
APPENDIX B

PUBLIC SCOPING COMMENTS

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The Scoping Meeting for preparation of the Program Environmental Impact Report (PEIR) for the Fresno General Plan was held on Tuesday, May 21, 2019 at Fresno City Hall. The Scoping Meeting was attended by six members of the public, four of who provided verbal comments. The following is a summary of the verbal comments received during the Scoping Meeting.

Jeff T. Roberts, Assemi Group, Inc.

- How will this EIR consider other jurisdiction's growth?
- Is the shelf life of the PEIR expected to last another 10 years?
- The West Area Specific Plan area should be amended to include 160 acres that are currently located outside of the City boundaries: south of Shields and west of Grantland Avenues

Lucio Avila, Leadership Counsel for Justice and Accountability

- Community engagement is crucial to the planning process.
- The PEIR must include mitigation efforts regarding the specific issues:
 - Trucking/trucking routes
 - Air pollution
 - Light pollution
 - Safety impacts related to vehicle travel
 - Water supply impacts (wells going dry-is this related to industrial water impacts?)
 - Residents want compatible zoning
- Air quality and cumulative impacts should be analyzed.
- Will coordination occur between the EIR efforts for the General Plan, South Industrial Priority Area (SIPA), and West Area Specific Plan?
- The PEIR must include strong mitigation measures that go above and beyond reducing the potential impacts to less-than-significant levels.
- Indicated intent to submit NOP comment that would be the same as a letter provided on the Request for Proposals for the General Plan EIR Update.

Ashley Werner, Leadership Counsel for Justice and Accountability

- What is the baseline used for the environmental analysis?

- Assembly Bill (AB) 617 requires the California Air Resources Board (CARB) and air districts to develop and implement additional emissions reporting, monitoring, reduction plans and measures in an effort to reduce air pollution exposure in disadvantaged communities. How will this be reflected as part of the PEIR?
- Reduction of emissions is important.
- How are the existing and Community Plans currently being prepared being discussed?
- How will mitigation measures from the existing general plan MEIR and subsequently adopted PEIRS (such as the Downtown Plans PEIR or the Southwest Fresno Specific Plan PEIR) be considered or prioritized in the new GP PEIR?

Patience Milrod, Central California Legal Services

- What is the mechanism for synchronizing all planning efforts such as SIPA and the West Area Specific Plan?
- There are many micro environments within the City with specific air quality conditions. Health Risk Assessments (HRAs) need to be included to address potential air quality impacts.
 - What are the HRA boundaries/locations included in the PEIR analysis?
 - How will future HRAs be required?
- Industrial pollution is a major concern.

Attendees requested a copy of the powerpoint shown at the scoping meeting.



Gavin Newsom
Governor

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



Kate Gordon
Director

Notice of Preparation

May 16, 2019

To: Reviewing Agencies
Re: Fresno General Plan Program EIR
SCH# 2019050005

Attached for your review and comment is the Notice of Preparation (NOP) for the Fresno General Plan Program EIR draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Sophia Pagoulatos
Fresno, City of
2600 Fresno Street, Room 3065
Fresno, CA 93721

with a copy to the State Clearinghouse in the Office of Planning and Research at state.clearinghouse@opr.ca.gov. Please refer to the SCH number noted above in all correspondence concerning this project on our website: <https://ceqanet.opr.ca.gov/2019050005/2>.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

cc: Lead Agency

Notice of Completion & Environmental Document Transmittal

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

20CH#9050005

Project Title: Fresno General Plan Program EIR

Lead Agency: City of Fresno

Contact Person: Sophia Pagoulatos

Mailing Address: 2600 Fresno Street, Room 3065

Phone: (559) 621-8062

City: Fresno

Zip: 93721

County: Fresno

Project Location: County: Fresno

City/Nearest Community: Fresno

Cross Streets: City-wide

Zip Code:

Longitude/Latitude (degrees, minutes and seconds): ° ' " N / ° ' " W Total Acres:

Assessor's Parcel No.:

Section:

Twp.:

Range:

Base:

Within 2 Miles: State Hwy #: SR 99, Hwy 41

Waterways: San Joaquin River

Airports: Fresno International, Chandler

Railways: Several

Schools: Several

Document Type:CEQA: ☒ NOP☐ Draft EIR☐ Early Cons☐ Supplement/Subsequent EIR☐ Neg Dec

(Prior SCH No.)

☐ Mit Neg Dec

Other:

Governor's Office of Planning & Research

Other:

☐ Joint Document☐ Final Document☐ Other:

MAY 16 2019

Draft EIS

FONSI

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

Acres

☐ Office: Sq.ft.

Acres

Employees

☐ Commercial: Sq.ft.

Acres

Employees

☐ Industrial: Sq.ft.

Acres

Employees

☐ Educational:☐ Recreational:☐ Water Facilities: Type

MGD

☐ Transportation: Type☐ Mining: Mineral☐ Power: Type

MW

☐ Waste Treatment: Type

MGD

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

Varies, city-wide

Project Description: (please use a separate page if necessary)

The City is updating the existing General Plan Master EIR (MEIR) and converting it to a Program EIR (PEIR) to be in conformance with State law and consistent with recent legislative changes. This update, consistent with Section 15168 of the CEQA Guidelines, is intended to streamline implementation of the General Plan's programs and projects by supporting them with updated environmental analysis, regulatory framework, and mitigation measures, pursuant to CEQA. Two major goals of updating the EIR include:

- Complying with new legislation as it relates to various resource topic area as defined by CEQA; and
- Updating the technical analyses to reflect the current baseline conditions of 2019.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

NOP Distribution List

County: Fresno

SCH# 201905005

Regional Water Quality Control Board (RWQCB)

Resources Agency

☒ Resources Agency
Nadell Gayou

☐ Dept. of Boating & Waterways
Denise Peterson

☐ California Coastal Commission
Alyson Hitt

☐ Colorado River Board
Elsa Contreras

☒ Dept. of Conservation
Crina Chan

☒ Cal Fire
Dan Foster

☒ Central Valley Flood Protection Board
James Herota

☒ Office of Historic Preservation
Ron Parsons

☒ Dept of Parks & Recreation
Environmental Stewardship Section

☐ S.F. Bay Conservation & Dev't Comm.
Steve Goldbeck

☒ Dept. of Water Resources Agency
Nadell Gayou

Fish and Wildlife

☐ Depart. of Fish & Wildlife
Scott Flint
Environmental Services Division

☐ Fish & Wildlife Region 1
Curt Babcock

☐ Fish & Wildlife Region 1E
Laurie Hamsberger

☐ Fish & Wildlife Region 2
Jeff Drongesen

☐ Fish & Wildlife Region 3
Craig Weightman

Independent Commissions/Boards

☐ Delta Protection Commission
Erik Vink

☐ Delta Stewardship Council
Anthony Navasero

☐ California Energy Commission
Eric Knight

☒ Fish & Wildlife Region 4
Julie Vance

☐ Fish & Wildlife Region 5
Leslie Newton-Reed
Habitat Conservation Program

☐ Fish & Wildlife Region 6
Tiffany Ellis
Habitat Conservation Program

☐ Fish & Wildlife Region 6 I/M
Heidi Calvert
Inyo/Mono, Habitat Conservation Program

☐ Dept. of Fish & Wildlife M
William Paznokas
Marine Region

Other Departments

☒ California Department of Education
Lesley Taylor

☒ OES (Office of Emergency Services)
Monique Wilber

☐ Food & Agriculture
Sandra Schubert
Dept. of Food and Agriculture

☐ Dept. of General Services
Cathy Buck
Environmental Services Section

☒ Housing & Comm. Dev.
CEQA Coordinator
Housing Policy Division

☒ Native American Heritage Comm.
Debbie Treadway

☒ Public Utilities Commission
Supervisor

☐ Santa Monica Bay Restoration
Guangyu Wang

☒ State Lands Commission
Jennifer Deleong

☐ Tahoe Regional Planning Agency (TRPA)
Cherry Jacques

Cal State Transportation Agency CalSTA

☒ Caltrans - Division of Aeronautics
Philip Crimmins

☐ Caltrans - Planning
HQ LD-IGR
Christian Bushong

☒ California Highway Patrol
Suzann Ikeuchi
Office of Special Projects

Dept. of Transportation

☐ Caltrans, District 1
Rex Jackman

☐ Caltrans, District 2
Marcelino Gonzalez

☐ Caltrans, District 3
Susan Zanchi

☐ Caltrans, District 4
Patricia Maurice

☐ Caltrans, District 5
Larry Newland

☒ Caltrans, District 6
Michael Navarro

☐ Caltrans, District 7
Dianna Watson

☐ Caltrans, District 8
Mark Roberts

☐ Caltrans, District 9
Gayle Rosander

☐ Caltrans, District 10
Tom Dumas

☐ Caltrans, District 11
Jacob Armstrong

☐ Caltrans, District 12
Maureen El Harake

Cal EPA

☐ Air Resources Board

☐ Airport & Freight
Jack Wursten

☐ Transportation Projects
Nesamani Kalandiyur

☒ Industrial/Energy Projects
Mike Tollstrup

☒ California Department of Resources, Recycling & Recovery
Kevin Taylor/Jeff Esquivel

☐ State Water Resources Control Board
Regional Programs Unit
Division of Financial Assistance

☒ State Water Resources Control Board
Cindy Forbes - Asst Deputy
Division of Drinking Water

☐ State Water Resources Control Board
Div. Drinking Water # _____

☒ State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality

☐ State Water Resources Control Board
Phil Crader
Division of Water Rights

☒ Dept. of Toxic Substances Control Reg. # _____
CEQA Tracking Center

☐ Department of Pesticide Regulation
CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

☐ RWQCB 1
Cathleen Hudson
North Coast Region (1)

☐ RWQCB 2
Environmental Document Coordinator
San Francisco Bay Region (2)

☐ RWQCB 3
Central Coast Region (3)

☐ RWQCB 4
Teresa Rodgers
Los Angeles Region (4)

☐ RWQCB 5S
Central Valley Region (5)

☒ RWQCB 5F
Central Valley Region (5)
Fresno Branch Office

☐ RWQCB 5R
Central Valley Region (5)
Radding Branch Office

☐ RWQCB 6
Lahontan Region (6)

☐ RWQCB 6V
Lahontan Region (6)
Victorville Branch Office

☐ RWQCB 7
Colorado River Basin Region (7)

☐ RWQCB 8
Santa Ana Region (8)

☐ RWQCB 9
San Diego Region (9)

☐ Other _____

☐ _____
Conservancy

From: Jeff Roberts [<mailto:JRoberts@assemigroup.com>]

Sent: Thursday, May 23, 2019 8:52 AM

To: Sophia Pagoulatos

Subject: General Plan EIR Comment

Sophia Pagoulatos
D.A.R.M.
City of Fresno
2600 Fresno St.
Fresno, Calif. 93721

Subject: Update of the 2035 Fresno General Plan Environmental Impact Report

Dear Ms. Pagoulatos,

Thank you for the opportunity to comment at the EIR "Scoping Session" that was held at City Hall on May 21st, 2019. I wanted to follow up my verbal comments with this written comment on the same topic.

