October 2017 | Final EIR



Southwest Fresno Specific Plan Environmental Impact Report

for the City of Fresno

SCH #: 2017031012

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1. Introduction

1.1 PURPOSE OF THE FINAL EIR

This document provides responses to comments received on, as well as revisions to, the Draft Program Environmental Impact Report (PEIR) for the proposed Southwest Fresno Specific Plan (proposed Plan). The Draft PEIR identified significant impacts associated with the proposed Plan, and examined alternatives and recommended mitigation measures that could avoid or reduce potential impacts.

This document, together with the Draft PEIR, will constitute the Final PEIR if the City of Fresno City Council certifies it as complete and adequate under the California Environmental Quality Act (CEQA).

1.2 ENVIRONMENTAL REVIEW PROCESS

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public with an opportunity to comment on the Draft PEIR. This Final PEIR has been prepared to respond to comments received on the Draft PEIR. The Draft PEIR was made available for public review from August 9, 2017 through September 25, 2017. The Draft PEIR was distributed to local, regional, and State agencies, and the general public. Copies of the Draft PEIR were made available for review to interested parties at:

- Mary Ella Brown Community Center, 1350 E. Annadale Avenue, Fresno, CA 93706
- Hinton Community Center, 2385 Fairview Avenue, Fresno, CA 93706
- West Fresno Family Resource Center, 1801 E. California Avenue, Fresno, CA 93706
- The City of Fresno website at www.fresno.gov/southwestplan

The 45-day public comment period ended on September 25, 2017. Copies of all written comments received on the Draft EIR are contained in this document. These comments and responses to these comments are laid out in Chapter 5, Comments and Responses, of this Final PEIR.

This Final PEIR will be considered at a Planning Commission public hearing on the proposed Plan, after which the Commission will make a recommendation to the City Council on certification of the PEIR and approval of the proposed Plan. The City Council will consider the Planning Commission's recommendations on the Final PEIR and the proposed Plan during a noticed public hearing, and will take the final action with regard to certification of the Final PEIR.

1.3 REPORT ORGANIZATION

This document is organized into the following chapters:

- Chapter 1: Introduction. This chapter discusses the use and organization of the Final PEIR.
- Chapter 2: Executive Summary. This chapter summarizes the environmental consequences that would result from implementation of the proposed Plan, the alternatives to the proposed Plan, and the recommended mitigation measures, and indicates the level of significance of environmental impacts with and without mitigation.
- Chapter 3: Revisions to the Draft PEIR. Revisions to the Draft PEIR are contained in this chapter.
- Chapter 4: List of Commenters. Names of agencies and individuals who commented on the Draft PEIR are included in this chapter.
- Chapter 5: Comments and Responses. This chapter lists the comments received from agencies and the public on the Draft PEIR, and provides responses to those comments.
- Chapter 6: Mitigation Monitoring and Reporting Program. This chapter contains the Mitigation Monitoring and Reporting Program (MMRP) for the proposed Plan.

2. Executive Summary

This chapter presents a summary of the findings of the Draft and Final Program Environmental Impact Reports (PEIRs). This chapter has been reprinted from the Draft PEIR with necessary changes made in this Final PEIR in double-underline and ~~strikethrough~~.

This chapter presents an overview of the proposed Southwest Fresno Specific Plan, herein referred to as "proposed Plan." This executive summary provides a summary of the proposed Plan, a summary of the alternatives to the proposed Plan, identifies issues to be resolved, areas of concern, and conclusions of the analysis contained in Chapters 4.0 through 4.15 of ~~this~~ the Draft Environmental Impact Report (Draft EIR). For a complete description of the proposed Plan, see Chapter 3, and for a discussion of alternatives to the proposed Plan, see Chapter 5 of ~~this~~ the Draft EIR.

~~This~~ The Draft EIR addresses the environmental effects associated with the implementation of the proposed Plan. The California Environmental Quality Act (CEQA) requires that local government agencies, prior to taking action on projects over which they have discretionary approval authority, consider the environmental consequences of such projects. An EIR is a public document designed to provide the public, and local and State governmental agency decision-makers with an analysis of potential environmental consequences to support informed decision-making.

~~This~~ The Draft EIR has been prepared pursuant to the requirements of CEQA (California Public Resources Code, Division 13, Section 21000, et seq.) and the State CEQA Guidelines (Title 14 of the California Code of Regulations, Division 6, Chapter 3, Section 15000, et seq.) to determine if approval of the identified discretionary actions and related subsequent development under the proposed Plan could have a significant impact on the environment. The City of Fresno, as the Lead Agency, has reviewed and revised as necessary all submitted drafts, technical studies, and reports to reflect its own independent judgment, including reliance on applicable City technical personnel and review of all technical subconsultant reports. Information for ~~this~~ the Draft EIR was obtained from on-site field observations; discussions with affected agencies; analysis of adopted plans and policies; review of available studies, reports, data, and similar literature in the public domain; and specialized environmental assessments (e.g., air quality, hazards and hazardous materials, hydrology and water quality, noise, and transportation and traffic).

2.1 ENVIRONMENTAL PROCEDURES

~~This~~ The Draft EIR has been prepared to assess the potential environmental effects associated with implementation of the proposed Plan. The main purposes of this document as established by CEQA are:

- To disclose to decision-makers and the public the significant environmental effects of proposed activities.
- To identify ways to avoid or reduce environmental damage.

- To prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures.
- To disclose to the public reasons for agency approval of projects with significant environmental effects.
- To foster interagency coordination in the review of projects.
- To enhance public participation in the planning process.

An EIR is the most comprehensive form of environmental documentation identified in the statutes and in the CEQA Guidelines. It provides the information needed to assess the environmental consequences of a proposed project, to the extent feasible. EIRs are intended to provide an objective, factually supported, full-disclosure analysis of the environmental consequences associated with a proposed project that has the potential to result in significant, adverse environmental impacts. An EIR is also one of various decision-making tools used by a lead agency to consider the merits and disadvantages of a project that is subject to its discretionary authority. Prior to approving a proposed project, the lead agency must consider the information contained in the EIR, determine whether the EIR was properly prepared in accordance with CEQA and the CEQA Guidelines, determine that it reflects the independent judgment of the lead agency, adopt findings concerning the project's significant environmental impacts and alternatives, and must adopt a Statement of Overriding Considerations if the proposed project would result in significant impacts that cannot be avoided.

2.1.1 REPORT ORGANIZATION

~~This~~ The Draft EIR is organized into the following chapters:

- Chapter 1: Introduction. Provides an overview describing the Draft EIR document.
- Chapter 2: Executive Summary. Summarizes the environmental consequences that would result from implementation of the proposed Plan, the alternatives to the proposed Plan, the recommended mitigation measures, and ~~it~~ indicates the level of significance of environmental impacts with and without mitigation.
- Chapter 3: Project Description. Describes the proposed Plan in detail, including the site location and characteristics, objectives, and the structural and technical elements of the proposed action.
- Chapter 4: Environmental Analysis. Organized into 15 sub-chapters corresponding to the environmental resource categories identified in Appendix G, Environmental Checklist, of the CEQA Guidelines, this section provides a description of the physical environmental conditions in the vicinity of the proposed Plan as they existed at the time the Notice of Preparation was published, from both a local and regional perspective, as well as an analysis of the potential environmental impacts of the proposed Plan, and recommended mitigation measures, if required, to reduce their significance. The environmental setting included in each sub-chapter provides baseline physical conditions from which the Lead Agency determines the significance of environmental impacts resulting from the proposed Plan. Each sub-chapter also includes a description of the thresholds used to determine if a significant impact would occur; the methodology to identify and evaluate the potential impacts of the proposed Plan; and the potential cumulative impacts associated with the proposed Plan.

