D-16-145 and my understanding is the City will be applying that same interpretation of the mitigation measures for TPM-2012-06 consistently for discretionary approvals within the parcel map footprint. Also, based on information available to me, this is how the Air District interprets this set of mitigation measures as well as the application of ISR.

All this being said though, since we are in the midst of our process for the industrial specific plan, we would love your suggestions on how to refine similar mitigation measures for the specific plan EIR. If you have ideas for crafting language for these types of situations, please do send them my way and I'll circulate to the team.

Please let me know if I can answer any other questions in the meantime. Thank you very much.

Talia Kolluri
Supervising Deputy City Attorney
City of Fresno
(559) 621-7500 office
(559) 621-7531 office direct
talia.kolluri@fresno.gov

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From: Scott Lichtig <Scott.Lichtig@doj.ca.gov>

Sent: Monday, June 10, 2019 10:39 AM

To: Talia Kolluri

Subject: VERA Calculations for TPM-2012-06 and Associated Projects

Good Morning, Talia-

Hope you had a nice weekend. I appreciate the City's assistance over the past few weeks explaining the status of Fresno's ongoing permitting of industrial facilities in the Reverse Triangle. Having reviewed several documents provided, can we schedule a time this week to discuss two different issues regarding Fresno's permitting/mitigation process that I'm trying to better understand:

1. In it March 1, 2019, letter (attached), specifically the chart on p.5 for "Project Cougar (Amazon)" the City stated that the total annual NOx emissions after compliance with ISR for Project Cougar/Amazon will be 14.9 tons/year. But in the related Air Quality and Greenhouse Gas Analysis Report (also attached) submitted to the City by the operator's consultants (FirstCarbon Solutions), on p. 77 FirstCarbon states that the total annual mitigated NOx emissions for the project is expected to be 49.0 tons. I'm trying to understand the substantial discrepancy between these two figures. It's possible that I am misunderstanding the data, and I was hoping that you could explain how the City reached the 14.9 tons/year determination in light of the report's 49.0 NOx tons/year emission information contained in Section 5: Air Quality Impact Analysis (e.g, additional onsite mitigation, VERA, etc.).
2. Per our earlier conversation, it is my understanding that the City is in the process of permitting (through D-175-05) several additional warehouses by tiering off of the MND for TPM-2012-06, the Tentative Parcel Map environmental analysis based on which the City has also authorized the operational Amazon Fulfillment Center (D-16-145) (see attached Addenda). As you know, the City's MND for TPM-2012-06 determined that the "Project" being analyzed (up to 2,125,728 sq. ft. of construction) would not have any significant air quality impact because total project emissions would remain under the SJVAPCD's significance threshold of 10 tons of NOx per year. Given the operational Amazon Fulfillment Center and the associated impacts, which are already substantially greater than 10 tons NOx/year, I'd like to discuss how the City will process the pending additional industrial warehouse applications to ensure that the Project authorized by TPM-2012-06 remains, per the City's prior determination, under the 10 ton NOx significance threshold.

Thank you, and please feel free to invite anyone else that might need to participate in this call. My schedule is fairly flexible this week, let me know a time/date that works on your end, and I can make myself available (except Thursday morning, which I know is City Council day).

Sincerely,

Scott J. Lichtig

Deputy Attorney General | Environment Section
California Department of Justice

1300 I Street, 15th Floor | Sacramento, CA 95814
Phone: 916.210.7815

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Table 10 (cont.): Mitigated Construction Air Pollutant Emissions Table (2017–2018)

Year	Emissions (tons per year)				
	ROG	NO _x	CO	PM ₁₀	PM _{2.5}
Maximum Annual Construction Emissions	3.6	9.9	6.0	0.8	0.4
Significance threshold (tons/year)	10	10	100	15	15
Exceed threshold—significant impact?	No	No	No	No	No
Notes: PM ₁₀ and PM _{2.5} emissions are from the mitigated output to reflect compliance with Regulation VIII—Fugitive PM ₁₀ Prohibitions. ROG = reactive organic gases NO _x = oxides of nitrogen; CO = carbon monoxide; PM ₁₀ = particulate matter with aerodynamic diameter less than 10 microns; PM _{2.5} = particulate matter with aerodynamic diameter less than 2.5 microns. Source: CalEEMod output (Appendix A).					

As shown in Table 10, after implementation of mitigation, construction-related NO_x emissions would be below the SJVAPCD's significance threshold. Therefore, with mitigation, the project's construction-related emissions would be less than significant on a project basis.

Operational Emissions

Operational emissions occur over the lifetime of the project and are from two main sources: area sources and motor vehicles, or mobile sources. Construction is scheduled to be completed in a single phase. Operations were modeled for the earliest year the project is expected to become operational in 2018. The SJVAPCD considers construction and operational emissions separately when making significance determinations.

For assumptions in estimating the emissions, please refer to Section 4, Modeling Parameters and Assumptions. The emissions modeling results for project operation are summarized in Table 11. As shown in Table 11, long-term operational NO_x emissions would exceed SJVAPCD's threshold of significance, and, therefore, operational emissions are considered a significant impact.

Table 11: Unmitigated Operational Air Pollutant Emissions (2018)

Source	Emissions (tons per year)				
	ROG	NO _x	CO	PM ₁₀	PM _{2.5}
Area	4.4	<0.1	<0.1	<0.1	<0.1
Energy	0.1	0.8	0.7	0.1	0.1
Non-Peak Passenger Mobile	1.5	2.1	19.3	4.6	1.2
Passenger Peak Mobile	0.6	0.9	8.2	1.9	0.5
Trucks Mobile Non-Peak	1.2	35.4	5.3	2.7	0.9
Trucks Mobile Peak	0.3	9.9	1.5	0.8	0.3

Table 11 (cont.): Unmitigated Operational Air Pollutant Emissions (2018)

Source	Emissions (tons per year)				
	ROG	NO _x	CO	PM ₁₀	PM _{2.5}
Total	8.1	49.1	35.0	10.0	3.0
Significance threshold	10	10	100	15	15
Exceed threshold—significant impact?	No	Yes	No	No	No
<p>Notes:</p> <p>ROG = reactive organic gases; NO_x = oxides of nitrogen; CO = carbon monoxide; PM₁₀ = particulate matter with aerodynamic diameter less than 10 microns; PM_{2.5} = particulate matter with aerodynamic diameter less than 2.5 microns.</p> <p>Area source emissions include emissions from natural gas, landscape, and painting.</p> <p>Source: CalEEMod output (Appendix A).</p>					

As shown in Table 11, operational NO_x emissions would exceed SJVAPCD's threshold of significance. Mitigation Measures AIR-2e to AIR-2g are recommended since part of this analysis to reduce long-term operational emissions to a less than significant level. Although all of the measures recommended in MM AIR-2e to AIR-2g would help reduce operational emissions, at the time of this analysis, the precise emission reductions associated with each measure cannot be accurately determined because of a lack of sufficient information about how the project would operate and to what extent the measures would affect those activities. Therefore, when possible, emission reductions associated with MM AIR-2e to AIR-2g were quantified; however, it should be noted the full emission reduction potential is not reflected in the mitigated long-term operational emissions shown in Table 12.