As you are aware, the Steering Committee working on the West Area Specific Plan unanimously endorsed the idea of adding approximately 160 acres of land to the Sphere of Influence (SOI) of the City. That area, which is bounded by Shields Ave. on the north, the Clinton Ave. alignment on the south, Grantland Ave. on the east, and Garfield Ave. on the west is adjacent to the existing Sphere of Influence at the current City Limits. The 160 acre area has several different owners including two parcels owned by the Central Unified School District. One of the key reasons to include this property inside the City SOI and eventually the City limits is to provide for the eventual construction of the intersection of Shields and Grantland. History has shown that when there are multiple jurisdictions involved with intersection construction, numerous issues can delay construction for months or years.

I have included a copy of the map that was prepared by the City for the West Area Specific Plan. It clearly illustrates the subject property as "Steering Committee Recommended SOI Expansion" I am requesting that the updated EIR for the City include this property within its scope.

Please feel free to contact me if you have any questions.

Thanks again for the opportunity to comment

Jeffrey T. Roberts
Assemi Group, Inc.
1396 W. Herndon Suite 110, Fresno, CA 93711
559.440.8308 / fax 559.436.1659 / cell 559.288.0688

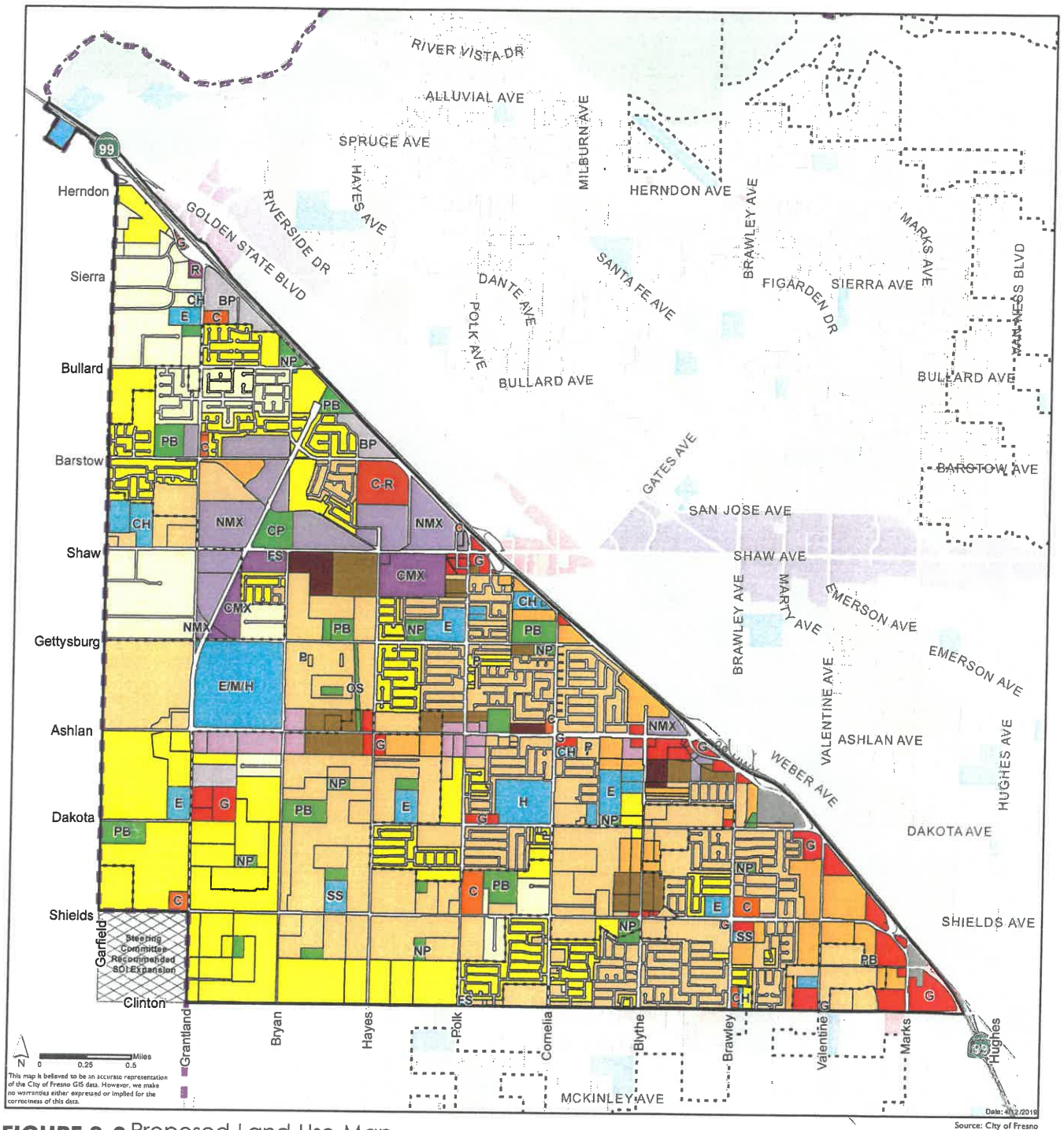
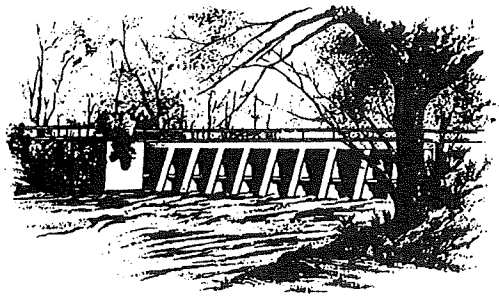
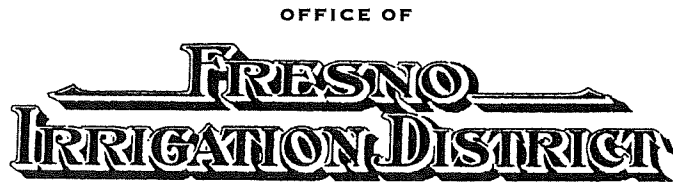


FIGURE 2-2 Proposed Land Use Map





YOUR MOST VALUABLE RESOURCE - WATER



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

May 29, 2019

Sophia Pagoulatos, Planning Manager
Development and Resource Management Department
City of Fresno
2600 Fresno Street, Room 3065
Fresno, CA 93721

RE: Notice of Preparation of a Program Environmental Impact Report, an Update to the Master Environmental Impact Report for the City of Fresno General Plan
FID Facilities: Various

Dear Ms. Pagoulatos:

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

1. FID previously reviewed and commented on the City of Fresno Draft Master Environmental Impact Report on October 15, 2014 as Draft Master Environmental Impact Report for the Draft General Plan for the City of Fresno and Related Items. Many of the comments and conditions still apply and should be considered in the current effort. A copy has been attached for your reference. Any deviations or impacts resulting from the previously approved General Plan should be disclosed and discussed.

FID has the following additional comments:

Water Supply Impact

1. The project encompasses the City of Fresno Growth Area 1 and 2 and portions of the project are not entitled to water under the current City of Fresno Conveyance Agreement. Growth Area 2 is a new issue under the recently executed agreement between the City of Fresno and FID. The document must consider how to best handle future developments, if any, within the areas designated Growth Area 2 and areas outside of the agreement to evaluate all potential impacts.