- **Chapter 5: Alternatives to the Proposed Plan.** Considers two alternatives to the proposed Plan, including the CEQA-required "No Project" Alternative and the "Mixed-Use Corridor" Alternative.
- **Chapter 6: CEQA-Mandated Assessment.** Discusses growth inducement, cumulative impacts, unavoidable significant effects, and significant irreversible changes as a result of the proposed Plan. Additionally, this chapter identifies environmental issues that were determined not to require further environmental review during the scoping process pursuant to CEQA Guidelines Section 15128.
- **Chapter 7: Organizations and Persons Consulted.** Lists the people and organizations that were contacted during the preparation of this EIR for the proposed Plan.
- **Chapter 8: References.** List of the material referenced in ~~this~~ the EIR.
- **Appendices:** The appendices for ~~this~~ the document (presented in PDF format on a CD attached to the back cover of the Draft EIR) contain the following supporting documents:
  - Appendix A: Notice of Preparation and Scoping Comments
  - Appendix B: Proposed Public Review Draft of Southwest Fresno Specific Plan
  - Appendix C: Air Quality and Greenhouse Gas Data
  - Appendix D: Cultural Resources Data
  - Appendix E: Hazards and Hazardous Materials Data
  - Appendix F: Noise Data
  - Appendix G: ~~Public Services~~ Transportation and Traffic Data
  - ~~Appendix H: Transportation and Traffic Data~~

2.1.2 PURPOSE OF ~~THIS~~ THE DRAFT EIR

According to Section 15121(a) of the CEQA Guidelines, the purpose of an EIR is to:

Inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

The Project that is the subject of ~~this~~ the EIR is the proposed Plan, a long-term plan that will be implemented over time as a policy document guiding future development activities. Therefore, ~~this~~ the EIR serves as a program-level EIR. ~~This~~ The EIR discloses and evaluates the environmental impacts associated with the policies, development standards, and anticipated buildout of the proposed Plan at a program level. ~~This~~ The programmatic EIR is generally qualitative in nature due to a 25-year buildout horizon.

~~This~~ The EIR does not evaluate the impacts of future individual projects that may be proposed under the proposed Plan. However, if the program EIR addresses the program's effects as specifically and comprehensively as is reasonably possible, and later activities are within scope of the effects examined in the program EIR, then additional environmental review may not be required for those future projects. (See CEQA Guidelines Section 15168[c] and CEQA streamlining provisions.) When a program EIR is relied on for a subsequent activity, the lead agency must incorporate feasible mitigation measures and alternatives developed in the program EIR, and the Fresno General Plan Master EIR (MEIR) when applicable, into the subsequent activities (CEQA Guidelines Section 15168[c][3]). If a subsequent activity

would have effects that are not within the scope of the program EIR, the lead agency must prepare a new Initial Study leading to a Negative Declaration, a Mitigated Negative Declaration, or an EIR unless the activity qualifies for an exemption. For these subsequent environmental review documents, ~~this~~ the program EIR will serve as the first-tier environmental analysis. The program EIR can also serve to streamline future environmental review of subsequent projects.

See Chapter 1, Introduction, Section 1.3, Type of EIR, of ~~this~~ the Draft EIR for a detailed discussion on the environmental review applied in ~~this~~ the EIR.

2.2 SUMMARY OF THE PROPOSED PLAN

The City of Fresno proposes the Southwest Fresno Specific Plan for the 3,255-acre area located southwest of the Downtown Planning Area. The proposed Plan envisions the interplay of "Complete Neighborhoods," "Corridors," and "Magnet Cores" to create a vibrant and desirable community for both existing and new residents. The proposed Plan sets aside the majority of vacant land for single-family residential uses and locates higher density residential uses at neighborhood nodes, near magnet uses, and along corridors. This will allow walkable access for greater numbers of residents to shopping, schools, parks, and transit.

Additionally, the proposed Plan envisions that the most optimal locations for large-scale, regional-serving retail are those that have good proximity, visibility, and access from the greatest number of people, while having enough distance away from other similar types of retail to avoid competition. In the proposed Plan, regional retail is shown in two locations: with access from Highway 180 at Marks and Whites Bridge avenues and from Highway 41 near Jensen Avenue and MLK Jr. Boulevard. These locations would allow new retail businesses to draw customers from areas beyond Southwest Fresno. On the other hand, smaller scale community commercial, including neighborhood retail shops, would be closer to the residential areas at many of the neighborhood nodes, adjacent to magnet uses, and near mixed use.

Furthermore, larger scale employment uses such as offices, a college, and medical facilities are concentrated along higher-intensity corridors and within magnet cores, while opportunities for smaller scale offices are allowed along a less intensive corridor. While more jobs in Southwest Fresno are desirable, the types of businesses that provide them must be healthy, safe, and good neighbors to nearby residents. To avoid potential conflicts between residents and employment uses, new employment areas and all previously "Light Industrial," "Heavy Industrial," "Business Park," or "Regional Business Park" areas would be planned and zoned "Office".

Table 3-1 in Chapter 3, Project Description, of the Draft EIR, contains the development capacity of the land uses proposed in the Plan Area over the proposed Plan's 25-year timeframe compared to the Fresno General Plan, as well as a discussion~~ed~~ of findings from the development capacity analysis. It should be noted that, like the Fresno General Plan, the development capacities are for new development and only take into account the development of parcels that have higher opportunities for development, such as parcels that are vacant, open agriculture, or rural residential (partially vacant).

The development capacities for the Fresno General Plan are also shown in the table for comparison against the proposed Plan's development capacities.

2.3 SUMMARY OF THE ALTERNATIVES TO THE PROPOSED PLAN

~~This~~ The Draft EIR analyzes alternatives to the proposed Plan that are designed to reduce the significant environmental impacts of the proposed Plan and feasibly attain some of the proposed Plan objectives. There is no set methodology for comparing the alternatives or determining the environmentally superior alternative under CEQA. Identification of the environmentally superior alternative involves weighing and balancing all of the environmental resource areas by the City. The following alternatives to the proposed Plan were considered and analyzed in detail:

- No Project Alternative
- Mixed-Use Corridor Alternative

Chapter 5 of ~~this~~ the Draft EIR includes a complete discussion of these alternatives and of alternatives that were considered but not carried forward for detailed analysis.

2.4 ISSUES TO BE RESOLVED

Section 15123(b)(3) of the CEQA Guidelines requires that an EIR identify issues to be resolved, including the choice among alternatives and whether or how to mitigate significant impacts. With regard to the proposed Plan, the major issues to be resolved include decisions by the City of Fresno, as Lead Agency, related to:

- Whether ~~this~~ the Draft EIR adequately describes the environmental impacts of the proposed Plan.
- Whether the benefits of the proposed Plan override those environmental impacts that cannot be feasibly avoided or mitigated to a level of insignificance.
- Whether the proposed land use changes are compatible with the character of the existing area.
- Whether the identified goals, policies, or mitigation measures should be adopted or modified.
- Whether there are other mitigation measures that should be applied to the proposed Plan besides those Mitigation Measures identified in the Draft EIR.
- Whether there are any alternatives to the proposed Plan that would substantially lessen any of the significant impacts of the proposed Plan and achieve most of the basic objectives.

2.5 AREAS OF CONCERN

The City issued a Notice of Preparation (NOP) on February 28, 2017, and held a Scoping Meeting on March 1, 2017, to receive comments on the proposed Plan from interested agencies and members of the public. In addition to the comments received at the Scoping Meeting, the City received 10 comment letters from two State agencies, three local agencies, one Native American Tribe, one non-profit organization, and three members of the public during the public review period. A summary of the comments received at the Scoping Meeting and copies of the letters received are provided in Appendix A, Notice of Preparation and Scoping Comments, of ~~this~~ the Draft EIR.