Table 12: Mitigated Operational Air Pollutant Emissions (2018)

Source	Emissions (tons per year)				
	ROG	NO _x	CO	PM ₁₀	PM _{2.5}
Area	4.4	<0.1	<0.1	<0.1	<0.1
Energy	0.1	0.8	0.7	0.1	0.1
Non-Peak Passenger Mobile	1.4	2.0	18.3	4.3	1.1
Passenger Peak Mobile	0.6	0.8	7.7	1.8	0.5
Trucks Mobile Non-Peak	1.2	35.4	5.3	2.7	0.9
Trucks Mobile Peak	0.3	9.9	1.5	0.8	0.3
Total	8.1	49.0	33.6	9.6	2.9
Significance threshold	10	10	100	15	15
Exceed threshold—significant impact?	No	Yes	No	No	No

Table 12 (cont.): Mitigated Operational Air Pollutant Emissions (2018)

Source	Emissions (tons per year)				
	ROG	NO _x	CO	PM ₁₀	PM _{2.5}
<p>Notes:</p> <p>ROG = reactive organic gases NO_x = oxides of nitrogen; CO = carbon monoxide; PM₁₀ = particulate matter with aerodynamic diameter less than 10 microns; PM_{2.5} = particulate matter with aerodynamic diameter less than 2.5 microns.</p> <p>Area source emissions include emissions from natural gas, landscape, and painting.</p> <p>Source: CalEEMod output (Appendix A).</p>					

As shown in Table 12, even with the implementation of mitigation measures, the project's long-term operational NO_x emissions would continue to exceed SJVAPCD's threshold of significance. Therefore, operational NO_x emissions would be considered a significant and unavoidable impact. This finding is consistent with the findings presented in the Fresno General Plan Master EIR. The MEIR concluded that the development within the Planning Area will result in increases in annual emissions that exceed SJVAPCD significant thresholds for all nonattainment pollutants for both construction- and operation- related emissions. As discussed in the Fresno General Plan MEIR, the growth in emissions is accounted for in SJVAPCD attainment plans and total emissions will decline even accounting for growth.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

- MM AIR-2a** All offroad construction equipment in excess of 50 horsepower shall be equipped with engines meeting the EPA Tier III offroad engine emission standards.
- MM AIR-2b** During construction, all equipment shall be maintained in good operation condition so as to reduce emissions. The construction contractor shall ensure that all construction equipment is being properly serviced and maintained in accordance with the manufacturer's specification. Maintenance records compliant with SJVAPCD Rule 9510 shall be available at the construction site for City verification and submitted to the District within 30 days of completing construction for each project phase. Construction equipment records shall comply and include all required information (e.g., total hours per equipment type, equipment model year and horsepower) detailed in SJVAPCD's *Detailed Fleet Template* (SJVAPCD 2009c).
- MM AIR-2c** The following measures shall be applied to all projects during construction of the project:
- Adhere to the provisions of SJVAPCD Rule 4601
 - Use paints with a volatile organic compound (VOC) that average to 65 grams per liter for both interior and exterior coatings.



July 30, 2019

VIA EMAIL: SIPA@FRESNO.GOV

Ms. Jennifer Clark, Planning Director
c/o Marty-Sorge-Jauss, Executive Assistant
Development and Resource Management
2600 Fresno Street, Room 3065
Fresno, CA 93721

Dear Ms. Clark:

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE
PROPOSED SOUTH INDUSTRIAL PRIORITY AREA SPECIFIC PLAN PROJECT,
SCH# 2019079022

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation for the proposed South Industrial Priority Area Specific Plan Project (Project). The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description

The City of Fresno is preparing the South Industrial Priority Area Specific Plan to facilitate opportunities for economic growth, job creation, and promote development of underutilized lands within the planning area. The proposed project would establish a planning framework to facilitate and guide future development within the 6,150-acre planning area through the year 2040.

The approximately 6,150-acre planning area, located in the southern portion of the City, is largely comprised of land within the City limits. However, the planning area also includes land within the City's Sphere of Influence (SOI) to the north, east, and west, and (as an option) land outside of the City's SOI to the south.

Department Comments

The Department recommends the following discussion under the Agricultural Resources section of the Environmental Impact Report:

- 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 measure for all impacted agricultural lands within the proposed project area.

Although direct conversion of agricultural land is often an unavoidable impact under CEQA analysis, mitigation measures must be considered. In some cases, the argument is made that mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by the project, and therefore, mitigation is not required. However, reduction to a level below significance is not a criterion for mitigation under CEQA. Rather, the criterion is feasible mitigation that lessens a project's impacts.

All mitigation measures that are potentially feasible should be considered. A measure brought to the attention of the Lead Agency should not be left out unless it is infeasible based on its elements. The Department suggests that the City consider the adoption of an agricultural land mitigation program that will effectively mitigate the conversion of agricultural land.

Agricultural Mitigation Program

Agricultural conservation easements are an available mitigation tool that the City should consider. The Department highlights easements as a mitigation tool because of their acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because they follow an established rationale similar to that of wildlife habitat mitigation.

Programs that establish agricultural conservation easements and in-lieu fees for mitigation banking are most effective at conserving comparable quality agricultural land when the easement requirements or fees are determined concurrent with project approval. Should significant time elapse between initial approval and the applicant's receipt of a building or grading permit, conflict may arise over the agricultural quality or value of the land being converted.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: 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 conservation 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 source that has proven helpful for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

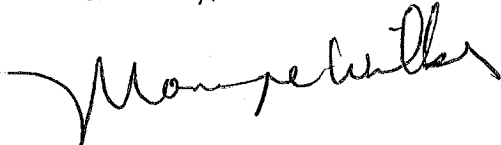
<https://www.calandtrusts.org/resources/conserving-californias-harvest/>

Another source is the Division's California Farmland Conservancy Program (CFCP), which has participated in bringing about conservation easements throughout the State of California involving many California land trusts. Any other feasible mitigation measures should also be considered.

Conclusion

Thank you for giving us the opportunity to comment on the Notice of Preparation of an Environmental Impact Report for the proposed South Industrial Priority 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, Environmental Planner at (916) 324-7347 or via email at Farl.Grundy@conservation.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Monique Wilber', with a stylized, flowing script.

Monique Wilber
Conservation Program Support Supervisor

From: [Theodore Semonious](#)
To: [SIPA](#)
Cc: [Jennifer Clark](#); [Marty Sorge-Jauss](#)
Subject: Response to SIPA Notice of Preparation
Date: Wednesday, July 17, 2019 12:12:39 PM
Attachments: [image001.png](#)

The Fresno Fire Department (FFD) received the Notice of Preparation for the South Industrial Priority Area Specific Plan (SIPA) and submits the following comments.

The area designated by the SIPA includes areas outside the Fresno city limit and beyond the city of Fresno Sphere of Influence. Areas of development south of Central Avenue will not have adequate public safety service from the Fire Department. The area within SIPA and south of Central are outside a three mile service area of a FFD fire station. The Fresno municipal code prohibits the commercial and industrial development beyond three miles driving distance from a city fire station. In addition to the FMC requirement the Department has adopted the NFPA 1710 standard of less than 4 minute travel time to incidents.

Additional development without construction of a permanent fire station and appropriate staffing resources will result in delayed response times to emergencies. To mitigate this deficiency the department recommends the construction of at least one fire station in the SIPA identified area. The first area identified for a fire station to serve current and future industrial projects would be in the area of North Ave. and Highway 99.

Current funding for fire station construction comes from fire impact fees paid for through new construction of residential, commercial and industrial properties; however there may not currently be sufficient impact fees to support construction. Other opportunities to assist the funding construction of a new station may be in the form of developer financing or creation of a community facilities district.

If further information regarding the public safety needs as they pertain to the fire department please feel free to contact me.

Ted Semonious
Deputy Chief
Fire Prevention and Technical Services Division
[Fresno Fire Department](#)
[559 908 9712 cell](#)
559 621 4101 office





DEPARTMENT OF TRANSPORTATION

DATE: August 6, 2019

TO: JENNIFER CLARK, Director
Department of Planning and Development

FROM: GREGORY A. BARFIELD, Director
Department of Transportation



SUBJECT: ENVIRONMENTAL IMPACT REPORT FOR SOUTH INDUSTRIAL
PRIORITY AREA (SIPA) SPECIFIC PLAN

The Department of Transportation/FAX received the copy of the Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for the South Industrial Priority Area (SIPA) Specific Plan. FAX commends the Planning and Development Department for undertaking the effort to consolidate the adopted goals and policies of multiple planning efforts into one unified plan that will provide policy direction for the South Industrial Priority Area for years to come.