2. The document must evaluate whether the City's Water Master Plan needs to be updated and how the Cooperative Agreement between the City of Fresno and FID may impact the previous plan. The report must evaluate the City's growth with the recent water issues and whether the City's Water Master Plan can still provide the necessary guidance for the City.
3. The City of Fresno has implemented many of the projects proposed in the City's Water Master Plan. The Proposed document should consider and evaluated whether the constructed projects have resulted in benefits that were anticipated.
4. The proposed land use (or changes in land use) should be such that the need for water is minimized and/or reduced so that groundwater impacts to the proposed project area and any surrounding areas are eliminated.
5. If treated surface water will be used and the City has a deficit water supply or groundwater levels continue to drop, the City must acquire additional water from a water purveyor, such as FID for that purpose, so as to not impact water supplies to or create greater water supply deficits in other areas of the City or in the groundwater basin. Water supply issues must be resolved before any further "hardening" of the water supply demand is allowed to take place.
6. The potential for increase in water consumption by the project will result in additional groundwater overdraft. There is a significant cone of depression beneath the City of Fresno. FID is concerned that the increased water demand due to a change in land use may have a significant impact to the groundwater quantity and/or quality underneath the City of Fresno, FID and the Kings Groundwater Sub-basin. The "demand" side of water consumed needs to be evaluated or scrutinized as much as the "supply" side of the water supply. Many of the areas are historically native, and/or rural residential with minimal to no water use. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed project result in a significant increase in dependence on groundwater, this deficit will increase. FID recommends the City of Fresno require proposed projects balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft problem.
7. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally-based management plans. FID and the City of Fresno are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater basin within the FID service area. This area is in an over drafted groundwater basin and SGMA will impact all users of

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

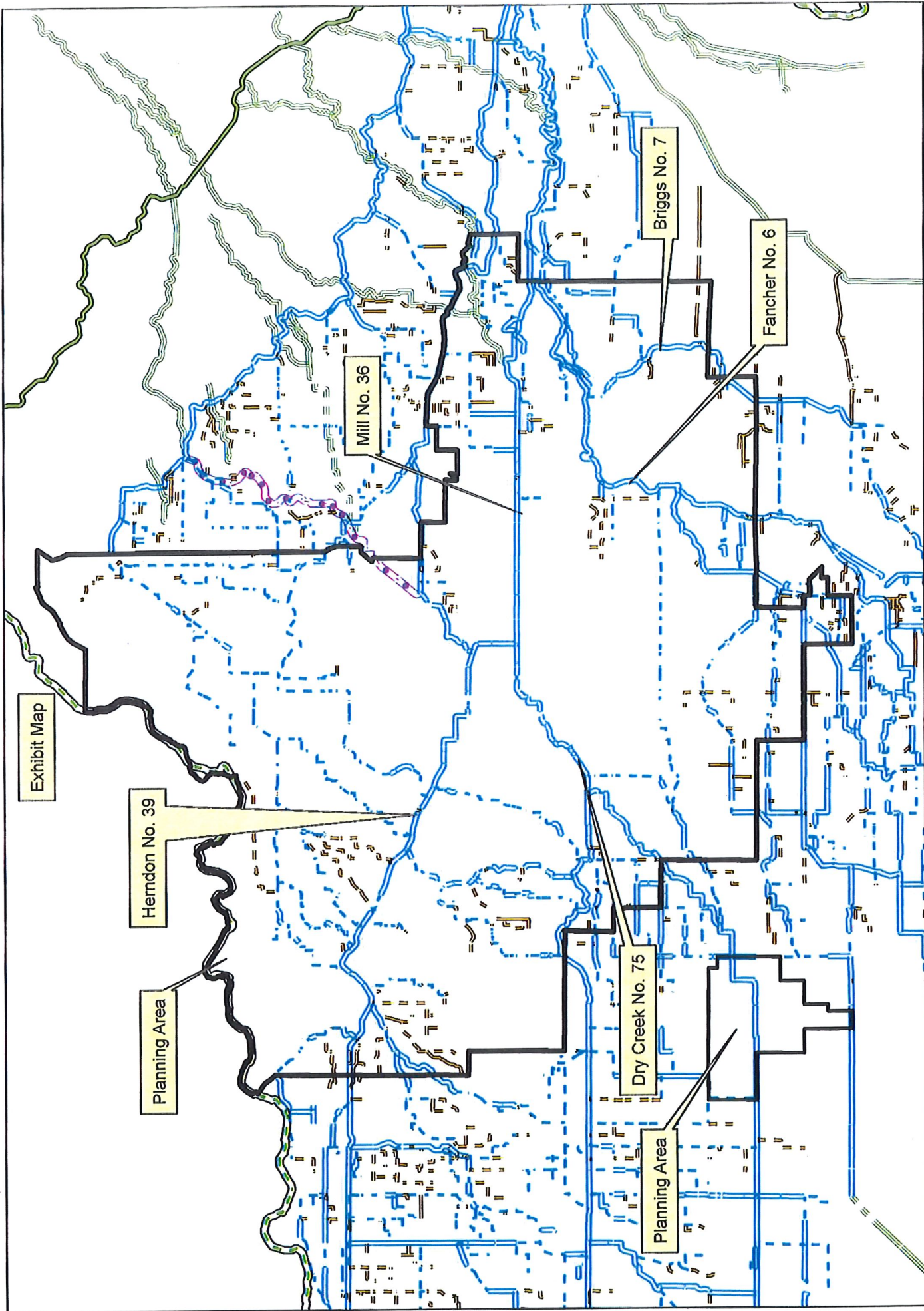
Thank you for making available to us the Notice of Preparation of a Program Environmental Impact Report, an Update to the Draft Master Environmental Impact Report for the City of Fresno General Plan for our review and allowing us the opportunity to provide comments. We appreciate the opportunity to review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

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

Attachments



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



Legend

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

0 6,500 13,000 Feet
 1 inch = 13,498.17 feet
 ©2020/14
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**NOTICE OF PREPARATION
OF A PROGRAM ENVIRONMENTAL IMPACT REPORT
FOR
THE CITY OF FRESNO GENERAL PLAN**

Date: May 16, 2019

To: Office of Planning and Research, Responsible and Trustee Agencies, Other Public Agencies and Other Interested Parties

Subject: Notice of Preparation of a Program Environmental Impact Report, an Update to the Master Environmental Impact Report for the City of Fresno General Plan

Lead Agency: City of Fresno

Contact: Sophia Pagoulatos, Planning Manager
Development and Resource Management
2600 Fresno Street, Room 3065
Fresno, CA 93721
(559) 621-8062
Sophia.Pagoulatos@fresno.gov

Comment Period: May 16, 2019 to June 17, 2019

PURPOSE OF NOTICE

In 2014 the City of Fresno adopted the Fresno General Plan and certified the accompanying Master Environmental Impact Report (MEIR). In order to be in conformance with State law and consistent with recent legislative changes, the City of Fresno, as the lead agency, is responsible for preparation of a Program Environmental Impact Report (PEIR) – an update to and conversion of the 2014 MEIR for the General Plan (proposed project). 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 Environmental Impact Report (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.

PUBLIC REVIEW PERIOD

This Notice of Preparation is being circulated for public review and comment for a period of 30 days beginning May 16, 2019. The City requests that any potential Responsible or Trustee Agencies responding to this NOP reply in a manner consistent with Section 15082(b) of the CEQA Guidelines, which allows for submittal of any comments in response to this notice no later than 30 days after



receipt of the NOP. Comments in response to this NOP will be accepted through **5 .p.m., June 17, 2019**. Please send your written comments to Ms. Pagoulatos and include your name, address, and phone number and/or email address so that we may contact you for clarification, if necessary.

SCOPING MEETING

The City will hold a public scoping meeting to inform interested parties about the General Plan PEIR and to provide agencies and the public with an opportunity to provide comments on the scope and content of the PEIR. The meeting time and location is as follows:

Fresno City Hall
Room 2165 (Meeting Room A), Second Floor
2600 Fresno Street
Fresno, CA 93721
Date: May 21, 2019
Time: 5:00 p.m. to 7:00 p.m.

Copies of the full Notice of Preparation may be reviewed at the following locations:

- Fresno County Public Library (all branches in Fresno) 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 Ms. Pagoulatos if you have any questions about the environmental review process for the General Plan EIR Update.

PROJECT DESCRIPTION

In order to be in conformance with State law and consistent with recent legislative changes, the City is updating the existing General Plan Master EIR (MEIR) and converting it to a Program EIR (PEIR). This update, consistent with Section 15168 of the CEQA Guidelines, is intended to streamline implementation of the General Plan's programs and projects by supporting them with updated environmental analysis, regulatory framework, and mitigation measures, pursuant to CEQA. Two major goals of updating the EIR include:

- Complying with new legislation as it relates to various resource topic area as defined by CEQA; and
- Updating the technical analyses to reflect the current baseline conditions of 2019.

This update will include the following components:



- **Incorporation of New local, State and/or federal regulations.** Since adoption of the Fresno General Plan in 2014, several new regulations that have taken effect, including:
 - Climate Action Plan Legislation. The City will update the Greenhouse Gas Reduction Plan that was prepared for the MEIR (Appendix F-2) taking into account Executive Order S-03-05 (2005), SB 32 (2006), and Executive Order B-30-15 (2015);
 - Vehicle Miles Travelled (VMT) Legislation – SB 743 (2013); and
 - Tribal Consultation, Assembly Bill (AB) 52 (2014).
 - Sustainable Groundwater Management Act (SGMA) (2014);
 - Cooperative Agreement between the City of Fresno Irrigation District and City of Fresno for Water Utilization and Conveyance (2016);
 - 2017 Housing Package as described by the State of California Department of Housing and Community Development, <http://www.hcd.ca.gov/policy-research/lhp.shtml#summary>;
- **Corresponding technical revisions to the Mobility and Transportation Element of the Fresno General Plan. Specific changes include, but are not limited to, the following:**
 - Add Vehicle Miles Traveled (VMT) policies consistent with the requirements of Senate Bill (SB) 743;
 - Revise text relating to Level of Service (LOS) metrics to update applicability; and
 - Update Figure MT-1: Major Street Circulation Diagram and Figure MT-3: Regional Transportation.

Project Location: The General Plan Planning Area encompasses approximately 106,000 acres and includes all areas within the City's current City limits and the current Sphere of Influence (see map attached).

POTENTIAL ENVIRONMENTAL EFFECTS

An Initial Study is typically prepared during the environmental scoping process to determine whether a project warrants the preparation of an EIR. Because the City intends to update the MEIR in the form of a PEIR, the City has determined that preparation of an Initial Study is not necessary.