The following is a discussion of issues that are likely to be of particular concern to agencies and interested members of the public during the environmental review process. While every concern applicable to the CEQA process is addressed in ~~this~~ the Draft EIR, this list is not necessarily exhaustive, but rather attempts to capture those concerns that are likely to generate the greatest interest based on the input received during the NOP scoping process.

- Groundwater/soil contamination
- Traffic impacts in and around the Plan Area, including parking, transit access, and safe pedestrian and bicycle safety and connections
- Affordable housing
- Cultural resources
- Eminent d~~D~~omain

2.6 SIGNIFICANT IMPACTS AND MITIGATION MEASURES

Under CEQA, a significant impact on the environment is defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the proposed Plan, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance. The proposed Plan has the potential to generate significant environmental impacts in a number of areas; however, as described in Chapter 6, CEQA-Mandated Assessment, of ~~this~~ the Draft EIR, the proposed Plan would have no significant impact on the following environmental topics due to existing conditions in the Plan Area and the surrounding area. These issues have therefore not been analyzed further in ~~this~~ the Draft EIR.

- Forestry Resources
- Mineral Resources

Table 2-1 presents a summary of the significant impacts and mitigation measures identified based on the conclusions of the environmental analysis in Chapters 4.1 through 4.15 of ~~this~~ the Draft EIR. The table is arranged in four columns: 1) impact; 2) significance without mitigation; 3) mitigation measures; and 4) significance with mitigation. For a complete description of potential impacts, please refer to the specific discussions Chapters 4.0 through 4.15.

As shown in Table 2-1, some significant impacts would be reduced to a less-than-significant level if the mitigation measures identified in ~~this~~ the Draft EIR are adopted and implemented. However, pursuant to Section 15126.2(b) of the CEQA Guidelines, which requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures, as shown in Table 2-1, significant unavoidable impacts were identified in the areas of Aesthetics, Agriculture, Air Quality, Greenhouse Gas Emissions, Noise, and Transportation and Traffic.

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
AESTHETICS			
AES-1: Implementation of the proposed Plan would not have a substantial adverse effect on a scenic vista.	LTS	N/A	N/A
AES-2: Implementation of the proposed Plan would not substantially degrade the view from a scenic highway, including, but not limited to, trees, rock outcroppings, and historic buildings.	LTS	N/A	N/A
AES-3: Implementation of the proposed Plan would not degrade the existing visual character or quality of the site and its surroundings.	LTS	N/A	N/A
AES-4: Implementation of the proposed Plan would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	S	MEIR AES-1: Lighting systems for street and parking areas shall include shields to direct light to the roadway surfaces and parking areas. Vertical shields on the light fixtures shall also be used to direct light away from adjacent light sensitive land uses such as residences. MEIR AES-2: Lighting systems for public facilities such as active play areas shall provide adequate illumination for the activity; however, low-intensity light fixtures and shields shall be used to minimize spillover light onto adjacent properties. MEIR AES-3: Lighting systems for non-residential uses, not including public facilities, shall provide shields on the light fixtures and orient the lighting system away from adjacent properties. Low-intensity light fixtures shall also be used if excessive spillover light onto adjacent properties will occur. MEIR AES-4: Lighting systems for freestanding signs shall not exceed 100 foot-Lamberts (FT-L) when adjacent to streets which have an average light intensity of less than 2.0 horizontal footcandles and shall not exceed 500 FT-L when adjacent to streets that have an average light intensity of 2.0 horizontal footcandles or greater. MEIR AES-5: Materials used on building façades shall be non-reflective.	SU
AES-5: Implementation of the proposed Plan would result in an increase in glare.	S	AES-5: Implement Mitigation Measures AES-1 through AES-5 of the MEIR.	SU

NI = No Impact LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
AGRICULTURE			
AG-1: Implementation of the proposed Plan would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.	SU	No mitigation measures available.	SU
AG-2: Implementation of the proposed Plan would not conflict with existing zoning for agricultural use, or a Williamson Act contract.	LTS	N/A	N/A
AG-3: Implementation of the proposed Plan would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use.	LTS	N/A	N/A
AG-4: Implementation of the proposed Plan, in combination with past, present and reasonably foreseeable projects, would result in significant and unavoidable cumulative impacts with respect to agriculture resources.	SU	No mitigation measures available.	SU
AIR QUALITY			
AQ-1: Implementation of the proposed Plan would result in the generation of substantial long-term criteria air pollutant emissions that would exceed the SJVAPCD regional significance thresholds and would therefore not be considered consistent with the existing AQMPs.	S	~~No mitigation measures available.~~AQ-1: Prior to the issuance of building permits for new development projects within the Plan Area, the project applicant shall show on the building plans that all major appliances (dishwashers, refrigerators, clothes washers, and dryers) to be provided/installed are Energy Star-certified appliances or appliances of equivalent energy efficiency. Installation of Energy Star-certified or equivalent appliances shall be verified by the City of Fresno Development and Resource Management Department prior to the issuance of a certificate of occupancy.	SU
AQ-2: Construction activities associated with implementation of the proposed Plan would	S	AQ-2a: In order to contribute in minimizing exhaust emission from construction equipment, prior to issuance of grading, demolition or building permits whichever	SU

NI = No Impact LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
exceed the San Joaquin Valley Air Pollution Control District (SJVAPCD) regional significance thresholds for VOC and NO_X.		occurs first, the property owner/developer shall provide a list of all construction equipment proposed to be used on the project site for projects that are subject to the California Environmental Quality Act (i.e., non-exempt projects). This list may be provided on the building plans. The construction equipment list shall state the make, model, and equipment identification number of all the equipment. AQ-2b: During construction activities, for projects that are subject to the California Environmental Quality Act (i.e., non-exempt projects), the construction contractors shall ensure that the equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations; and, that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9. AQ-2c: In order to reduce VOC emissions from construction activities, prior to issuance of a building permit for projects that are subject to the California Environmental Quality Act (i.e., non-exempt projects), the property owner/developer shall require the construction contractor and provide a note on construction plans indicating that: ▪ All coatings and solvents will have a volatile organic compound (VOC) content lower than required under Rule 4601 (i.e., super compliant paints). ▪ All architectural coatings shall be applied either by (1) using a high-volume, low-pressure spray method operated at an air pressure between 0.1 and 10 pounds per square inch gauge to achieve a 65 percent application efficiency; or (2) manual application using a paintbrush, hand-roller, trowel, spatula, dauber, rag, or sponge, to achieve a 100 percent applicant efficiency. ▪ The construction contractor shall also use precoated/natural colored building materials, where feasible.	
AQ-3: Operation of development projects accommodated under the proposed Plan would generate emissions that would exceed the SJVAPCD regional significance thresholds for VOC, NOX, CO, PM_{10}, and $PM_{2.5}$.	S	~~No mitigation measures available.~~ AQ-3: Implement Mitigation Measure AQ-1.	SU
AQ-4: Development of land uses accommodated under the proposed Plan could result in short- and	S	AQ-4a: Implement Mitigation Measures AQ-2a through AQ-2c to further reduce construction-related criteria air pollutant emissions.	SU

NI = No Impact LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
long-term emissions that could cause or contribute to a violation of the AAQS.		AQ-4b: In order to reduce fugitive dust particulate matter emissions during construction activities, prior to issuance of grading, demolition or building permits, whichever occurs first, for projects subject to the California Environmental Quality Act (i.e., non-exempt projects), but that would be outside the purview of San Joaquin Valley Air Pollution Control District's (SJVAPCD) Regulation VIII,the property owner/developer shall submit a dust control plan that includes, but not limited to the following measures during ground-disturbing activities to further reduce PM10 and PM2.5 emissions: ▪ Disturbed areas (including storage piles) that are not being actively utilized for construction purposes shall be effectively stabilized using water, chemical stabilizer/suppressant, or covered with a tarp or other suitable cover (e.g., revegetated). ▪ On-site unpaved roads and off-site unpaved access roads shall be effectively stabilized using water or chemical stabilizer/suppressant. ▪ Land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled utilizing application of water or by presoaking. ▪ Material shall be covered, or effectively wetted to limit visible dust emissions, and at least 6 inches of freeboard space from the top of the container shall be maintained when materials are transported off-site. ▪ Operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) ▪ Following the addition of materials to or the removal of materials from the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant. ▪ Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday. ▪ Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.	