While the SIPA Specific Plan includes several goals related to transportation and public transit, it does not alter the area's long-term planned land uses or zoning designations, which will predominantly remain centered around low density office, industrial, and business park land uses, with low Floor Area Ratios. The Specific Plan envisions this area as an employment hub, promoting economic opportunities for city of Fresno residents. An accessible and well-connected transportation network is a critical component of the area's ability to flourish.

Given challenges associated with implementing transit in low-density, campus-style employment settings, FAX requests the EIR include a coordinated analysis of transportation alternatives, as well as consideration of potential mitigation measures, to help fund transit operations should the EIR determine transit is a feasible component of the long-term transportation network.

In providing transit service, FAX must continually balance the competing needs of productivity and coverage, meaning the performance of its existing transit routes versus service expansions to new and developing areas that are not within proximity of existing services. Ongoing fiscal constraints must be taken into consideration when evaluating the financial sustainability of operating new transit services. In short, unless new and sustainable sources of funding are identified, FAX is often required to remove or reduce service from existing areas to add new transit service to other areas. FAX is looking forward to better understanding the environmental impacts of the planned land uses on transportation, traffic congestion, and air quality, as well as the proposed mitigation measures that will support the operation of the most effective transportation network.

NATIVE AMERICAN HERITAGE COMMISSION
Cultural and Environmental Department

1550 Harbor Blvd., Suite 100

West Sacramento, CA 95691 Phone (916) 373-3710

Email: nahc@nahc.ca.govWebsite: <http://www.nahc.ca.gov>

Twitter: @CA_NAHC



July 23, 2019

Jennifer Clark
City of Fresno
2600 Fresno Street
Fresno, CA 93721

RE: SCH# 2019079022 South Industrial Priority Area Specific Plan Project, Fresno County

Dear Ms. Clark:

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: Gayle.Totton@nahc.ca.gov.

Sincerely,



for

Gayle Totton

Associate Governmental Program Analyst

cc: State Clearinghouse



Fresno Metropolitan Flood Control District
Capturing Stormwater since 1956

File 420.215

August 6, 2019

Jennifer Clark, Director
c/o Marty Sorge-Jauss, Executive Assistant
City of Fresno, Development and Resources Management Department
2600 Fresno Street, Room 3065
Fresno, CA 93721

Dear Jennifer,

FMFCD Comments on the City of Fresno Notice of Preparation of an Environmental Impact Report for the South Industrial Priority Area Specific Plan Project

General Comments

This letter is in response to the City's request for comments regarding the Notice of Preparation of an Environmental Impact Report for the South Industrial Priority Area Specific Plan Project. Fresno Metropolitan Flood Control District (FMFCD) bears responsibility for storm water management within the Fresno-Clovis metropolitan area, including the area within the Plan boundary. Within this area, the community has developed and adopted Storm Drainage and Flood Control Master Plans as shown in the attached Exhibit Nos. 1 and 2. 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.

The grading of proposed development within the Plan area shall be designed such that there are not adverse impacts to the passage of said major storm through that development. Additionally, the development shall provide any surface flowage easements or covenants for any portions of the development 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.

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Jennifer Clark, Director
City of Fresno
Development and Resources Management Department
August 6, 2019
Page 2 of 6

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 Master Plan.

Storm drain easements 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.

Permanent drainage service is available in those areas where Master Plan facilities exist provided the developer can verify to the satisfaction of the City and FMFCD that runoff can be safely conveyed to existing the 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 FMFCD be contacted 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 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 development total less than the fee of said area, the difference shall be paid upon demand to the City or FMFCD.

Within the Plan area there are certain flood prone areas as designated on the most current official Flood Insurance Rate Maps. It is responsibility of the developer to review and verify the information at the time of the development proposal. The official Flood Insurance Rate 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.

Jennifer Clark, Director
City of Fresno
Development and Resources Management Department
August 6, 2019
Page 3 of 6

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. Contact FMFCD's Environmental Department for further information regarding these policies related to industrial site requirements.

Specific Comments to the South Industrial Priority Area Specific Plan

These comments are Specific to the South Industrial Priority Area Specific Plan report "Initiated March 2019". For the purposes in this report, the "flood control district" should be referred to as the Fresno Metropolitan Flood Control District or FMFCD.

The portion of this plan area south of American Avenue is located outside of the FMFCD. Should the City of Fresno require urban drainage service and flood protection from the FMFCD, FMFCD staff is willing to meet with City Staff and/or Council to discuss the feasibility and requirements necessary to provide such service and bring this to our Board for consideration.

In general, there has been significant progress on acquiring the master planned basin facilities and the construction of the pipeline collection and conveyance system. However, there are still some remaining drainage facilities that need to be constructed. See the attached "Exhibit No. 1" to view the current Storm Drainage Master Plan Map, and "Exhibit No. 2" for more specific existing and future FMFCD pipeline facilities. This map may be used as a reference to show the existing, proposed and in-design or construction of the master planned drainage facilities. The drainage plans are continually evolving and being updated. Check with the FMFCD for the most current status of the master planned facilities. For a digital copy (GIS) of our facilities, please contact Rick Hara, Engineer Services Manager at (559) 456-3292 or via email at Rickh@fresnofloodcontrol.org

Jennifer Clark, Director
City of Fresno
Development and Resources Management Department
August 6, 2019
Page 4 of 6

Page 70 –

T-13.3, “Work with FMFCD to reduce or waive development impact fees if LID development is implemented onsite”

Should be changed to “FMFCD to collect drainage and development fees consistent with the current FMFCD Drainage Fee Ordinance at the time of any development entitlement.

Page 93 - In paragraph three under Flood Control:

“However, as an interim measure, flood control may have to be handled on a temporary basis for each lot developed until the proposed drainage basins are put into operation”.

Should be changed to “As an interim measure, urban drainage may have to be handled on a temporary basis for each lot developed until the proposed permanent downstream drainage facilities are in place”.

“It is recognized that the development of temporary on-site drainage facilities by the developer represents a double payment for flood control service, a condition that the City and flood control district is attempting to prevent”.

This sentence should be removed.

Page 112 - Flood Control Map

This Map is out dated and does not accurately depict the current status of the Master Planned drainage facilities. It should be removed and replaced with the included attachment “Exhibit Nos. 1 and 2”.

Page 113 –

The general flood control discussion should be replace and revised to the following: “The FMFCD has developed and adopted storm drainage master plans for a portion of the plan area. In general, the adopted plans do not cover the plan area south of American Avenue, the limit of the FMFCD boundary. Should the City require urban drainage service from the FMFCD, FMFCD will need to

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Jennifer Clark, Director
City of Fresno
Development and Resources Management Department
August 6, 2019
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expand its boundary to include the entire plan area. All basins north of American Avenue and within the plan boundary have been acquired by the FMFCD (with the exception of Basin “AV” which the purchase is currently being negotiated with the property owner for acquisition now) and portions of the pipeline collection systems have been constructed. See the attached Exhibit No. 2 for the latest drainage system status. In order to provide for permanent drainage service, the downstream drainage facilities must be in place or it is recommended that a temporary on-site ponding basin be required”.

Pages 113, 120, 121, 122 and 123 -

The FMFCD has acquired the Master Planned basin facilities that serve the South Industrial Priority Area north of American Avenue (except Basin “AV”). Should the City desire urban drainage service and flood control south of American Avenue, the FMFCD would need to annex this area into its service area. In addition, portions of the Master Planned pipeline collection system have been constructed (see Exhibit No. 2). Basins “LL”, “AW1” and “AW2” are acquired basin facilities. However, all of the improvements for these basin facilities have not been completed. Should the City desire the completion of certain components of the Master Planned storm drainage system, FMFCD staff is willing to meet to discuss, prioritize and coordinate our efforts (contact Peter Sanchez, District Engineer at (559) 456-3292 or via email at peters@fresnofloodcontrol.org).

Page 120 - Phase I Capital Improvement Program North Avenue Industrial Triangle.
Flood Control –District LL Drainage Basin

The call out on the Phase I Capital Improvement Program table for the Flood Control – District LL Drainage Program should be revised. Property for the basin “LL” facility has been acquired. Some but not all of the necessary improvements have been constructed in order to make this facility fully functional (see Exhibit No. 2).