The PEIR will evaluate the potential environmental impacts related to the General Plan, after having first established the environmental setting, or baseline, for the environmental analysis. The significance of potential impacts, cumulative impacts, and appropriate mitigation measures associated with implementation of the General Plan will be thoroughly discussed in the PEIR. The PEIR will be comprehensive and will evaluate each of the environmental issue topics required by CEQA. The individual environmental topics include:



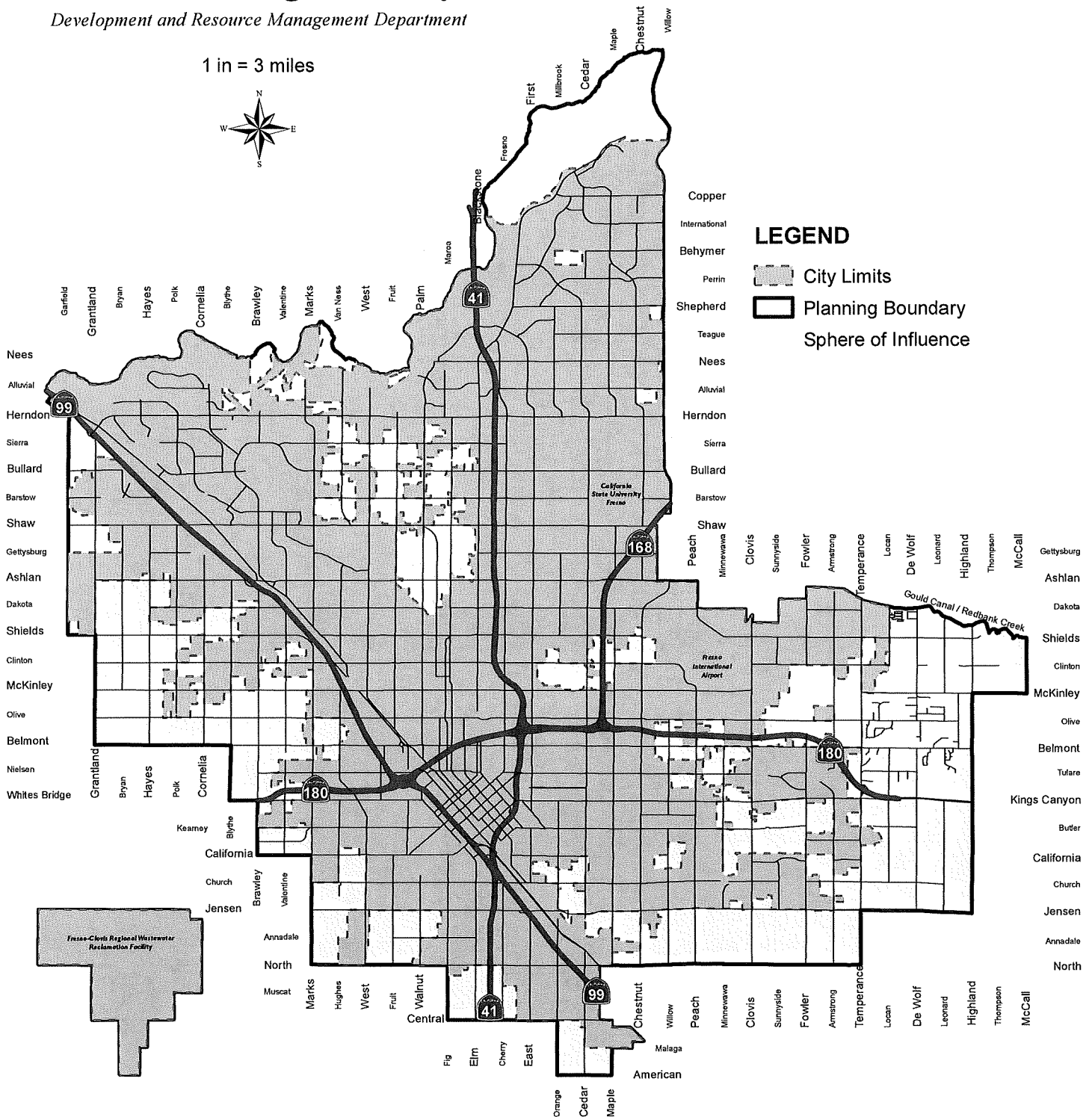
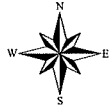
- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources and Tribal Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Utilities, Service Systems, and Energy Conservation

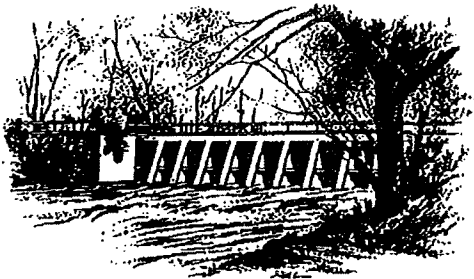
In addition, in accordance with Section 15126.6 of the CEQA Guidelines, the PEIR will assess a range of reasonable alternatives to the project. The range of alternatives to be addressed will include alternatives that are specifically required by CEQA (e.g., the No Project Alternative), as well as other alternatives (intended to reduce or eliminate potentially significant impacts) as identified through the coordinated consultation and planning process.

Fresno Planning Boundary

Development and Resource Management Department

1 in = 3 miles





YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF
FRESNO
IRRIGATION DISTRICT

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

October 8, 2014

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

RE: Draft Master Environmental Impact Report for the Draft General Plan for the City of
Fresno and Related Items
FID Facilities: Various

Dear Ms. Clark:

The Fresno Irrigation District (FID) has reviewed the Draft Master Environmental Impact Report (DMEIR) for the Draft General Plan for the City of Fresno (Project). The Planning Area includes the City of Fresno, its sphere of influence (SOI), and land to the north adjacent to the SOI that serves as a logical boundary along Willow Avenue and east of the San Joaquin River, as well as land to the southwest of the SOI dedicated to the Fresno-Clovis Regional Wastewater Reclamation Facility (RWRF). The Project is an update to the City of Fresno General Plan since the last comprehensive update in 2002. The Fresno General Plan Update is intended to shape development within the Planning Area through 2035 and beyond, and the DMEIR is intended to identify the potential impact for the project. We appreciate the opportunity to review and comment on the subject documents for the proposed project. Your proposed project is a significant development and requires thorough and careful consideration of all of the potential impacts. Our comments are as follows:

Impacted Facilities

1. FID has many canals within the Project Area as shown on the attached FID exhibit map. The major facilities include: Briggs No. 7, Fancher No. 6, Mill No. 36, Hernon No. 39, and Dry Creek No. 75. FID's canals range from smaller diameter pipelines to large open canals. In many cases, the existing facilities will need to be relocated to accommodate new urban developments which will require new pipelines and new exclusive easements. FID anticipates it will impose the same conditions on future projects as it would with any other project located within the common boundary of the City of Fresno and FID. FID will require that it review and approve all maps and plans which impact FID canals and easements.
2. FID's facilities that are within the Planning Area carry irrigation water for FID users, recharge water for the City of Fresno, and flood waters during the winter months. In addition to FID's facilities, private facilities also traverse the Planning Area.

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GEORGE PORTER, GREGORY BEBERIAN, JERRY PRIETO JR. General Manager GARY R. SERRATO

Water Supply Impact

3. The northern parts of the Planning Area is located within a portion of the County of Fresno that is outside of the FID service area. See the attached FID water service area maps for reference. FID does not supply surface water to those areas outside of the FID service area for the City's use. The City's Urban Water Management Plan was updated in 2010 and calls for the City to balance its water usage by 2025. It is unknown whether the Urban Water Management Plan will really be able to provide for the water consumption by development projects like the ones proposed within the Planning Area just on groundwater. If not, a balanced water supply will be more difficult to achieve and the potential impacts must be evaluated.
4. The potential for increase in water consumption by the project will result in additional groundwater overdraft. As mentioned in the DMEIR, there is a significant cone of depression beneath the City of Fresno. The Urban Water Management Plan (UWMP) states that the City will have a balanced water supply by 2025, and the goal includes reducing the consumption of gallons per capita per day (gpcd) from 295 to 250. At full buildout, the consumption will be reduced from 250 gpcd to 215 gpcd. It is assumed that the users within the City, including those within FID, will be able and willing to use less water. Will that truly be the case? If not, FID is concerned that the increased water demand due to a change in land use will have a significant impact to the groundwater quantity and/or quality underneath the City of Fresno, FID and the Kings Groundwater Sub-basin.
5. According to the City's Urban Water Management Plan, the City of Fresno is currently in the process of planning projects which will enable increased use of available surface water supplies and recycled water, and eliminate groundwater overdraft. It is projected that total water supplies and demands will be balanced by the year 2025. FID would like to see the City keep progressing with this goal, but FID is concerned that future development will inhibit the City's progress to balancing the water usage, if the necessary offsets for the increased water demands are not provided.
6. For development outside of the areas allocated surface water supplies from FID, the Draft Master Environmental Impact Report should consider whether developers should be responsible to increase the groundwater recharge capabilities in the area and/or purchase of additional water supplies to offset the additional demand. The Hydrology and Water Quality Section (5.9) of the Draft Master Environmental Impact Report mentioned making improvements to recharge basins where surface water could be used to recharge the groundwater table. There are several improvements that could provide the necessary mitigation including constructing a new recharge basin in the nearby area, recycling more water, acquiring additional water supplies, and increasing the capacity of local recharge basins.
7. As mentioned on Page 5.15-42 of the DMEIR, implementation of the General Plan and Development Code Update would not have sufficient water supplies available to serve the full buildout of the project and would result in a significant impact related to water supplies. As noted in Impact USS-4, water supply impact may be significant and unavoidable.

8. As mentioned on Page 5.15-4 of the DMEIR, the City is currently allocated 23.6 percent (92,200 AF/year) of FID's water delivery on normal years, and plans to use up to 32.4 percent of the allocations (126,500 AF/year) at full buildout during normal condition. During dry years, FID's water supply may not be enough to meet the projected demand, the City may want to explore other sources of water during dry years. It should also be noted that the anticipated water allocations are based on the assumption that the existing agreements will remain unchanged.