NI = No Impact LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		▪ Limit traffic speeds on unpaved roads to 15 mph. ▪ Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent. ▪ Install wheel washers for all exiting trucks or wash off all trucks and equipment leaving the project area. ▪ Adhere to Regulation VIII's 20 percent opacity limitation, as applicable.	
AQ-5: Implementation of the proposed Plan would not expose sensitive receptors to substantial toxic air contaminant concentrations.	LTS	N/A	N/A
AQ-6: New land uses accommodated under the proposed Plan would not create objectionable odors that could affect a substantial number of people.	LTS	N/A	N/A
AQ-7: Construction activities associated with implementation of the proposed Plan would exceed the SJVAPCD regional significance thresholds for VOC and NO_X.	S	AQ-7: Implement Mitigation Measures AQ-2a through AQ-4b of the Draft EIR.	SU
BIOLOGICAL RESOURCES			
BIO-1.1: Potential development resulting from the proposed Plan could result in the loss of rare plant species.	S	~~MEIR~~ BIO-1.1a: Construction of a proposed project should avoid, where possible, vegetation communities that provide suitable habitat for a special-status species known to occur within the Plan Area. If construction within potentially suitable habitat must occur, a qualified botanist should conduct botanical surveys to confirm the presence/absence of any special-status plant or wildlife species ~~must be determined prior to construction,~~ to determine if the habitat supports any special-status species. The surveys should be completed using the reporting and data collection guidelines outlined in the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*[66] and a report of findings should be submitted to the City and the Department of Fish and Wildlife (CDFW) before the onset of any initial ground-disturbing activity or construction associated with each phase of project implementation. If a special-status species ~~are~~is determined to occupy any portion of a project site, then any occurrence should be avoided whenever possible by delineating and observing a disturbance-free buffer zone of a minimum of 50 feet from the outer-edge of the	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		special-status plant populations(s) or specific habitat type(s) required by special status plant species. If the buffer zone(s) cannot be maintained, appropriate minimization measures and mitigation measures should be prepared in consultation with CDFW on a case-by-case basis. ~~avoidance and minimization measures shall be incorporated into the construction phase of a project to avoid direct or incidental take of a listed species to the greatest extent feasible.~~ MEIR BIO-1.1b: Direct or incidental take of any State- or federally-listed species should be avoided to the greatest extent feasible. If construction of a proposed project will result in the direct or incidental take of a listed species, consultation with the resources agencies and/or additional permitting may be required. Agency consultation through the CDFW 2081 and USFWS Section 7 or Section 10 permitting processes must take place prior to any action that may result in the direct or incidental take of a listed species. Specific mitigation measures for direct or incidental impacts to a listed species will be determined on a case-by-case basis through agency consultation. MEIR BIO-1.1c: Development within the Plan Area should avoid, where possible, special-status natural communities and vegetation communities that provide suitable habitat for special-status species. If a proposed project will result in the loss of a special-status natural community or suitable habitat for special-status species, compensatory habitat-based mitigation is required under CEQA and CESA. Mitigation will consist of preserving on-site habitat, restoring similar habitat, or purchasing off-site credits from an approved mitigation bank. Compensatory mitigation will be determined through consultation with the City and/or resource agencies. An appropriate mitigation strategy and ratio will be agreed upon by the developer and lead agency to reduce project impacts to special-status natural communities to a less than significant level. Agreed-upon mitigation ratios will depend on the quality of the habitat and presence/absence of a special-status species. The specific mitigation for project level impacts will be determined on a case-by-case basis.	