Page 121 – Phasing Schedule - Phase I: Public Effort

Under the Flood Control heading, bullet point item “Acquire Drainage Basin LL” should be deleted.

Page 122 Phase II: Combined Public and Private Effort

Jennifer Clark, Director
City of Fresno
Development and Resources Management Department
August 6, 2019
Page 6 of 6

Under the Flood Control heading, the fourth bullet point item "Install storm drain line on Annadale Avenue in coordination with development of Drainage Basin KK" should be deleted. All of the Master Planned storm drain pipe in Annadale Avenue within this plan area has either been constructed, is in-design and/or is being constructed. There are three Master Planned inlets that need to be constructed along Annadale Avenue to complete this portion of the public drainage system.

Page 123 Phase III Future Actions

Under the Flood Control heading, the first bullet point item "Acquire and excavate Drainage Basins AW-land AW-2" should be revised to "Complete excavation, interior pipe, outfalls and pump station for Basins AW1 and AW2".

The FMFCD would like to state, that in general, areas where no drainage facilities have been constructed, the drainage plans can be revised to accommodate new land uses and pipe alignments that respect the City's South Industrial Priority Area Specific Plan Project. For areas that have existing drainage facilities, changing to land uses that generate more runoff than originally planned as proposed by the South Industrial Priority Area Specific Plan Project, some type of mitigation, such as parallel pipes, to accommodate the increased flow and/or on-site retention or expansion of the basin facility to accommodate increased runoff volume may be required. However, this would be a minor deviation as most all areas within the specific plan and within the inclusive FMFCD Drainage Areas as shown on "Exhibit Nos. 1 and 2" have already been planned for Heavy Industrial uses.

Thank you for your consideration of these comments and for allowing us to be a part of the South Industrial Priority Area Specific Plan Project process. We continue to look forward to working with you and the City of Fresno on this project.

Very truly yours,


Wendell Lum
Master Plan Special Projects Manager

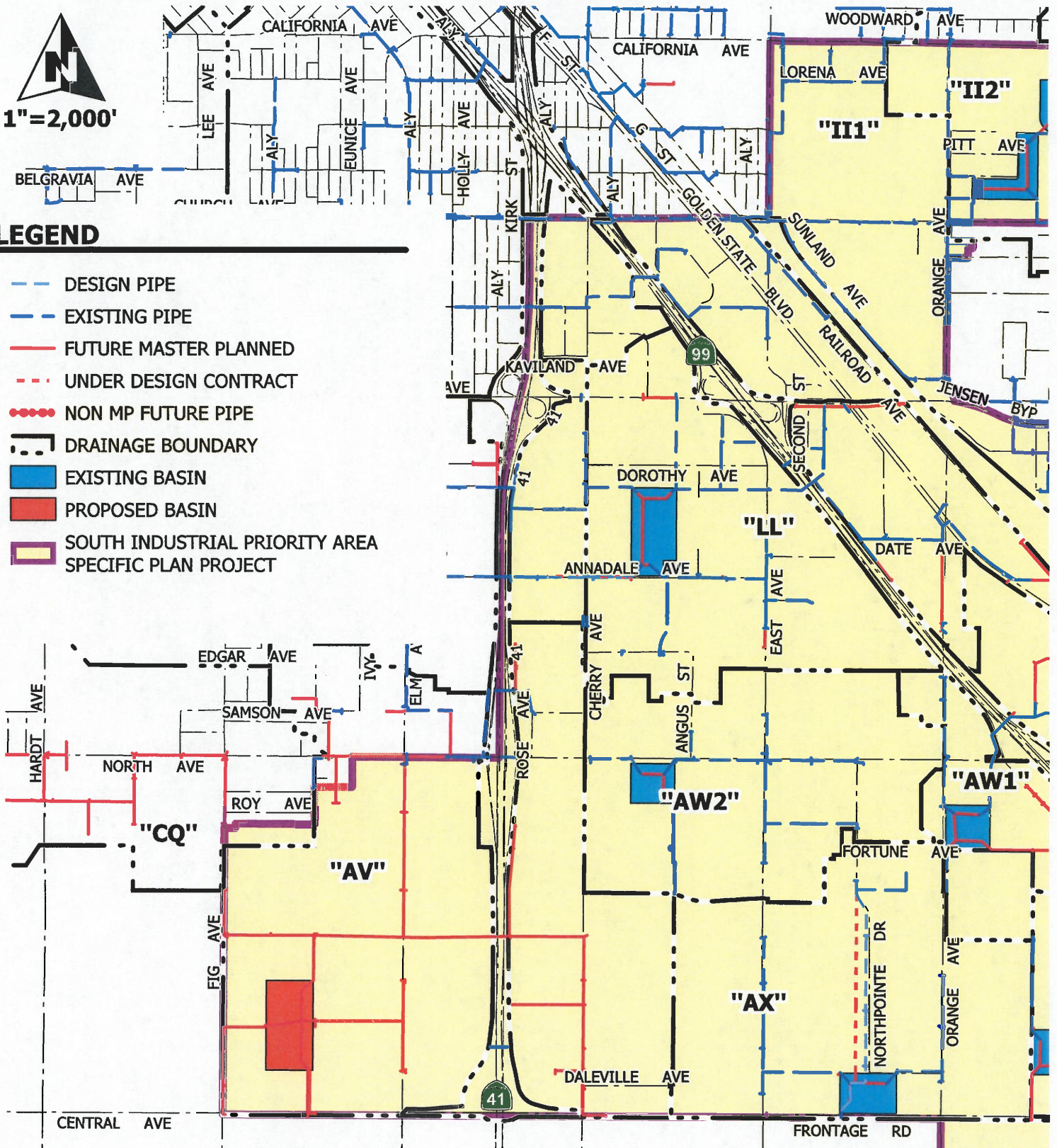
WL/lrl

Attachments

1"=2,000'

LEGEND

- DESIGN PIPE
- EXISTING PIPE
- FUTURE MASTER PLANNED
- - - UNDER DESIGN CONTRACT
- NON MP FUTURE PIPE
- DRAINAGE BOUNDARY
- EXISTING BASIN
- PROPOSED BASIN
- SOUTH INDUSTRIAL PRIORITY AREA
- SPECIFIC PLAN PROJECT