Agricultural Land Conversion Impact

9. The proposed General Plan would convert Farmland to other land use designation. The DMEIR assumes the water rights belonging to the agricultural land within FID boundary will remain intact and that the parcels be converted onto City water rates.
10. Conversion of agricultural land for urban use should be done in a manner to minimize the impacts to agriculture and agricultural resources.

Trail Impact

11. According to the City of Fresno General Plan, the City is proposing trail projects that will impact FID's canals. As noted in the general plan, significant issues remain before FID's canal system can be used for trail purposes. For informational purposes, FID's standard requirements for a trail along a canal are as follows:
 - a. FID will not allow the trail easement to be in common use with FID owned property or easements.
 - b. FID requires all trail improvements be placed outside of FID owned properties and easements.
 - c. FID will not allow any portion of a tree canopy to encroach within its properties or easements.
 - d. FID's canals will not accept any drainage from the trail or the canal bank.
 - e. FID may require some improvements be made to the canal depending on the existing canal condition, the proposed trail and the adjacent development.
 - f. FID requires its right-of-way be graded to provide a smooth uniform drive surface and cleared of all encroachments including but not limited to; trees, bushes, brush, pipes, stand pipes, wells, miscellaneous debris, etc.

Road Improvement Impact

12. History and Prior Rights – FID was formed in 1920 as a successor to the privately owned Fresno Canal and Irrigation Company. The assets of the company consisted of over 600 miles of canals and distribution works, which were constructed between the years 1860 and 1900, as well as extensive water rights on the Kings River. In most cases, FID canals pre-date all roads, highways, and railroads.
13. There will be many FID canals impacted by future road improvements and the High Speed Rail project. Significant effort will be required to allow for such growth and expansion in a manner that allows FID to maintain and operate its facilities in an efficient and effective manner. In the past, the City has not always been supportive of providing FID the access and means necessary to efficiently maintain and operate the conveyance systems.

14. Small/Medium Canal Crossing Requirements – The majority of the proposed crossings will impact existing pipelines and small open channel canals. Requirements for the pipelines will include:
- a. Pipeline Requirements:
 - i. FID will require all open channels and existing pipelines to be replaced with ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP). Although many of FID's facilities that lie within the proposed Planning Area are pipelines, the majority of these pipelines do not meet FID's urban specifications which would include road or highway crossings. The majority of the existing pipelines are monolithic cast-in-place concrete pipe (CIPCP), low head/thin wall PVC, and non-reinforced mortar jointed concrete pipeline. These pipelines were designed for a rural environment and will fail if they are not replaced as part of the proposed project.
 - ii. FID typically requires a minimum of three feet of cover over pipelines. FID tries to eliminate siphons wherever possible due to sedimentation, plugging, and trash removal issues. Most utilities can be moved above and below FID's pipelines and because FID typically pre-dates everyone else, FID should be placed in its desired location.
 - iii. FID is also concerned with its existing pipelines being damaged during development construction. FID anticipates the use of large, heavy equipment during construction that could easily damage FID's older pipelines, especially where there is shallow cover and/or non-reinforced concrete pipe.
 - b. The two conditions that the proposed crossings will likely fall under are:
 - i. Canal Crossings within a New or Realigned Road or Highway Right-of-Way (ROW) –The Road Maintaining Agency (City, County or State) is responsible for maintaining the canal facilities under the Road ROW and they will most likely require the canal crossing to be upgraded to the requirements mentioned above.
 - ii. Canal Realigned outside of the Road ROW – there may be existing conditions or proposed plans to realign a FID canal outside of the Road ROW as part of future road improvements. FID will require that the City obtain an exclusive pipeline easement on FID's behalf. The width will vary between 15 to 40 feet depending on the pipeline diameter and site conditions.
15. Large Canal Crossing Requirements – There are several large canal crossings that will not be able to be contained within a pipeline such as the Fancher, Mill, Hernon, and Dry Creek canals. The design shall protect the canal's integrity for an urban setting. The proposed canal crossing must be designed to convey the water in a safe and efficient manner without altering the existing conditions in a negative manner for FID's operations and maintenance. Additional requirements will include:
- a. Freeboard of Bridge – FID requires a minimum freeboard of 2.0 feet through the canal crossing, where possible. The freeboard is needed to pass floating debris and trash through the structure. All of the large open canals are used to convey stormwater from the Fresno/Clovis metropolitan area along with the water coming from the rural creeks in eastern Fresno County. Trash will include both

large and small items including, but not limited to: shopping carts, couches, refrigerators, tree branches, plastic bags, lawn clippings, leaves, aquatic weeds, and all other trash that one could expect from both urban and rural areas.

- b. Bridge/Culvert Type – FID prefers that all bridges to be freestanding, no piers, etc. FID understands that a multiple bay box culvert is more desirable because it is less expensive, however, it may end up being more expensive with additional costs going towards additional improvements mentioned below. Also, there is increased liability to both FID and the City, due to the possibility of trash accumulating at dividing walls causing the water levels to raise upstream and potential breach and flood nearby homes and businesses.
- c. Trash/Debris – If a multiple bay culvert or a bridge with pilings design is selected, trash and debris will collect on the piers and culvert walls. Access must be provided to remove the trash in a safe and efficient manner. Additional property or easement may be required if it is determined that more trash will collect due to the canal crossing. Maintenance accessibility for trash removal needs to be evaluated based on channel size, amount of trash collected at location in question and accessibility.
- d. Equipment Access – In order to access the maintenance road with our larger equipment, FID requires a larger drive approach. FID's minimum access requirement off major roadways is 50 feet from edge of right-of-way narrowing to 20 feet wide drive banks (See attached "Drive Approach in Urban Areas" Detail No. 62). The 50 foot width is defined as starting from the end portion of the bridge/railing outward (away from the bridge). In certain circumstances, a minimum 35 foot setback, to allow safe and adequate access has been accepted. Every road and canal intersection is different and therefore each access will be different. The major factors affecting the proposed width will be the angle of the road intersecting the Canal, grade of canal bank vs. City road, median vs. no median, etc.

16. Water Routings and Construction Window – The FID construction window will vary from year-to-year based on the length of the irrigation season, flood routings, recharge deliveries, maintenance projects and projects funded by others. FID's typical irrigation season begins on March 1, with FID opening the headgates to fill the canals/pipelines approximately 8 days prior (approximately February 21). An average irrigation season lasts 6 months, therefore the season will typically end on August 31. In very wet years, such as this current year, the irrigation season may go through mid-November.

17. Discharges into FID Canals – FID will not allow any discharges into the canals for numerous reasons, including but not limited to, it is a violation Federal/ State/Local regulations, FID's Rules and Regulations and negative impact it will have during the Operations and Maintenance Seasons. All existing discharges from the proposed project into canals must be re-routed to FMFCD storm drain facilities.

Miscellaneous Comments

18. There appears to be typographical errors on Page 5.9-4. The third paragraph states that there was 453,1000 AF of intentional recharge and the sixth paragraph states that the safe yield is approximately 1000,000 AF per year.

19. It should be noted that FMFCD's Storm Drainage Master Plan as noted on Page 5.9-34 is dependent on FID's canal system for disposal. The second paragraph on Page 5.9-39 states that the master planned storm drainage facilities are designed to collect, convey and dispose of the runoff. It should also be noted that disposal of the runoff is dependent on FID's canal system.
20. Mitigation Measure HYD-5.2 on Page 5.9-44 includes increasing the size of the retention basin through the purchase of more land or deepening the basin or a combination for planned retention basins. FID agrees with the statement. It also suggests that the size of the emergency relief pump capacity required to pump excess runoff volume out of the basin and into adjacent canal be increased. It should be noted that there is a finite maximum conveyance capacity in the canals and that just merely increasing the pump sizes may not resolve the issue.
21. The City's General Plan indicated that more canals may be left unlined or un-piped to allow for additional recharge. This measure is not consistent with FID's policy and the potential impacts of the increased exposure to a greater population need to be properly evaluated. Public safety and the City's exposure to liability must also be considered and evaluated.

Thank you for making available to us the Draft Master Environmental Impact Report for the City of Fresno General Plan and Development Code Update 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. While it is difficult to envision all of the potential impacts without all of the improvement details, we attempted to provide you as much information as possible. We reserve the right to provide additional comments when more detailed information becomes available. If you have any questions please feel free to contact me at 233-7161 extension 7103 or LKimura@fresnoirrigation.com.

Sincerely,



Laurence Kimura, P.E.
Chief Engineer – Special Projects

Attachments

FID Water Service Area Map

No Water Service Area

Planning Area

Planning Area

Legend

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



FID Canal
Private Canal
Abandoned Canal

FID Pipeline
Private Pipeline
Abandoned Pipeline

Stream Group
Other-Creek/River
Other-Pipeline

FID Boundary
Railroad
Streets & Hwys

Parcel
FMFCD Acquired Basins
FMFCD Proposed Basins

0 5,500 13,000 Feet
1 inch = 13,498.17 feet



8/20/2014

C:\FID\master.AC10.mxd

NOTES:

(1) DIMENSIONS AND NOTES ARE FOR LAYOUT PURPOSES ONLY. A SCALED DRAWING SHALL BE PREPARED AND SUBMITTED WITH ALL PLAN SETS PRIOR TO CONSTRUCTION.

(2) IF CULVERT/BRIDGE STRUCTURE CAN COLLECT TRASH ON ITS PIERS, DEVELOPER MUST PROVIDE A SAFE ACCESS TO TRASH PIER RIDER. GALVANIZED STEEL OR CONCRETE CATWALK WITH CHAIN-LINK BARRIER MAY NEED TO BE INCORPORATED INTO CULVERT DESIGN (ON THE UPSTREAM SIDE OF THE BRIDGE/CULVERT STRUCTURE).