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
BIO-1.2: Implementation of the proposed Plan could result in mortality of Swainson's hawks.	S	BIO-1.2: A qualified biologist knowledgeable of the species should conduct a Swainson's hawk survey of the project site and the surrounding 0.5-mile-radius area, in substantial compliance with the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee 2000) during the normal bird breeding season (1 February through 15 September) prior to the start of any initial ground-disturbing activity or construction associated with each phase of project implementation, to the extent feasible. Additional pre-construction Swainson's hawk surveys should take place no more than 10 days prior to the start of ground-disturbing activities. ~~If trees suitable for Swainson's hawk nesting are to be removed during the Swainson's hawk nesting season (March through August), a qualified biologist knowledgeable of the species will conduct a Swainson's hawk survey of the project site and the surrounding 0.5-mile-radius area, as described in the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee 2000). This methodology divides the nesting season into five survey periods: January 1 to March 20, March 20 to April 5, April 5 to May 20, May 21 to June 10, and June 10 to July 30. The first survey period occurs before most Swainson's hawks return to California, so this survey is optional. The site should be surveyed at a minimum of 3 times in each of the two periods that precede project initiation.~~ ~~If trees suitable for Swainson's hawk nesting are to be removed during the Swainson's hawk nesting season (March through August), a qualified biologist knowledgeable of the species will conduct a Swainson's hawk survey of the project site and the surrounding 0.5-mile-radius area, as described in the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee 2000). This methodology divides the nesting season into five survey periods: January 1 to March 20, March 20 to April 5, April 5 to May 20, May 21 to June 10, and June 10 to July 30. The first survey period occurs before most Swainson's hawks return to California, so this survey is optional. The site should be surveyed at a minimum of 3 times in each of the two periods that precede project initiation.~~ To mitigate for the loss of Swainson's hawk foraging habitat, the project applicant should provide Habitat Management (HM) lands to the California Department of	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		Fish and Wildlife (CDFW) based on the following ratios, if feasible: ▪ If the project(s) is located within 1 mile of an active nest tree, the applicant should provide a minimum of 1 acre of HM lands for each 1 acre of urban development authorized. ▪ If the project(s) is located within 5 miles of an active nest tree but greater than 1 mile from the nest tree, the applicant should provide a minimum of 0.75 acres of HM lands for each 1 acre of urban development authorized. ▪ If the project(s) is located within 10 miles of an active nest tree but greater than 5 miles from the nest tree, the applicant should provide a minimum of 0.5 acres of HM lands for each 1 acre of urban development authorized. The project applicant should provide for the long-term management of the HM lands by funding a management endowment, the interest of which should be used for managing the HM lands. The rate per HM acre should be established through consultation with CDFW. In addition to fee title acquisition of grassland habitat, mitigation could occur by the purchase of conservation or suitable agricultural easements. Suitable agricultural easements would include areas limited to production of crops such as alfalfa, dry land and irrigated pasture, and cereal grain crops. Vineyards, orchards, cotton fields, and other dense vegetation do not provide adequate foraging habitat.	
BIO-1.3: Implementation of the proposed Plan could result in mortality of San Joaquin kit fox.	S	BIO-1.3: No less than 14 days and no more than 30 days prior to commencement of construction activities the project proponent sh~~all~~ould retain a USFWS- and CDFW-approved biologist to conduct pre-construction surveys in potential habitat periphery of the Plan Area that has not been fragmented by agricultural-residential or urban development. The survey, reporting, and activities during construction sh~~all~~ould be in substantial compliance with ~~adhere to~~ the requirements contained in the *U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance.*[66] As described in the standardized recommendations, if a natal/pupping den is discovered within the Plan Area or within 200-feet of the project boundary, the USFWS and CDFW sh~~all~~ould be immediately notified and under no circumstances should the den be disturbed or destroyed without prior authorization. If the preconstruction/ preactivity survey reveals an active natal pupping or new information, the project applicant should contact the USFWS immediately to obtain the necessary take	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		authorization/permit.	
BIO-1.4: Implementation of the proposed Plan could result in impacts to roosting habitat or maternity colonies of special-status bats.	S	BIO-1.4: Conduct Preconstruction Surveys for Special-status Bats and Implement Avoidance Measures. Any medium or larger (≥ 12-inch diameter) trees or snags selected for removal sh~~all~~ould be inspected by a qualified biologist for presence of potential day-roosting habitat (e.g., cavities exfoliating bark, or basal hollows) for special-status bats or a maternity colony. If feasible, cavities sh~~all~~ould be examined for roosting bats using a portable camera probe or similar technology. No more than two weeks before the onset of any initial ground-disturbing activity or construction associated with each phase of project implementation, a qualified bat biologist should conduct pre-construction surveys of all ~~B~~buildings with potential for roosting habitat for supporting special-status bats or a maternity colony sh~~all~~ould be inspected by a qualified biologist for evidence of roosting colonies. If suitable roosting habitat is present and/or bat sign is observed, but no bats are detected, an evening exit count and acoustic survey using a full spectrum acoustic detector sh~~all~~ould be conducted by a qualified bat biologist to determine if bats are present and what species are present. If present, roosts (including day roosts, winter hibernacula, and maternity colonies) and a 100- to 300-foot disturbance-free buffer surrounding each roost sh~~all~~ould be flagged and avoided, as determined by a qualified bat biologist. The 100- to 300-foot disturbance-free buffer should be maintained until the qualified bat biologist can determine that bats no longer use the roost. If avoidance is not possible, a qualified bat biologist should develop a Bat Eviction Plan in consultation with CDFW for written approval prior to implementation. The Bat Eviction Plan should include exclusion methods, roost removal procedures, and monitoring efforts to ensure that all bats have exited the roost prior to all ground-disturbing activities and are unable to re-enter the roost. In addition, replacement habitat appropriate for the species' roost requirements sh~~all~~ould be created prior to the roost removal~~, and the roosting bats shall be passively evicted under the direction of a qualified biologist (as determined by a Memorandum of Understanding with the CDFG).~~ The qualified bat biologist, in consultation with CDFW, sh~~all~~ould facilitate the removal of roosting bats outside of the winter hibernation (1 November to 28 February) and maternity roosting (15 March to 31 August) periods through the following means:	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		1. Implementing eviction during a period of warm (nighttime low>50°F), dry weather, when bats are expected to be active. 2. Opening the roosting area to allow airflow through the cavity or building (air flow disturbance). 3. Waiting a minimum of three nights of warm weather, as defined above, for roosting bats to respond to air flow disturbance, thereby allowing bats to leave during nighttime hours when predation risk is relatively low and chances of finding a new roost is greater than in the daytime. 4. Conducting a follow-up survey prior to roost removal to ensure that bats have vacated the roost. 5. Disturbing roosts at dusk just prior to roost removal the same evening to allow bats to escape during nighttime hours.	
BIO-1.5: Potential development resulting from the proposed Plan could result in disruption of denning badgers and mortality of badgers.	S	BIO-1.5. Conduct Focused American Badger Surveys and Avoid or Minimize Impacts to American Badger Dens. No more than 30 days before the start of construction activities, a qualified biologist sh~~all~~ould conduct pre-construction surveys for American badgers within suitable habitat. If a potentially active den is found in a construction area, the den openings may be monitored with tracking medium or an infrared-beam camera for three consecutive nights to determine current use. Potential (inactive) dens within the limits of disturbance sh~~all~~ould be blocked with a one-way door or excavated to prevent use during construction. Blocking with one-way doors is preferable to excavation where feasible; potential dens blocked with doors will be made available to badgers after construction. If American badgers or active dens are detected during these surveys, the following sh~~all~~ould be implemented: ▪ If present, occupied badger dens sh~~all~~ould be flagged, and ground-disturbing activities avoided, within 50 feet of the occupied den during the nonbreeding season (1 July through 14 February). Flagging that is highly visible by construction crews sh~~all~~ould encircle the occupied den at the appropriate buffer distance, and sh~~all~~ould not prevent access to the den by badgers. Dens determined to be occupied during the breeding season (15 February through 30 June) sh~~all~~ould be flagged, and ground-disturbing activities avoided, within 200 feet to protect adults and nursing young. Buffers may be modified by the qualified biologist, provided the badgers are protected, and sh~~all~~ould not be	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		removed until the qualified biologist has determined that the den is no longer in use. ▪ If avoidance of an active non-maternity den is not feasible, the qualified biologist should consult with CDFW to determine whether the badger(s) may be evicted. Relocation methods may be implemented ~~badgers shall be relocated~~ by first incrementally blocking the den over a three-day period, followed by slowly excavating the den (either by hand or with mechanized equipment under the direct supervision of a qualified biologist, removing no more than 4 inches at a time) before or after the rearing season (15 February through 30 June). Any passive relocation of American badgers sh~~all~~ould occur only under the direction of a qualified biologist.	
BIO-1.6: Implementation of the proposed Plan could result in mortality of, and loss of habitat for, burrowing owls.	S	BIO-1.6: Conduct a Preconstruction Survey for Burrowing Owl and Implement Avoidance Measures. A qualified biologist(s) knowledgeable of the species should conduct a focused, preconstruction survey during the peak breeding season for burrowing owls (15 April to 15 July) prior to the start of ground-disturbing activities for the project to determine if burrowing owls are present on the project site and within 250 feet where access allows. The survey should be conducted in substantial compliance with the California Burrowing Owl Consortium's *Survey Protocol and Mitigation Guidelines* (CBOC, 1997), or other survey and mitigation protocols recommended by the CDFW, to the extent feasible. All areas of suitable habitat proposed for ground disturbance will be surveyed. If burrowing owls are detected, buffers and mitigation per the *Survey Protocol and Mitigation Guidelines* will be implemented. If burrowing owl(s) are found to occupy the site and avoidance is not possible, a qualified biologist knowledgeable of the species should conduct burrow exclusion during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty by site surveillance and/or scoping. Burrow closure should be implemented only where there are adjacent natural burrows and non-impacted sufficient habitat for burrowing owls to occupy with permanent protection mechanisms in place. Ongoing surveillance should be conducted during any initial ground-disturbing activity or construction associated with each phase of project implementation to monitor colonization of the area by burrowing owls. ~~No more than 15 days before the start of ground-disturbing activities for the~~	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		~~project, a qualified biologist(s) knowledgeable of the species will conduct a focused, preconstruction survey for burrowing owls and their sign on the project site and within 250 feet where access allows. In conformance with federal and State regulations regarding the protection of raptors, the survey will be conducted per the *Staff Report on Burrowing Owl Mitigation*.~~[67] ~~All areas of suitable habitat proposed for ground disturbance will be surveyed. If burrowing owls are detected, buffers and mitigation per the *Staff Report on Burrowing Owl Mitigation* will be implemented.~~	
BIO-1.7: Implementation of the proposed Plan could result in impacts to Western pond turtle nests and mortality of pond turtles.	S	BIO-1.7. Conduct Pre-construction Surveys for Western Pond Turtle, and Move Individuals to Safety. Prior to construction, a qualified biologist (i.e., a biologist approved by CDFW and that holds a Scientific Collecting Permit to handle western pond turtles) sh~~all~~ould conduct focused surveys during the western pond turtle egg-laying season (March through August) to determine if ~~look for~~ western pond turtles are present within 0.25-mile of aquatic and riparian habitat, where accessible. If any pond turtles are detected during these surveys, or during construction in an area where individuals could be affected, they should be allowed to move out on their own volition. If this is not feasible, they sh~~all~~ould be moved to the nearest suitable habitat immediately upstream or downstream from the project site. ~~a suitable location outside the area of impact.~~ The candidate sites for relocation sh~~all~~ould be identified before construction and sh~~all~~ould be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range. If any western pond turtle nests with eggs are found, the nests sh~~all~~ould remain undisturbed until the eggs have hatched. ~~, if feasible. If avoidance of a nest is infeasible (e.g., if avoidance would result in an unacceptable delay in the project's schedule), or if the eggs are discovered only after the nest has been affected, any viable eggs shall be relocated to a suitable location outside the impact area. Egg relocation areas shall be identified based on pond turtle nesting biology. Any viable eggs shall be deposited in a hole and buried for thermal protection.~~	LTS
BIO-1.8: Implementation of the proposed Plan could result in take of birds or nests.	S	~~MEIR~~ BIO-1.8. Proposed projects within the Plan Area should avoid, if possible, construction within the general nesting season of February through August for avian species protected under Fish and Game Code 3500 and the Migratory Bird Treaty Act (MBTA), if it is determined that suitable nesting habitat occurs on a project site. If construction cannot avoid the nesting season, a pre-construction	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		clearance survey must be conducted by a qualified wildlife biologist no more than 10 days prior to the start of any initial ground-disturbing activity or construction associated with each phase of project implementation to determine if any nesting birds or nesting activity is observed on or within 500 feet of a project site. If an active nest is observed during the survey, a biological monitor must be on site to ensure that no proposed project activities would impact the active nest. A suitable buffer will be established around the active nest until the nestlings have fledged and the nest is no longer active. Project activities may continue in the vicinity of the nest only at the discretion of the biological monitor. Once construction begins, a qualified wildlife biologist should continuously monitor nests to detect behavioral changes resulting from project-related activities. If continuous monitoring of nests by a qualified wildlife biologist is not feasible, a disturbance-free buffer zone of a minimum of 250 feet should be delineated around active nests of non-listed bird species and a disturbance-free buffer zone of a minimum of 500 feet should be delineated around active nests of non-listed raptors, or suitable buffer distance approved by the biological monitor. These buffers should be maintained until the breeding season has ended or until a qualified wildlife biologist can determine that the bird species or raptors have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these buffers should be considered only after consultation with a qualified wildlife biologist and CDFW.	
BIO-2: Implementation of the proposed Plan would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.	S	~~MEIR~~ BIO-2.1a: Impacts to riparian habitat should be avoided by delineating a 200-foot disturbance free buffer from the high water mark of a waterbody or waterway or form the outside edge of the riparian habitat and for areas with no riparian vegetation, a minimum 100-foot disturbance-free buffer should be delineated around the high water mark of a waterbody or waterway. If avoidance is not possible, ~~a proposed project will result in the removal or impact to any riparian habitat and/or a special-status natural community with potential to occur in the Plan Area,~~ a compensatory habitat-based mitigation sh~~all~~ould be required to reduce project impacts. Compensatory mitigation must involve the preservation or restoration or the purchase of off-site mitigation credits for impacts to riparian habitat and/or a special-status natural community. Mitigation must be conducted in-kind or within an approved mitigation bank in the region.	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		The specific mitigation ratio for habitat based mitigation sh~~all~~ould be determined on an acre-for-acre basis ~~will be determined~~ through consultation with the appropriate agency (i.e., CDFW or USFWS) ~~on a case-by-case basis~~. ~~MEIR~~ BIO-2.1b: Project impacts that occur to riparian habitat may also result in significant impacts to streambeds or waterways protected under Section 1600 of Fish and Wildlife Code and Section 404 of the CWA. In accordance with Fish & Game Code Section 1600 et seq., consultation with CDFW and/or USACE should be initiated to determine the appropriate mitigation strategy and regulatory permitting to reduce impacts prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. ~~consultation, determination of mitigation strategy, and regulatory permitting to reduce impacts, as required for projects that remove riparian habitat and/or alter a streambed or waterway, shall be implemented.~~ ~~MEIR~~ BIO-2.1c: Project-related impacts to riparian habitat or a special-status natural community may result in direct or incidental impacts to special-status species associated with riparian or wetland habitats. Project impacts to special-status species associated with riparian habitat shall be mitigated through agency consultation, development of a mitigation strategy, and/or issuing incidental take permits for the specific special-status species, as determined by the CDFW and/or USFWS.	
BIO-3: Implementation of the proposed Plan could result in loss of federally protected wetlands or waters.	S	~~MEIR~~ BIO-3a: If a proposed project will result in the significant alteration or fill of a federally protected wetland, in accordance with Fish & Game Code Section 1600 et seq., consultation with CDFW and/or USACE should be initiated to determine the appropriate mitigation strategy and regulatory permitting to reduce impacts prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. In addition, a formal wetland delineation conducted according to USACE accepted methodology is required for each project to	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		determine the extent of wetlands on a project site. The delineation sh~~all~~ould be used to determine if federal permitting and mitigation strategy are required to reduce project impacts. Acquisition of permits from USACE for the fill of wetlands and ~~USACE~~ approval of wetland mitigation plan would ensure a "no net loss" of wetland habitat within the Plan Area by the appropriate regulatory agencies (e.g., USACE, Regional Water Quality Control Board (RWQCB) and the California Department of Fish and Wildlife (CDFW)). Appropriate wetland mitigation/creation sh~~all~~ould be implemented in a ratio according to the size of the impacted wetland. ~~MEIR~~ BIO-3b: In addition to regulatory agency permitting, Best Management Practices identified from a list provided by the USACE shall be incorporated into the design and construction phase of the project to ensure that no pollutants or siltation drain into a federally protected wetland. Project design features such as fencing, appropriate drainage and incorporating detention basins shall assist in ensuring project-related impacts to wetland habitat are minimized to the greatest extent feasible.	
BIO-4: Implementation of the proposed Plan would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	LTS	N/A	N/A
BIO-5: Implementation of the proposed Plan would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	LTS	N/A	N/A
BIO-6: Implementation of the proposed Plan would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.	LTS	N/A	N/A
BIO-7: Implementation of the proposed Plan, in combination with past, present and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to	LTS	N/A	N/A