**FMFCD Existing and
Planned Facilities**

**Exhibit No. 2
Page 1**

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT



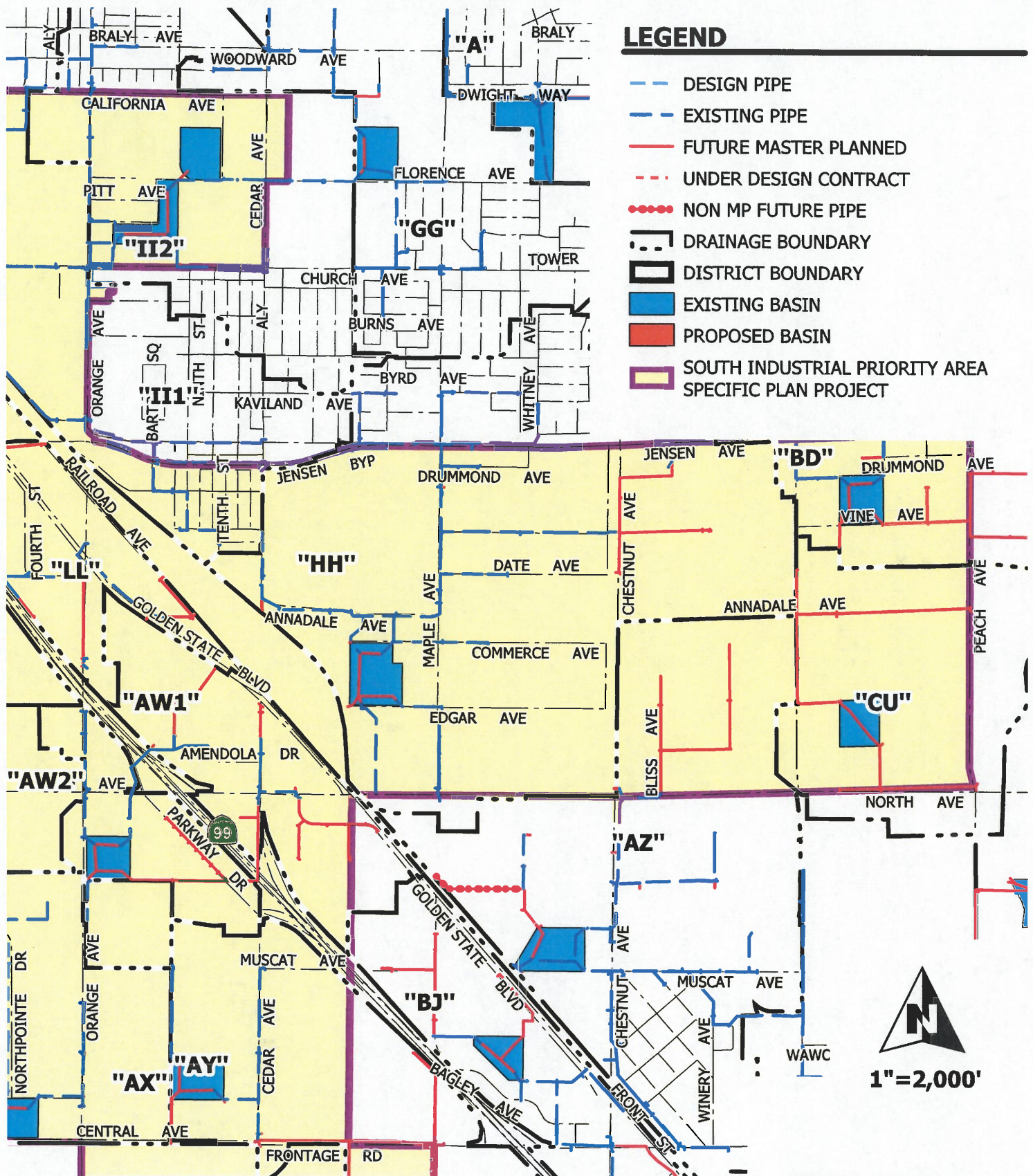
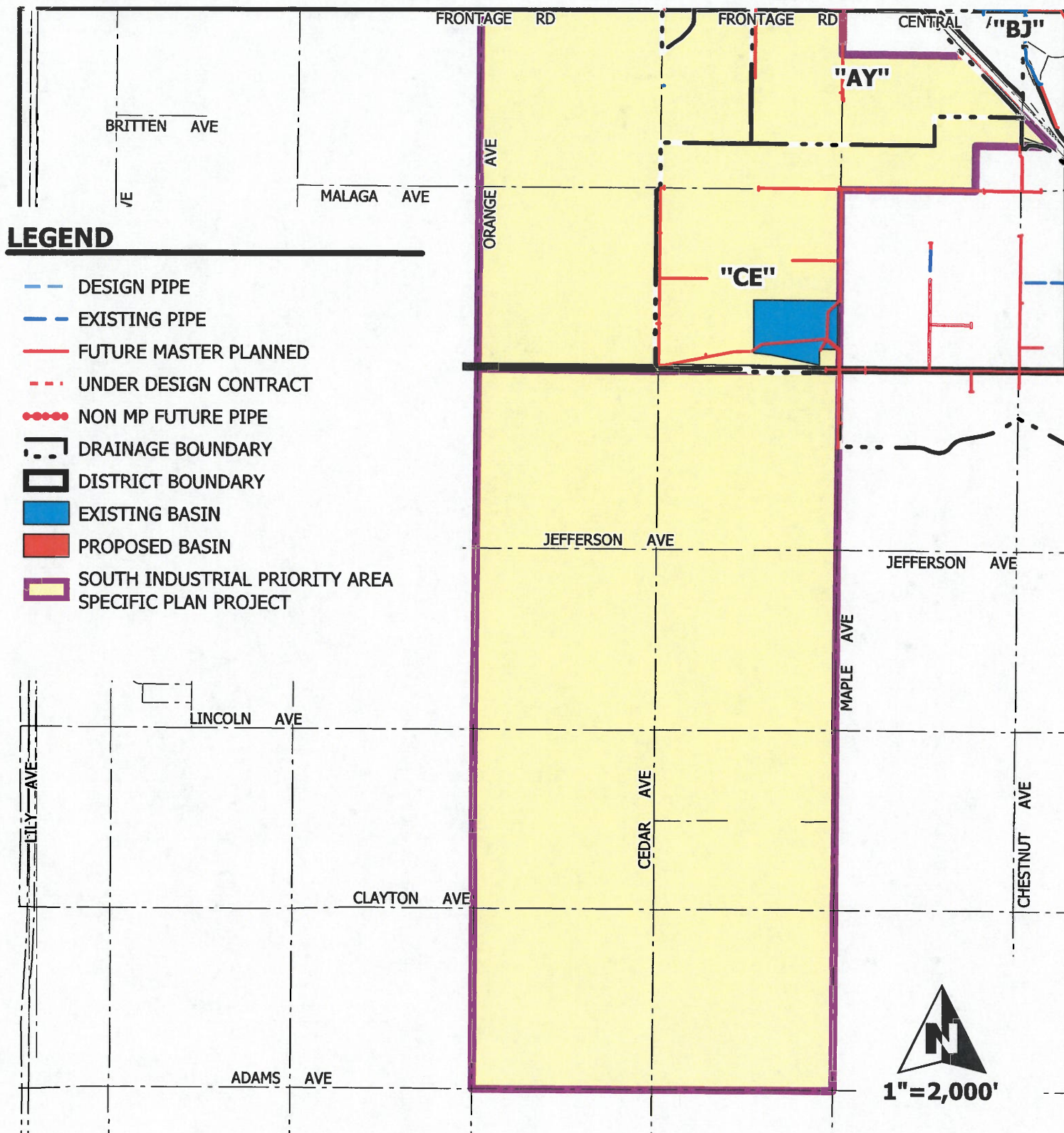


Exhibit No. 2
Page 2

FMFCD Existing and
Planned Facilities



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

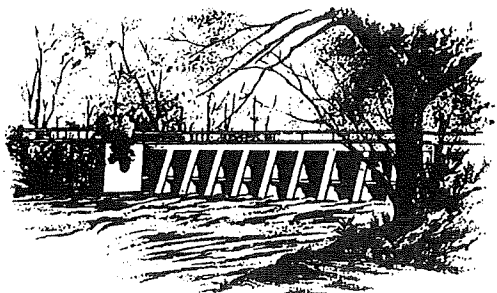


**FMFCD Existing and
Planned Facilities**

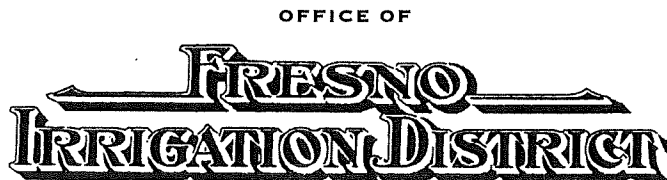
**Exhibit No. 2
Page 3**

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT





YOUR MOST VALUABLE RESOURCE - WATER



TELEPHONE (559) 233-7161
FAX (559) 233-8227
2907 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2208

July 26, 2019

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

RE: City of Fresno South Industrial Priority Area Specific Plan Notice of Preparation
FID Facilities: Various

Dear Ms. Clark:

The Fresno Irrigation District (FID) has reviewed the South Industrial Priority Area Specific Plan Notice of Preparation for the City of Fresno (Project). The Planning Area is approximately 6,150 acres, located in the southern portion of the City. The Planning Area includes lands within the City of Fresno's sphere of influence (SOI), and as an option, outside the City's SOI. Your proposed project is a significant development and requires thorough and careful consideration of potential impacts. FID has the following comments:

Impacted Facilities

1. FID has many canals within the Planning Area as shown on the attached FID exhibit map. The facilities include: Braly No. 14, Washington Colony No. 15, Oleander N. Br. No. 17, Washington Colony N, Br. No. 20, Washington Colony S. Br. No. 22, Central No. 23, Fresno Colony No. 24, Viau No. 25, North Central No. 26, American Colony No. 27, Wilson No. 230, Storey No. 237, Benefield No. 239, and Wilder No. 289. Most, if not all of these facilities precede the City, development, and/or roads. 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 current urban standards or relocated by the developer to accommodate new urban developments and provide for public safety 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 including, but not limited to requirements from FID specified exclusive easements, access points, and drive

approaches at all road crossings. Additionally, FID will also require all impacted open channel drive banks, to be built out to FID specified widths, heights, and overlaid with all-weather road. 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 Planning Area 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 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 must be replaced as development occurs.
 - b. Large Canal Crossing – There are large canals called the Washington Colony No. 15 and the Central Canal No. 23 that will more than likely be too large to be contained within a pipeline. Development impacts to this facility 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 storm and flood waters during the winter months. In addition to FID's facilities, private facilities also traverse the Planning Area.

Water Supply Impact

1. The Planning Area is located both outside of and within Growth Areas 1 and 2 of the Cooperative Water Utilization and Conveyance Agreement between the City of Fresno and FID. Should any developments receive water through any Extraterritorial Agreements, FID requires it review and approve all Agreements. Areas that are outside of the said Conveyance Agreement or within Growth Area 2 are not entitled to waters from FID.
2. 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 heavily reliant on groundwater pumping and SGMA will impact all users of

groundwater and those who rely on it. The City of Fresno should consider the potential impacts of the development on the City's ability to comply with requirements of SGMA.

3. The proposed developments may negatively impact local groundwater supplies. A large portion of the planned area is currently being used for agricultural purposes. Under current circumstances the project area is experiencing a modest, but continuing groundwater overdraft. Should the proposed developments result in a greater consumption of groundwater, this deficit will increase. FID suggests the City of Fresno require balancing anticipated groundwater use with sufficient recharge of imported surface water to preclude increasing the area's existing groundwater overdraft and require the use of reclaimed water or other conservation methods.
4. It should be noted that without the use of surface water, continued dependence on solely a groundwater supply will do nothing to reverse or correct the existing overdraft of the groundwater supply beneath the City of Fresno and FID service area. As additional development within the Planning Area will "harden" or make firmer the need for water, the long-term correction of the groundwater overdraft should be considered as any requirements for developments.

Thank you for providing to us the Notice of Preparation for the City of Fresno's South Industrial Priority Area Specific Plan Notice of Preparation for our review and allowing us the opportunity to provide comments. We appreciate the opportunity to review and comment on the subject documents for this project. FID reserves the right to provide additional comments when more detailed information becomes available. If you have any questions please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or jlandrith@fresnoirrigation.com.

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

Attachments

Notice of Preparation

Date: July 8, 2019

To: Responsible Agencies, Interested Parties, and Organizations

Subject: Notice of Preparation of an Environmental Impact Report for the South Industrial Priority Area Specific Plan project, Fresno, California

Lead Agency: City of Fresno

Contact: Jennifer Clark, Director
c/o Marty Sorge-Jauss, Executive Assistant
Development and Resource Management
2600 Fresno Street, Room 3065
Fresno, CA 93721
(559) 621-8003
Jennifer.Clark@fresno.gov
Marty.Sorge-Jauss@fresno.gov

Comment Period: July 8, 2019 to August 6, 2019

PURPOSE OF NOTICE

The City of Fresno is the lead agency responsible for preparation of an Environmental Impact Report (EIR) for the proposed South Industrial Priority Area Specific Plan project (proposed project), located in the City of Fresno. Pursuant to provisions of the California Environmental Quality Act (CEQA), the City has prepared this Notice of Preparation (NOP) for the proposed project. Once a decision is made to prepare an EIR, the lead agency must prepare a NOP to inform all responsible and trustee agencies that an EIR will be prepared (CEQA Guidelines Section 15082). The purpose of this NOP is to provide agencies, interested parties, and organizations with sufficient information describing the proposed project and the potential environmental effects to enable meaningful input related to the scope and content of information to be included in the EIR.

The EIR will provide an evaluation of potential environmental impacts associated with the proposed project. A brief project description, location, and potential environmental issue areas that may be affected by development of the proposed project are described below. The EIR will evaluate the potentially significant environmental impacts of the proposed project, on both a direct and cumulative basis, identify mitigation measures that may be feasible to lessen or avoid such impacts, and identify alternatives to the proposed project.

PUBLIC REVIEW PERIOD

This NOP is being circulated for public review and comment for a period of 30 days beginning July 8, 2019. The City will hold a public scoping meeting to inform interested parties about the proposed project and to provide agencies and the public with an opportunity to provide comments on the scope and content of the EIR. The meeting time and location is as follows:

City of Fresno, City Council Chambers
2600 Fresno Street
Fresno, CA 93721
Monday, July 15, 2019
Time: 5:30 to 7:30 PM

Copies of the NOP may be reviewed at the following locations:

- ▲ Fresno County Public Library during library hours;
- ▲ City of Fresno, 2600 Fresno St, Room 3065 between 7:00 a.m. and 6:00 p.m.; or
- ▲ Online at: <https://www.fresno.gov/cityclerk/notices-publications/>

Your views and comments on how the project may affect the environment are welcomed. Please contact Jennifer Clark if you have any questions about the environmental review process for the proposed project.

PROJECT LOCATION

The approximately 6,150-acre planning area, located in the southern portion of the City, is largely comprised of land within the City limits. However, as shown in Figures 1 and 2, the planning area also includes land within the City's Sphere of Influence (SOI) to the north, east, and west, and (as an option) land outside of the City's SOI to the south. Pursuant to General Plan Policy LU-1-g, the City's SOI boundary can be expanded to include land located proximate to and south of the SOI boundary between State Route 41 and State Route 99 for the purposes of siting a maintenance yard for the California High Speed Train project and related industrial and employment priority areas.

PROJECT DESCRIPTION

The City of Fresno is preparing the South Industrial Priority Area Specific Plan to facilitate opportunities for economic growth, job creation, and promote development of underutilized lands within the planning area. The proposed project would establish a planning framework to facilitate and guide future development within the 6,150-acre planning area through the year 2040. The planning framework is comprised of previously adopted goals and policies from the following City planning documents:

- ▲ Roosevelt Community Plan (1992),
- ▲ City of Fresno General Plan (2014), and
- ▲ Southwest Fresno Specific Plan (2017).

As noted above, the EIR will evaluate potential impacts associated with development within the plan area, consistent with the proposed specific plan, that may occur within the planning area through the year 2040. No land use/zoning designation changes or specific development projects are currently proposed as part of this EIR. Future development would be required to comply with the proposed specific plan, as well as existing General Plan Land Use designations and Zoning Districts within the planning area.

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 project (CEQA Guidelines Section 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 not limited to:

- ▲ California Department of Transportation (Caltrans),
- ▲ California State Water Resources Control Board (SWRCB),
- ▲ California Department of Fish and Wildlife (CDFW),
- ▲ Central Valley Regional Water Quality Control Board (CVRWQCB),
- ▲ County of Fresno,
- ▲ Fresno Local Agency Formation Commission (LAFCo), and
- ▲ San Joaquin Valley Air Pollution Control District (SJVAPCD).