(3) DRAINAGE WILL NOT BE ACCEPTED IN THE CANAL AND SHALL BE ROUTED AWAY FROM FID PROPERTY/DRIVE BANKS. SLOPE DRIVE BANKS MINIMUM OF 2% AWAY FROM THE CANAL WITH PROVISIONS MADE FOR RAINFALL. RUNOFF TO BE CONVEYED TO NEARBY PUBLIC STREETS OR DRAINAGE SYSTEM BY DRAINAGE SWALES OR OTHER FID ACCEPTABLE ALTERNATIVES.

(4) WITHIN FID EASEMENT/RIGHT-OF-WAY AREA, ALL EXISTING TREES, BUSHES, DEBRIS, OLD CANAL STRUCTURES, PUMPS, CANAL GATES, AND OTHER NON OR IN-ACTIVE FID AND PRIVATE STRUCTURES MUST BE REMOVED.

(5) RAISED BANKS-1.0 TO 1.5 FEET OF FREEBOARD IS REQUIRED.

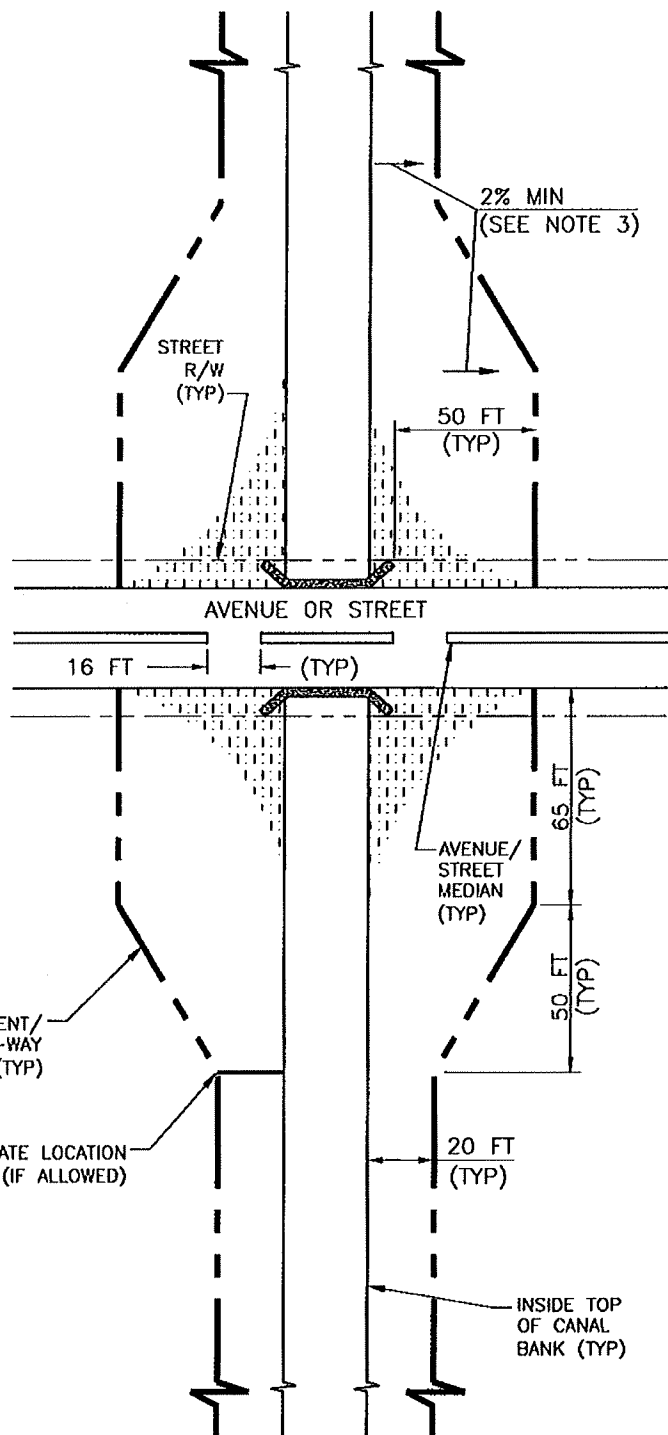
(6) BLOCK/MASONRY WALL SHALL BE REQUIRED BETWEEN THE OPEN CANALS AND DEVELOPMENT. CHAIN-LINK FENCING IS AN ACCEPTABLE ALTERNATIVE WITH INTEGRATED VISUAL BARRIERS (SLATS, SCREENS, SHEETING, ETC.) APPROVED ON A CASE-BY-CASE BASIS. WOOD FENCING WILL NO LONGER BE ACCEPTED.

(7) LINE CANAL BANKS OR RAISE SURROUNDING GRADE ELEVATIONS TWELVE (12) INCHES ABOVE HIGH-WATER (HW)

(8) IF AN ACCESS GATE IS PERMITTED BY FID, GATE MUST BE PLACED A MINIMUM OF 115 FT AWAY FROM ROAD, WHERE DRIVEBANK NARROWS TO 20 FT.

(9) THREE (3) INCH THICK GRAVEL BASE MAY BE REQUIRED AT THE ENTRANCE TO EACH DRIVE BANK AS DETERMINED BY FID ENGINEER.

(10) DRIVEWAY APPROACH WIDTH TO BE APPROVED BY FID ENGINEER.



DRIVE APPROACH IN URBAN AREAS

NOT TO SCALE



Development and Resource Management Department

2600 Fresno Street, Third Floor, Room 3065
Fresno, California 93721-3604
(559) 621-8003, FAX (559) 498-1012

RECEIVED

Jennifer K. Clark, AICP, HDFFP
Director

JUL 25 2014

July 23, 2014

Fresno Irrigation District

NOTICE OF AVAILABILITY OF THE DRAFT MASTER ENVIRONMENTAL IMPACT REPORT FOR THE DRAFT GENERAL PLAN FOR THE CITY OF FRESNO AND RELATED ITEMS

NOTICE IS HEREBY GIVEN that the Draft Master Environmental Impact Report (DMEIR) for the General Plan Update and related items is available for review and comment, and that the City of Fresno (City) has completed an assessment of the possible environmental effects of the following-described project and has determined that the preparation of a Master Environmental Impact Report (MEIR) is appropriate. This determination has been made according to the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Fresno's regulations and procedures for implementing CEQA (SCH # 2012111015).

Project Location:

The City is located in the County of Fresno, which is in the central San Joaquin Valley. The City is located approximately 200 miles north of Los Angeles and 170 miles south of Sacramento, on the State Route (SR) 99 corridor that links it to other Central Valley cities. The County of Madera is to the north and the City of Clovis is located northwest and adjacent to the City. East, south, and west of the City is unincorporated land.

The Planning Area is the geographic area for which the General Plan establishes policies about future growth. The boundary of the Planning Area was determined in response to State law (California Government Code Section 65300) requiring each city to include in its General Plan all territory within the boundaries of the incorporated area as well as "any land outside its boundaries which in the planning agency's judgment bears relation to its planning". The Planning Area established by the City includes all areas within the City's current city limits, including the Fresno-Clovis Regional Wastewater Reclamation Facility (RWRF), the areas within the current Sphere of Influence (SOI), and an area north of the City's most northeasterly portion of the city.

The SOI is a boundary that encompasses lands expected to be ultimately annexed into the City, although until annexed, the lands fall under the jurisdiction of the County of Fresno. Within the Planning Area, the current SOI covers approximately 100,249 acres or approximately 157 square miles, but does not include the 3,292-acre RWRF and an additional 2,486 acres for the North Area. The Planning Area encompasses approximately 106,027 acres, or approximately 166 square miles of both incorporated (approximately 72,244 acres) and unincorporated (approximately 33,783 acres) land bearing relation to the City's future growth. The Planning Area is generally located within the San Joaquin River to the north, American Avenue to the south, Garfield Avenue to the west, and McCall Avenue to the east, with the RWRF generally located with Jensen Avenue to the north, American Avenue to the south, South Chateau Fresno Avenue, and Cornelia Avenue to the east. The Planning Area includes various unincorporated islands surrounded by the City's limits.

Project Description:

The proposed project is comprised of two components: the General Plan Update and the Development Code Update. The updates will accommodate projected growth and development through the buildout of the General Plan and Development Code which will be approximately the year 2056. The anticipated population at buildout is approximately 970,000 people in the Planning Area.

The General Plan Update includes a comprehensive update of the existing General Plan and includes the following elements: (1) Economic Development and Fiscal Sustainability, (2) Urban Form, Land Use and Design, (3) Mobility and Transportation, (4) Parks, Open Space and Schools, (5) Public Utilities and Services, (6) Resource Conservation and Resilience, (7) Historic and Cultural Resources, (8) Noise and Safety, (9) Healthy Communities, and (10) Implementation. The Housing Element has already been adopted by the City and the General Plan contains a Housing Element Consistency chapter. As a component of the General Plan Update, the City includes amendments to various existing plans including: Bullard Community Plan (this will be renamed to the Pinedale Neighborhood Plan), Sierra Sky Park Land Use Policy Plan, Fresno-Chandler Downtown Airport Master and Environs Specific Plan (formatting revisions for consistency with the ALUC's Plan), Tower District Specific Plan, Butler-Willow Specific Plan, North Avenue Industrial Plan, Sun Garden Acres Specific Plan, Hoover Community Plan (this will be renamed the El Dorado Park Neighborhood

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City of Fresno Extends Public Review Period of Final Draft of General Plan 2035

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FRESNO, CA - Mayor Ashley Swearengin today announced that the City of Fresno has extended the public comment period for the 2035 General Plan for another 45 days. The reason for the extension is due to a number of requests that City officials and staff have received for additional time to review the document. In addition, staff has identified a typographical error in the previous notice of publication.

The draft General Plan 2035 will be available for the extended 45-day public review period commencing Monday, August 25, 2014 and ending on Thursday, October 9, 2014.