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
biological resources			
CULTURAL AND TRIBAL CULTURAL RESOURCES			
CUL-1: Implementation of the proposed Plan could cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines.	S	MEIR CUL-1: If previously unknown cultural resources are encountered during grading activities, construction shall stop in the immediate vicinity of the find and an archaeologist shall be consulted to determine whether the resource requires further study. The qualified archaeologist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines and the City's Historic Preservation Ordinance. If the resources are determined to be unique historical resources as defined under Section 15064.5 of the CEQA Guidelines, measures shall be identified by the archaeologist and recommended to the Lead Agency. Appropriate measures for significant resources could include avoidance or capping; incorporation of the site in green space, parks, or open space; or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any historical artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.	LTS
CUL-2: Implementation of the proposed Plan could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines.	S	MEIR CUL-2: Subsequent to a preliminary City review of the project grading plans, if there is evidence that a project will include excavation or construction activities within previously undisturbed soils, a field survey and literature search for prehistoric archaeological resources shall be conducted. The following procedures shall be followed. If prehistoric resources are not found during either the field survey or a literature search, excavation and/or construction activities can commence. In the event that buried prehistoric archaeological resources are discovered during excavation and/or construction activities, construction shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archaeologist shall make	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. If the resources are determined to be unique prehistoric archaeological resources as defined under Section 15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any prehistoric archaeological artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study. If prehistoric resources are found during the field survey or literature review, the resources shall be inventoried using appropriate State record forms and submit the forms to the Southern San Joaquin Valley Information Center. The resources shall be evaluated for significance. If the resources are found to be significant, measures shall be identified by the qualified archaeologist. Similar to above, appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. In addition, appropriate mitigation for excavation and construction activities in the vicinity of the resources found during the field survey or literature review shall include an archaeological monitor. The monitoring period shall be determined by the qualified archaeologist. If additional prehistoric archaeological resources are found during excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed.	
CUL-3: Implementation of the proposed Plan would have the potential to directly or indirectly affect a unique paleontological resource or site, or unique geologic feature.	S	MEIR CUL-3: Subsequent to a preliminary City review of the project grading plans, if there is evidence that a project will include excavation or construction activities within previously undisturbed soils, a field survey and literature search for unique paleontological/geological resources shall be conducted. The following procedures shall be followed: If unique paleontological/geological resources are not found during either the field	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		survey or a literature search, excavation and/or construction activities can commence. In the event that unique paleontological/geological resources are discovered during excavation and/or construction activities, construction shall stop in the immediate vicinity of the find and a qualified paleontologist shall be consulted to determine whether the resource requires further study. The qualified paleontologist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to, excavation of the finds and evaluation of the finds. If the resources are determined to be significant, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate mitigation measures for significant resources could include avoidance or capping; incorporation of the site in green space, parks, or open space; or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any paleontological/geological resources recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study. If unique paleontological/geological resources are found during the field survey or literature review, the resources shall be inventoried and evaluated for significance. If the resources are found to be significant, mitigation measures shall be identified by the qualified paleontologist. Similar to above, appropriate mitigation measures for significant resources could include avoidance or capping; incorporation of the site in green space, parks, or open space; or data recovery excavations of the finds. In addition, appropriate mitigation for excavation and construction activities in the vicinity of the resources found during the field survey or literature review shall include a paleontological monitor. The monitoring period shall be determined by the qualified paleontologist. If additional paleontological/ geological resources are found during excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed.	
CUL-4: Implementation of the proposed Plan would have the potential to disturb human remains, including those interred outside of formal cemeteries.	S	MEIR CUL-4: In the event that human remains are unearthed during excavation and grading activities of any future development project, all activity shall cease immediately. Pursuant to Health and Safety Code (HSC) Section 7050.5, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98(a). If the remains are	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		determined to be of Native American descent, the coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the most likely descendent of the deceased Native American, who shall then serve as the consultant on how to proceed with the remains. Pursuant to PRC Section 5097.98(b), upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment. Applicable regulations and procedures described above, along with implementation of Mitigation Measure CUL-4, would ensure that any human remains discovered during construction would be handled appropriately.	
CUL-5: Implementation of the proposed Plan would have the potential to impact TCRs the disturbance of which could result in a significant impact under CEQA.	S	CUL-5: Implement Fresno General Plan MEIR Mitigation Measures CUL-1, CUL-2, and CUL-4.	LTS
CUL-6: Implementation of the proposed Plan, in combination with past, present and reasonably foreseeable projects, would not result in less than significant cumulative impacts with respect to cultural resources.	LTS	N/A	N/A
GEOLOGY AND SOILS			
GEO-1: Development under the proposed Plan would not subject people or structures to hazards from surface rupture of a known active fault.	NI	N/A	N/A
GEO-2: Ground shaking can be expected to occur within the design lifetimes of buildings that would be constructed under the proposed Plan. Such developments would comply with building codes then in effect. Buildout of the proposed Plan would	LTS	N/A	N/A