AREAS OF POTENTIAL ENVIRONMENTAL EFFECTS

The EIR will analyze the significant environmental effects associated with adoption and implementation of the proposed project. Specific areas of analysis will include the following topics based on Appendix G of the 2019 State CEQA Guidelines:

- ▲ Aesthetics
- ▲ Agricultural and Forestry Services
- ▲ Air Quality
- ▲ Biological Resources
- ▲ Cultural Resources
- ▲ Energy
- ▲ Geology and Soils
- ▲ Greenhouse Gas Emissions and Climate Change
- ▲ Hazards and Hazardous Materials
- ▲ Hydrology and Water Quality
- ▲ Land Use and Planning
- ▲ Mineral Resources
- ▲ Noise
- ▲ Population and Housing
- ▲ Public Services
- ▲ Recreation
- ▲ Transportation
- ▲ Tribal Cultural Resources
- ▲ Utilities and Service Systems
- ▲ Wildfire
- ▲ Cumulative Impacts

The EIR will also include a discussion of environmental justice issues, and identify and evaluate a range of reasonable alternatives to the proposed project.

SUBMITTING COMMENTS

Comments and suggestions as to the appropriate scope of analysis in the EIR are invited from all interested parties. Written comments or questions concerning the EIR for the proposed project should be directed to the City's environmental project manager at the following address by 5:00 p.m. on August 6, 2019. Please include the commenter's full name and address.

Jennifer Clark, Planning Director
c/o Marty-Sorge-Jauss, Executive Assistant
Development and Resource Management
2600 Fresno Street, Room 3065
Fresno, CA 93721
(559) 621-8003
SIPA@fresno.gov