"With an abundance of caution and to allow for a transparent and thorough evaluation of the General Plan, I feel it is appropriate to extend the deadline for public comment," said Mayor Swearengin. **"We will still proceed with previously scheduled District town hall meetings and will also work with any Councilmembers who have not yet scheduled a district meeting to utilize this extra time to do so."**

Interested parties are invited to submit written comments on the draft General Plan for consideration by the Planning Commission and City Council. Public agencies and/or service providers should also provide the name of a contact person with their response. Copies of the document are available at the City of Fresno's Development and Resource Management Department, Room 3043 at City Hall and the Fresno County Library Central Branch at 2420 Mariposa Street. The document may also be accessed online at www.fresno.gov/newplan.

The General Plan, which was last updated in 2002, serves as the blueprint for the future land use and growth of the city in the form of maps, goals, objectives, policies, and implementation measures necessary to guide the city's growth for the next 20 or so years. Virtually all City departments, along with other agency partners and stakeholders will develop their strategies, calculate their capacities and will develop their plans for successive decades contingent on what the General Plan prescribes.

State laws require that general plans be updated periodically to reflect population growth and physical changes that occur through development. The General Plan proposes measures and strategies to accommodate projected population through 2035, together with the development of related commercial, industrial, and public facility uses necessary to serve this population.

###



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Fresno Metropolitan Flood Control District
Capturing Stormwater since 1956

File 400.21

June 3, 2019

Sophia Pagoulatos, Planning Manager
City of Fresno
Development and Resource Management
2600 Fresno Street, Room 3065
Fresno, CA 93721

Dear Sophia,

**Notice of Preparation of a
Program Environmental Impact Report for
The City of Fresno General Plan**

The District has reviewed the information provided from the proposed Notice of Preparation of a Program Environmental Impact Report for the Fresno General Plan.

The District has adopted drainage master plans for the City of Fresno metropolitan area. These plans are based on the then adopted General and specific planned landuses. For this proposed Program Environmental Impact Report (PEIR), it is our understanding based on the Notice of Preparation and on a May 17, 2019 conversation with you there will be no changes in landuse or major street alignments. And that this project is essentially a necessary update and conversion of the adopted 2014 Master Environmental Impact Report (MEIR) to a PEIR in order to be in conformance to recent State legislation.

The District has previously commented on the now adopted 2014 MEIR.

At this time, there are no additional comments that would be applicable to the proposed PEIR.

If you have any questions or require further information, please do not hesitate to contact us.

Very truly yours,

Wendell Lum
Master Plan and Special Projects Manager

WL/lrl

c: Debbie Campbell, Fresno Metropolitan Flood Control District



June 5, 2019

VIA EMAIL: SOPHIA.PAGOULATOS@FRESNO.GOV

Ms. Sophia Pagoulatos
City of Fresno, Development and Resource Management
2600 Fresno Street, Room 3065
Fresno, CA 93721

Dear Ms. Pagoulatos:

**NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR
THE CITY OF FRESNO GENERAL PLAN UPDATE, SCH# 2019050005**

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the City of Fresno General Plan Update (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

In order to be in conformance with State law and consistent with recent legislative changes, the City is updating the existing General Plan Master EIR (MEIR) and converting it to a Program EIR (PEIR). This update, consistent with Section 15168 of the CEQA Guidelines, is intended to streamline implementation of the General Plan's programs and projects by supporting them with updated environmental analysis, regulatory framework, and mitigation measures, pursuant to CEQA. Two major goals of updating the EIR include: complying with new legislation as it relates to various resource topic area as defined by CEQA; and updating the technical analyses to reflect the current baseline conditions of 2019.

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.
- Potential contract resolutions for land in an agricultural preserve and/or enrolled in a Williamson Act contract affect by proposed changes.
- Proposed mitigation measure for all impacted agricultural lands within the 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:

<http://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 a Draft Environmental Impact Report for the City of Fresno General Plan Update. 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 Earl Grundy, Environmental Planner at (916) 324-7347 or via email at Earl.Grundy@conservation.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Monique Wilber". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Monique Wilber
Conservation Program Support Supervisor



County of Fresno

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

June 5, 2019

Sophia Pagoulatos, Planning Manager
Development and Resource Management
2600 Fresno Street, Room 3065
Fresno, CA 93721

SUBJECT: Program Environmental Impact Report (PEIR) for an update to the City of Fresno
General Plan

Dear Ms. Pagoulatos:

The County of Fresno appreciates the opportunity to review and comment on the Notice of Preparation for the subject project. We offer the following comments at this time.

Transportation/Traffic:

The City's General Plan policies currently require mandatory sidewalk installation on both sides of the street for residential areas. This policy may be contrary to current County standards that apply to County island areas within the urban plan boundaries.

The City's General Plan policies currently recommend that street cross section alternatives continue to be developed to reduce right-of-way requirements and encourage multi-modal means of transportation. These street cross section requirements may contradict current County plan lines or standards for local and classified streets.

There are multiple roads in the current Circulation Diagram for the City that have been classified differently than what is currently presented in the County's General Plan. Typical cross sections presented in the City's Standard Plans for classified roads differ from County standards, and further modifications to these standards to address the Complete Streets concept will likely also differ from the County's standards. These differences make it difficult for the County to condition County developments within the urban area with regard to street improvements and requirements.

Incremental build-out of roadways may necessitate right-of-way acquisition from County parcels. These right-of-way acquisitions by the City on County parcels should be for the minimum amounts required for the incremental street improvements.

Roadway widening projects undertaken by the City should not negatively impact farming or livestock operations on remaining County parcels. The design of the incremental roadway improvements should provide for continued unobstructed access for these County parcels, especially for any ongoing truck and trailer operations.

Sophia Pagoulatos, Planning Manager
June 5, 2019
Page 2 of 2

Any questions regarding these comments should be directed to Frank Daniele in the County's Road Maintenance and Operations Division. He may be reached at (559) 600-4268 or FDaniele@fresnocountyca.gov.

You may also contact me at dacrider@fresnocountyca.gov or (559) 600-9669.

Sincerely,

A handwritten signature in black ink that reads "Danielle Crider". The signature is fluid and cursive, with the first name "Danielle" and the last name "Crider" clearly distinguishable.

Danielle Crider, Planner
Development Services and Capital Projects Division

DTC:ksn
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cc. Marianne Mollring, Development Services and Capital Projects Division
Frank Daniele, Road Maintenance and Operations Division

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

**RECEIVED**

JUN 07 2019

Name: 

June 7, 2019

Sophia Pagoulatos
City of Fresno
2600 Fresno Street, Room 3065
Fresno, CA 93721

RE: SCH# 2019050005 Fresno General Plan Program EIR, Fresno County

Dear Ms. Pagoulatos:

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, subs. (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: Katy.Sanchez@nahc.ca.gov.

Sincerely,



for
Katy Sanchez
Associate Environmental Planner

cc: State Clearinghouse

DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

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Making Conservation
a California Way of Life.

June 17, 2019

06-FRE-GEN-GEN
Notice of Preparation
Program Environmental Impact Report
Master Environmental Impact
City of Fresno General Plan Update

Ms. Sophia Pagoulatos
Planning Manager
City of Fresno, DARM Department
2600 Fresno Street, Room 3076
Fresno, California 93721

Dear Ms. Pagoulatos:

We have completed our review of the Notice of Preparation (NOP) of a Program Environmental Impact Report (EIR), an Update to the Master Environmental Impact Report for the City of Fresno General Plan. Caltrans has the following comments:

It is recognized that the Program EIR would include extensive evaluation of traffic and would recommend mitigation measures to both local and State facilities in terms of Vehicle Miles Traveled (VMT). Caltrans would request the opportunity to remain involved throughout this process. Caltrans will provide the traffic consultant with any traffic data available to us to assist them in the Mobility and Transportation Element of the Program EIR. It is recommended that the traffic consultant provide a formal scope of work for our review and comment prior to conducting the traffic analysis. Given that Caltrans current guidelines are in the process of being updated, a transportation impact study scoping meeting with District staff should be used to discuss the most appropriate methodology for this analysis. At a minimum, the analysis should provide the following:

1. Vicinity maps, regional location map, and a site plan clearly showing project access in relation to nearby roadways and key destinations. Ingress and egress for all project components should be clearly identified. Clearly identify the State right-of-way (ROW). Project driveways, the State Highway System and local roads, intersections and interchanges, pedestrian and bicycle routes, car/bike parking, and transit routes and facilities should be mapped.
2. Project-related VMT should be calculated factoring in per capita use of transit, rideshare or active transportation modes and VMT reduction factors. The assumptions and methodologies used to develop this information should be detailed in the study, should utilize the latest place-based research, and should be supported with appropriate documentation. Mitigation for any roadway section or intersection with increasing VMT should be identified and mitigated in a manner that does not further raise VMT.
3. Schematic illustrations of walking, biking and auto traffic conditions at the project site and study area roadways, trip distribution percentages and volumes as well as intersection geometrics, i.e., lane configurations, for AM and PM peak periods. Operational concerns for all road users that may increase the potential for future collisions should be identified and fully mitigated in a manner that does not further raise VMT.

4. Support for infill and smart growth development is found in our new Mission, Vision, and Goals, the California Transportation Plan 2040, Smart Mobility Framework, Strategic Management Plan, and related guidance documents.

The Caltrans Transportation Concept Report (TCR), a long-range system-planning document that establishes a planning concept for a state highway corridor for future years may be referred to when reviewing state facilities in the EIR. The TCR does provide the route, traffic data, and operating characteristics for the recent and future years for Caltrans District 6 State highway corridors. Considering reasonable financial and physical constraints, the TCR defines the appropriate Route Concept Level of Service and facility type(s) for each route. For the purpose of the review, capacity enhancing improvements, such as Intelligent Transportation Systems, multi-modal alternatives and lane additions, will be the focus.