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
not subject people or structures to substantial hazards from ground shaking.			
GEO-3: Buildout of the proposed Plan would subject people and structures to hazards from seismic-related ground failure including liquefaction.	LTS	N/A	N/A
GEO-4: The Plan Area and surroundings are nearly level, with a southwest slope of about 0.1 percent grade. Buildout of the proposed Plan would not subject people or structures to landslide hazards.	NI	N/A	N/A
GEO-5: Potential construction projects under the proposed Plan would disturb and expose large amounts of soil, thus dramatically increasing the potential for soil erosion on-site. Construction projects 1 acre or larger would be required to use Best Management Practices (BMPs) to minimize erosion from the site.	LTS	N/A	N/A
GEO-6: Buildout of the proposed Plan would not subject people or structures to substantial hazards from ground subsidence.	LTS	N/A	N/A
GEO-7: Shallow site soils are expected to be compressible and unsuitable for supporting structures for human occupancy. Implementation of the proposed Plan could pose hazards to people and structures arising from compressible soils.	LTS	N/A	N/A
GEO-8: Expansive soils may be present on-site, and buildout of the proposed Plan could pose hazards to people or structures arising from expansive soils.	LTS	N/A	N/A
GEO-9: Buildout of the proposed Plan would not add land uses to the Plan Area relying on septic tanks or other alternative wastewater disposal systems, and thus would have no impact respecting soils incapable of supporting such	LTS	N/A	N/A

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Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
systems.			
GEO-10: No significant cumulative impacts to geology and soils are anticipated, and impacts of buildout of the proposed Plan would not be cumulatively considerable.	LTS	N/A	N/A
GREENHOUSE GAS (GHG) EMISSIONS			
GHG-1: Implementation of the proposed Plan would result in a substantial increase in GHG emissions.	S	GHG-1: Implement Mitigation Measure AQ-2b as follows. Mitigation Measure AQ-2b: During construction activities, for projects that are subject to the California Environmental Quality Act (i.e., non-exempt projects), the construction contractors shall ensure that the equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations; and, that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9.	SU
GHG-2: Implementation of the proposed Plan would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases (GHGs).	LTS	N/A	N/A
GHG-3: GHG emissions associated with implementation of the proposed Plan would substantially cumulatively contribute to climate change impacts.	S	GHG-3: Implement Mitigation Measure AQ-2b.	SU
HAZARDOUS AND HAZARDOUS MATERIALS			
HAZ-1: Implementation of the proposed Plan would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	LTS	N/A	N/A
HAZ-2: Implementation of the proposed Plan would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions	LTS	N/A	N/A