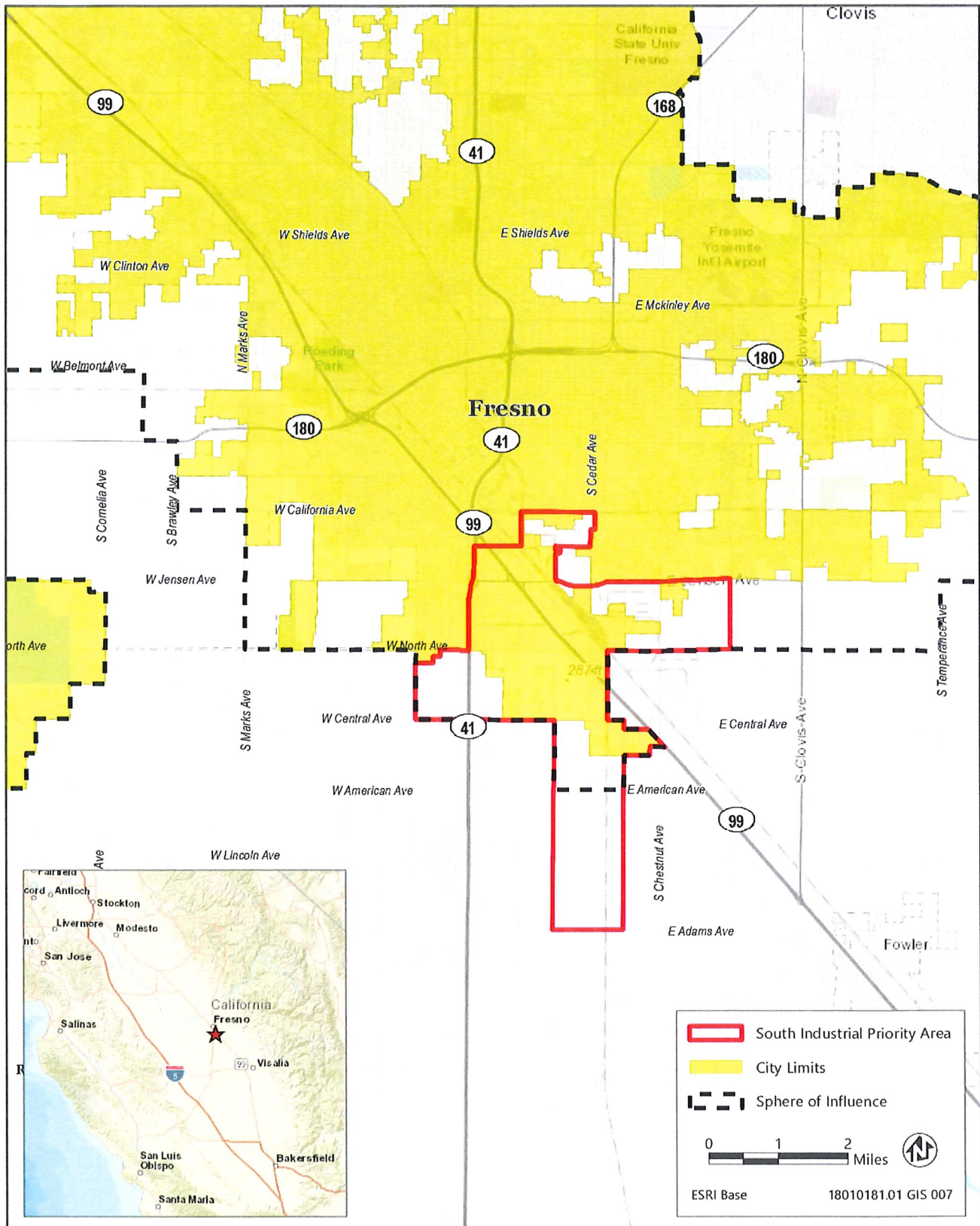


Figure 1 Regional Location

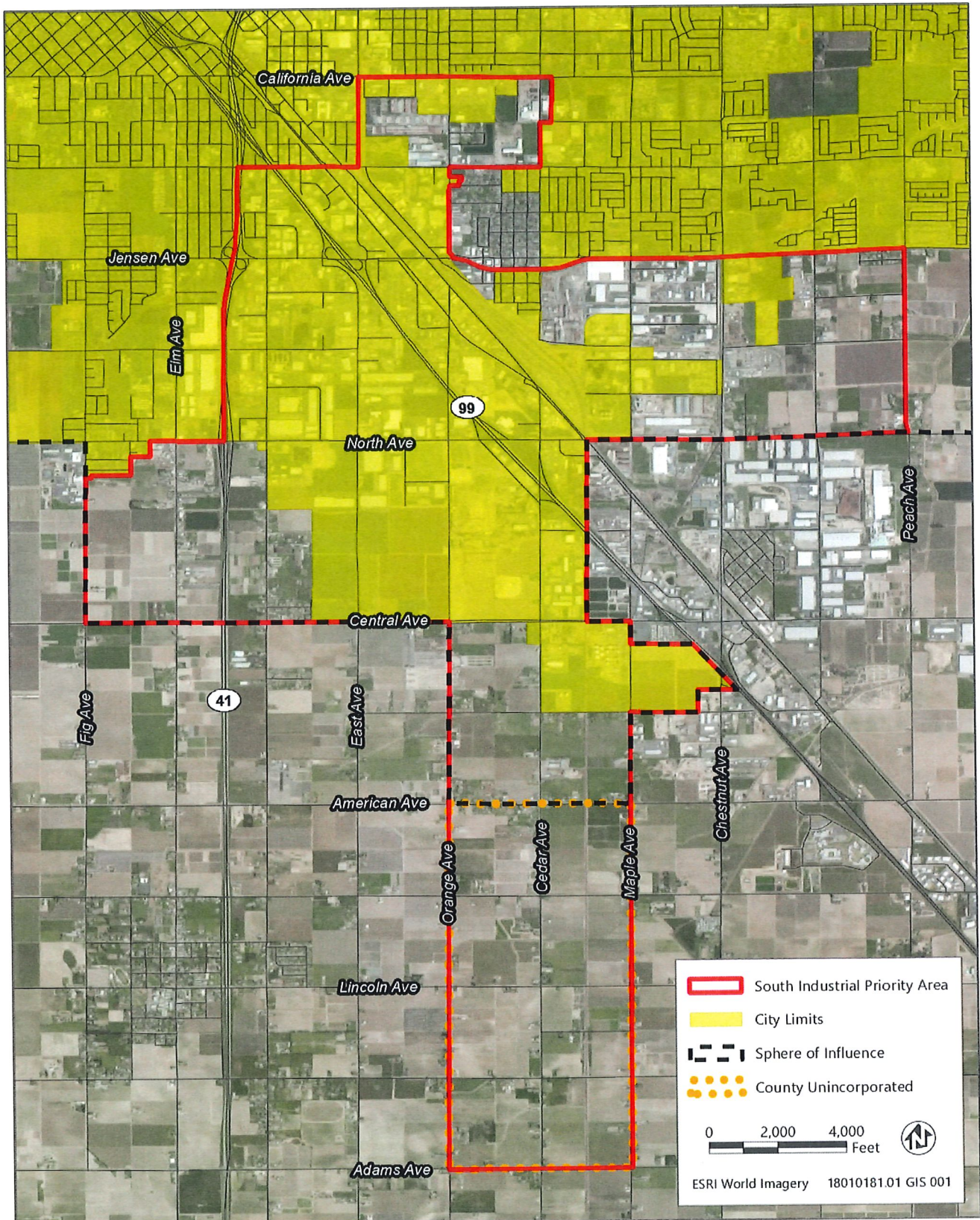


Figure 2 Planning Area

Notice of Preparation

Date: July 8, 2019

To: Responsible Agencies, Interested Parties, and Organizations

Subject: Notice of Preparation of an Environmental Impact Report for the South Industrial Priority Area Specific Plan project, Fresno, California

Lead Agency: City of Fresno

Contact: Jennifer Clark, Director
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2600 Fresno Street, Room 3065
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- ▲ Greenhouse Gas Emissions and Climate Change
- ▲ Hazards and Hazardous Materials
- ▲ Hydrology and Water Quality
- ▲ Land Use and Planning
- ▲ Mineral Resources
- ▲ Noise
- ▲ Population and Housing
- ▲ Public Services
- ▲ Recreation
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- ▲ Wildfire
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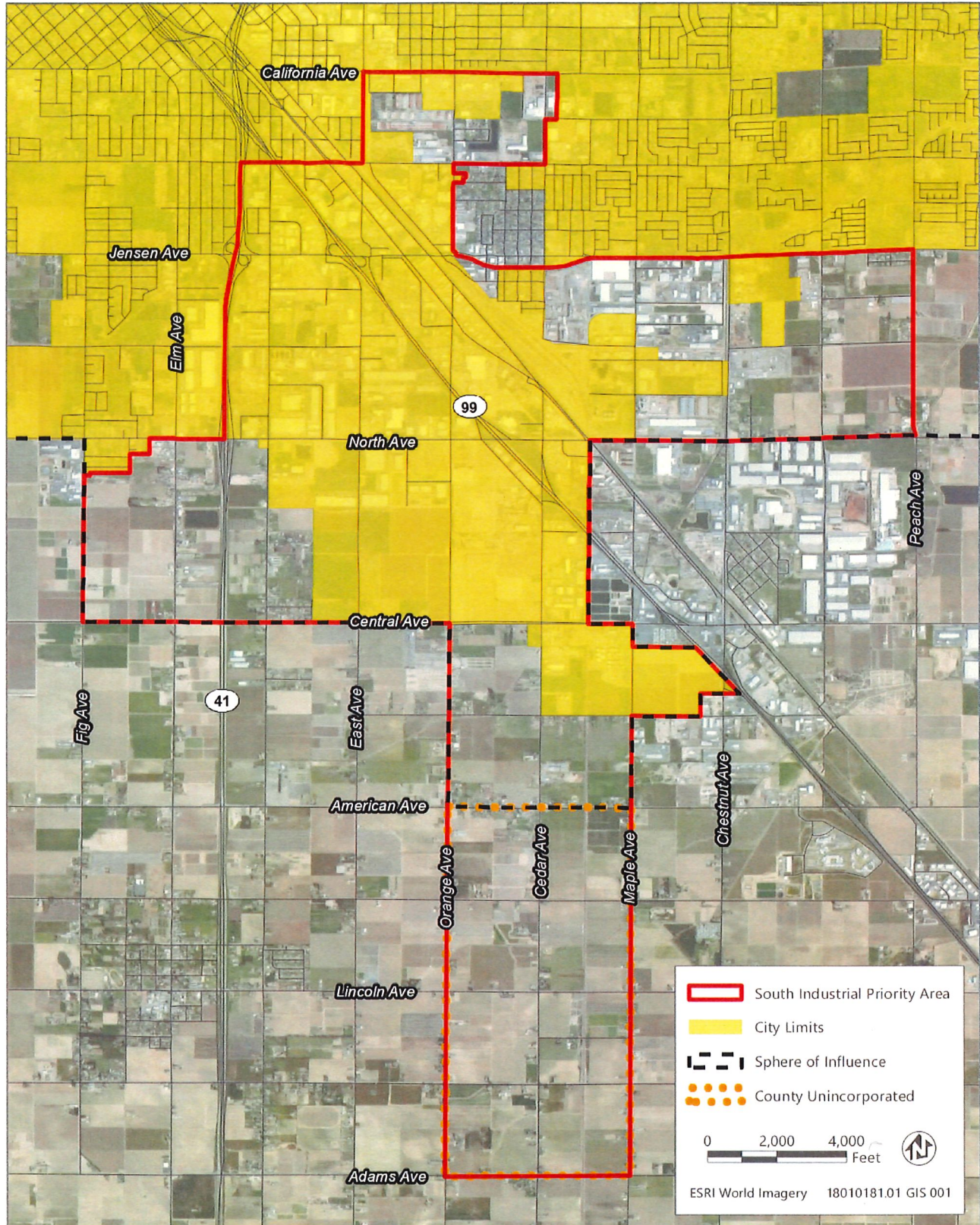


Figure 2 Planning Area



INTER OFFICE MEMO

Fresno County Public Library

Date: July 9, 2019

To: Jennifer K. Clark, AICP, HDFP

From: Karen Coletti, Executive Secretary

Subject: Notice of Preparation of an Environmental Impact Report for the South Industrial Priority Area Specific Plan project.

There is no comments.

Comments from the Fresno County Department Agriculture: July 15, 2019

APPLICANT: City of Fresno South Industrial Priority Area Specific Plan

Along the boundary of Fig Ave, Central Ave, Orange Ave, Adams Ave and Maple Ave of the plan there are properties which are existing agricultural operations. There is always the concern that normal agricultural practices may affect residents, schools, commercial sites or business employees. Tractor activity will create noise and dust, while crops will have scheduled pesticide treatments. Both must be taken in to account by the City of Fresno.

The City of Fresno should acknowledge the Fresno County "Right-to-Farm" ordinance 17.04.100 and 17.72.075.

The Fresno County "Right to Farm" ordinance 17.04.100 and 17.72.075 shall be presented to applicant so that any necessary mitigation measures can be considered by any developer, resident, commercial site, or facility to minimize any potential discomfort or risk.

Fresno County Right-to-Farm Notice: "It is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural districts should be prepared to accept the inconveniences and discomfort associated with normal farm activities. Consistent with this policy, California Civil Code 3482.5 (right-to-farm law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality after such agricultural pursuit has been in operation for three years."

From: [Ricky Caperton](#)
To: [Jennifer Clark](#); [Marty Sorge-Jauss](#); [SIPA](#)
Cc: [Dwight Kroll](#); [Orlando Ramirez](#); [Bryan Araki](#); [Renee Mathis](#)
Subject: SIPA - Notice of Preparation
Date: Wednesday, July 10, 2019 8:58:25 AM
Attachments: [image001.png](#)

Hi Jennifer,

Thank you for the opportunity to review and comment on the Notice of Preparation for the South Industrial Priority Specific Plan Environmental Impact Report (EIR). However, at this time, the City of Clovis Planning Department does not wish to comment. Please continue to provide us with notifications as the EIR moves forward.

Thank you,
Ricky

Ricky Caperton, AICP
Senior Planner

Direct: (559) 324-2347
Mobile: (559) 593-5176
rcaperton@cityofclovis.com

City of Clovis
Planning Division
1033 Fifth Street
Clovis, California 93612