If you have any further questions, please contact me at (559) 444 2493. Sincerely,



DAVID PADILLA
Associate Transportation Planner
Division of Transportation Planning

c: Michael Navarro, Chief, Planning North Branch, Caltrans



June 17, 2019

Sophia Pagoulatos, Planning Manager
Development and Resource Management Department
2600 Fresno Street, Room 3065
Fresno, CA 93721

**RE: Comments on Notice of Preparation of a Program Environmental Impact Report
for the City of Fresno 2035 General**

Dear Ms. Pagoulatos,

We are writing to provide comments in response to the Notice of Preparation (“NOP”) of a Program Environmental Impact Report (“PEIR”) to replace the Master Environmental Impact Report (“MEIR”) for the City of Fresno’s 2035 General Plan.

As you know, Leadership Counsel for Justice and Accountability works alongside hundreds of residents of low-income Southeast and Southwest Fresno neighborhoods, the Jane Addams neighborhood, Calwa and disadvantaged unincorporated neighborhoods and communities located immediately adjacent to and near Fresno City limits in the area bounded by Highways 99 and 41 (hereafter “South Central Fresno”), and other disadvantaged unincorporated communities (“DUCs”) across the County, in order to secure equal access to opportunity regardless of wealth, race, income and place. In writing this letter, our aims are to ensure that the PEIR, in accordance with the requirements of the California Environmental Quality Act (“CEQA”):

1. accurately captures and analyzes baseline conditions in and potentially significant project-specific and cumulative impacts disadvantaged neighborhoods and communities;
2. identifies plan alternatives which would mitigate negative impacts of plan implementation on disadvantaged communities and promote positive outcomes aligned with community members’ expressed vision and priorities;
3. identifies and adopts all feasible and enforceable mitigation measures that avoid and reduce negative impacts; and,
4. incorporates into its analysis and formulation of mitigation measures and achieves consistency with applicable laws, including but not limited to state and federal fair housing and civil rights laws.

We are hopeful that we can work collaboratively with the City to achieve these shared goals for the PEIR.



I. Baseline Conditions

Establishing an accurate baseline for existing environmental conditions is a critical foundation for the PEIR, since it is the baseline from which the significance of impacts are measured and determinations regarding the need for and nature of appropriate mitigation are made. In addition, the significance of a project's impacts may vary based according to variations in baseline conditions and land uses in particular locations. C.C.R. § 15064(b) (significance of an activity may vary with the setting); *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718. A project that will have adverse impacts on a particularly sensitive area, an area already burdened by environmental impacts, or on sensitive receptors is more likely to result in significant impacts than the project would in a less sensitive context. *See* Environmental Justice at the Local and Regional Level, State of California Department of Justice Attorney General, p. 3.¹

Therefore, in order to serve as a useful document upon which the City may tier future projects, we recommend that the PEIR include a granular analysis of baseline conditions that take into account disparities in existing conditions across neighborhoods within and proximate to the Planning Boundary as depicted in map included on page 3 of the NOP. To this end, we recommend that the PEIR use the following data and resources, among others, to inform its analysis²:

- California Environmental Protection Agency and California Office of Environmental Health Hazard Assessment's California Communities Environmental Health Screening Tool (CalEnviroScreen), 3.0, which includes census tract level data on a range of environmental pollution and socio-demographic indicators.³
- Documents developed by the San Joaquin Valley Air Pollution Control District as part of its efforts to implement AB 617 in South Central Fresno, including but not limited to mapping of emissions sources and receptors and emissions summaries for District permitted facilities within the South Central Fresno community boundary.⁴

¹ Available at https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf

² Our recommendations include resources relevant to existing social and demographic conditions, given the relevance of social and economic impacts to determinations of significance under CEQA. *See e.g.*, Pub. Res. Code § 21083(b)(3) (requiring an agency to find that a "project may have a 'significant effect on the environment'" if, among other things, "[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly[.]" ; C.C.R. §§ 15064(e); 15131(a)&(b); 15382.

³ The CalEnviroScreen map and excel spreadsheet with census tract level data are available at <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30>

⁴ Materials available at <http://community.valleyair.org/selected-communities/south-central-fresno>



- California Housing Partnership reports and data on housing supply and affordability in Fresno County, including but not limited to its paper, “Fresno County’s Housing Emergency Update,” published in May 2019.⁵

The PEIR should also include in its analysis consideration of the location of existing sensitive uses within the Planning Boundary, including but not limited to residential land uses, schools, places of worship, and medical centers. Sensitive uses identified should include those located in unincorporated Fresno County. The baseline conditions analysis should reflect conditions to unique to those areas and their unincorporated status.

For example, the PEIR should identify the multiple neighborhoods, communities, and religious institutions located South of City limits between East Central Avenue and American Avenue and the community of Daleville which stand to be impacted by the industrial land use designations that encompass the entirety of those areas in the General Plan. The baseline conditions section should note the reliance on groundwater via domestic wells by households on portions of East Central, Malaga, and Brittan Avenues, among other residential areas; the lack of sidewalks, streetlights, storm water drainage, and on certain streets, even paved roads in many of these areas; and the lack of public and private amenities to serve existing residents and anticipated growth. This and other neighborhood-level information will support the

II. Alternatives

Under CEQA, “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects...” Pub. Res. Code § 21002. Accordingly, we recommend that the PEIR consider project alternatives which would reduce project impacts on vulnerable populations and disadvantaged neighborhoods and communities in particular and on the City and region as a whole. In particular, we request that the PEIR consider the following alternatives to the current General Plan:

- modifications to the General Plan land use map to ensure buffers between sensitive land uses (especially homes and schools) and industrial and potentially hazardous land uses, such as landfills in order to reduce impacts to human beings and promote the existing stability of the housing stock;
- modifications to the General Plan land use map to expand opportunities for higher density housing in growth areas in order to support the viability of public transit and meet the needs for housing for residents of all income levels in order to reduce General Plan air

⁵ Available at <https://1p08d91kd0c03rlxhmhtydpr-wpengine.netdna-ssl.com/wp-content/uploads/2019/05/Fresno-HNR-2019.pdf>



quality impacts and promote consistency with the City's obligations under the Housing Element Law and civil rights and fair housing laws; and,

- Revisions to the circulation map to minimize conflict between planned high-traffic roadways with sensitive uses, such as along East Central Avenue.

III. Impact of and Consistency with AB 617 and 686

In addition to the laws listed in the NOP, we recommend that PEIR consider the passage of AB 617 (2017) and AB 686 (2018) in order to identify mitigation measures or alternatives necessary to ensure compliance with and promote the goals of these laws.

AB 617 requires the California Air Resources Board ("ARB") and local air districts to develop and implement emissions reporting, monitoring, and reduction plans and measures in order to reduce exposure to air pollution in disadvantaged communities. ARB selected an area of the City and County of Fresno, denominated "South Central Fresno", for initial implementation of the law by the San Joaquin Valley Air Pollution Control District. The South Central Fresno community, for purposes of AB 617, includes portions of Central, Southeast and Southwest Fresno; South Central Fresno; and the communities of Calwa; and Malaga. The PEIR should ensure that the General Plan and its mitigation measures are consistent with the objectives of this effort to reduce air pollution exposure through strategies developed by the Community Steering Committee representing these areas.

AB 686 became effective in January 2018 and requires all cities and counties, in addition to other public agencies, in California to affirmatively further fair housing in all of their programs relating to housing and community development and to "take no action that is materially inconsistent" with this obligation. Gov. Code § 8899.50. Affirmatively further fair housing means:

"taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws."

Zoning lower income neighborhoods and communities of color for industrial development and planning for industrial development surrounding these neighborhoods and communities without balancing those communities needs for protection from hazardous pollutants, other environmental impacts, and neighborhood-serving amenities like fresh food and open space, is



inconsistent with the duty to affirmatively further fair housing. Likewise, zoning entirely or nearly exclusively for single-family housing in higher income areas with high performing schools, without creating opportunities for more affordable multi-family housing, also is inconsistent with Section 8899.50.

IV. Impacts

We advise that the PEIR analyze and include appropriate mitigation for impacts in the following topic areas:

- Impacts to housing, including potential economic and physical displacement. This analysis should include impacts which significantly undermine the use and enjoyment of housing and impact the marketability of housing. For instance, residents reported that the construction and operation of the Amazon warehouse at East Central Avenue and Orange Avenue next door to homes has resulted in so significant levels of noise and vibration that at least one resident went temporarily deaf in one ear and permanently reduced the quality of her hearing, makes it difficult to sustain conversations inside residents' homes, and causes migraines and other health conditions. These and other impacts on housing that can result from industrial and other forms of development anticipated by the Plan.
- Impacts on water supply access by homes and institutions located in unincorporated county that are reliant on groundwater.
- Traffic safety impacts on pedestrians given existing and projected infrastructure conditions, including in areas in unincorporated County and within City limits which lack sidewalks, streetlights, paved roads and other infrastructure to support pedestrian safety and on routes to school frequented by children and families.
- Public health impacts, including health impacts associated with air quality impacts, as required by *Sierra Club v. Fresno County* (2018).
- Impacts associated with construction, including noise, air quality, light/glare, and traffic impacts in particular.
- Utility impacts on unincorporated areas, including on residents and institutions reliant on groundwater.

V. Standard for Mitigation

Under CEQA, “[m]itigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments.” C.C.R. § 15126.4(a)(2). The PEIR must meet this requirement for all mitigation measures which it includes. In addition, we note that it is not sufficient to state the existence of a law, code or regulation constitutes mitigation without justification that that that provision will result in no significant impact and that it will be enforced.



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Thank you for your consideration of these comments. We look forward to working with the City as its proceeds with development of the PEIR in order to realize our shared objectives to advance the prosperity and health of all neighborhoods in the Plan area.

Sincerely,

Ashley Werner
Senior Attorney
Leadership Counsel for Justice and Accountability