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
involving the release of hazardous materials into the environment.			
HAZ-3: Implementation of the proposed Plan would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school.	~~PS/LTS~~	HAZ-3: Implementation of Mitigation Measures HAZ-4a through HAZ-4h, described later in the section under Impact HAZ-4, would reduce potential impacts to schools. In addition, as stated in the discussions of Impacts HAZ-1 and HAZ-2, compliance with existing federal, State, and local regulations, procedures, and policies would avoid potential impacts associated with hazardous materials handling, use, and storage in the Plan Area. Compliance with these regulations, procedures, and policies would ensure that hazardous materials are properly handled, thereby reducing potential risks to nearby schools.	LTS
HAZ-4: Implementation of the proposed Plan would occur on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a potentially significant hazard to the public or the environment.	~~P~~S	HAZ-4a: Prior to the issuance of a grading permit, the property owners and/or developers of properties shall ensure that a Phase I ESA (performed in accordance with the current ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process [E 1527]) shall be conducted for each individual property prior to development or redevelopment to ascertain the presence or absence of Recognized Environmental Conditions (RECs), Historical Recognized Environmental Condition (HRECs), and Potential Environmental Concerns (PECs) relevant to the property under consideration. The findings and conclusions of the Phase I ESA shall become the basis for potential recommendations for follow-up investigation, if found to be warranted. HAZ-4b: In the event that the findings and conclusions of the Phase I ESA for a property result in evidence of RECs, HRECs and/or PECs warranting further investigation, the property owners and/or developers of properties shall ensure that a Phase II ESA shall be conducted to determine the presence or absence of a significant impact to the subject site from hazardous materials. The Phase II ESA may include but may not be limited to the following: (1) Collection and laboratory analysis of soils and/or groundwater samples to ascertain the presence or absence of significant concentrations of constituents of concern; (2) Collection and laboratory analysis of soil vapors and/or indoor air to ascertain the presence or absence of significant concentrations of volatile constituents of concern; and/or (3) Geophysical surveys to ascertain the presence or absence of subsurface features of concern such as USTs, drywells, drains, plumbing, and septic	LTS

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Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		systems. The findings and conclusions of the Phase II ESA shall become the basis for potential recommendations for follow-up investigation, site characterization, and/or remedial activities, if found to be warranted. HAZ-4c: In the event the findings and conclusions of the Phase II ESA reveal the presence of significant concentrations of hazardous materials warranting further investigation, the property owners and/or developers of properties shall ensure that site characterization shall be conducted in the form of additional Phase II ESAs in order to characterize the source and maximum extent of impacts from constituents of concern. The findings and conclusions of the site characterization shall become the basis for formation of a remedial action plan and/or risk assessment. HAZ-4d: If the findings and conclusions of the Phase II ESA(s), site characterization and/or risk assessment demonstrate the presence of concentrations of hazardous materials exceeding regulatory threshold levels, prior to the issuance of a grading permit, property owners and/or developers of properties shall complete site remediation and potential risk assessment with oversight from the applicable regulatory agency including, but not limited to, the Cal-EPA Department of Toxic Substances Control (DTSC) or Regional Water Quality Control Board (RWQCB), and Fresno County Environmental Health Division (FCEHD). Potential remediation could include the removal or treatment of water and/or soil. If removal occurs, hazardous materials shall be transported and disposed at a hazardous materials permitted facility. HAZ-4e: Prior to the issuance of a building permit for an individual property within the Plan Area with residual environmental contamination, the agency with primary regulatory oversight of environmental conditions at such property ("Oversight Agency") shall have determined that the proposed land use for that property, including proposed development features and design, does not present an unacceptable risk to human health, if applicable, through the use of an Environmental Site Management Plan (ESMP) that could include institutional controls, site-specific mitigation measures, a risk management plan, and deed restrictions based upon applicable risk-based cleanup standards. Remedial action plans, risk management plans and health and safety plans shall be required as determined by the Oversight Agency for a given property under applicable	

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Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		environmental laws, if not already completed, to prevent an unacceptable risk to human health, including workers during and after construction, from exposure to residual contamination in soil and groundwater in connection with remediation and site development activities and the proposed land use. HAZ-4f: For those sites with potential residual volatile organic compounds (VOCs) in soil, soil gas, or groundwater that are planned for redevelopment with an overlying occupied building, a vapor intrusion assessment shall be performed by a licensed environmental professional. If the results of the vapor intrusion assessment indicate the potential for significant vapor intrusion into the proposed building, the project design shall include vapor controls or source removal, as appropriate, in accordance with Regional Water Quality Control Board (RWQCB), the Department of Toxic Substances Control (DTSC) or the Fresno County Environmental Health Division (FCEHD) requirements. Soil vapor mitigations or controls could include passive venting and/or active venting. The vapor intrusion assessment as associated vapor controls or source removal can be incorporated into the ESMP (Mitigation Measure HAZ4-4e). HAZ-4g: In the event of planned renovation or demolition of residential and/or commercial structures on the subject site, prior to the issuance of demolition permits, asbestos and lead based paint (LBP) surveys shall be conducted in order to determine the presence or absence of asbestos-containing materials (ACM) and/or LBP. Removal of friable ACM, and non-friable ACMs that have the potential to become friable, during demolition and/or renovation shall conform to the standards set forth by the National Emissions Standards for Hazardous Air Pollutants (NESHAPs). The San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) is the responsible agency on the local level to enforce the National Emission Standards for Hazardous Air Pollutants (NESHAPs) and shall be notified by the property owners and/or developers of properties (or their designee(s)) prior to any demolition and/or renovation activities. If asbestos-containing materials are left in place, an Operations and Maintenance Program (O&M Program) shall be developed for the management of asbestos containing materials. HAZ-4h: Prior to the import of a soil to a particular property within the Plan Area as part of that property's site development, such soils shall be sampled for toxic or	

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		hazardous materials to determine if concentrations exceed applicable Environmental Screening Levels for the proposed land use at such a property, in accordance with Regional Water Quality Control Board (RWQCB), the Department of Toxic Substances Control (DTSC) or the Fresno County Environmental Health Division (FCEHD) requirements, prior to importing to such a property.	
HAZ-5: The proposed Plan would be located within 2 miles of a public airport or public use airport, but would not result in a safety hazard for people residing or working in the Plan Area.	LTS	N/A	N/A
HAZ-6: For a project within the vicinity of a private airstrip, the proposed Plan would not result in a safety hazard for people residing or working in the Plan Area.	NI	N/A	N/A
HAZ-7: The proposed Plan would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	LTS	N/A	N/A
HAZ-8: Implementation of the proposed Plan would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	NI	N/A	N/A
HAZ-9: Implementation of the proposed Plan, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to hazards and hazardous materials.	LTS	N/A	N/A
HYDROLOGY AND WATER QUALITY			
HYD-1: Buildout of the proposed Plan would not violate any water quality standards or discharge requirements.	LTS	N/A	N/A

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
HYD-2.1: Buildout of the proposed Plan would increase water demands in the City, thus increasing demands for groundwater.	LTS	N/A	N/A
HYD-2.2: Implementation of the proposed Plan would not substantially interfere with groundwater recharge.	LTS	N/A	N/A
HYD-3: Implementation of the proposed Plan would not substantially change the drainage pattern on and surrounding the Plan Area, and would not cause substantial erosion or siltation on- or off-site.	LTS	N/A	N/A
HYD-4: Implementation of the proposed Plan would not substantially change the drainage pattern on and surrounding the Plan Area and would not cause flooding on- or off-site.	LTS	N/A	N/A
HYD-5: Buildout of the proposed Plan would not generate runoff exceeding the capacity of existing or planned storm drainage systems, or generate a substantial increase in polluted runoff	LTS	N/A	N/A
HYD-6: Buildout of the proposed Plan would not substantially degrade water quality.	LTS	N/A	N/A
HYD-7: Buildout of the proposed Plan would not place housing in a 100-year flood hazard area.	LTS	N/A	N/A
HYD-8: Buildout of the proposed Plan would not place structures which would redirect flood flows within a 100-year flood zone.	LTS	N/A	N/A
HYD-9: The Plan Area is not in dam inundation areas or mapped as protected from 100-year floods by levees. Buildout of the proposed Plan would not expose people or structures to flood hazard due to dam inundation.	LTS	N/A	N/A
HYD-10: The Plan Area is not susceptible to flooding due to seiche, tsunami, or mudflow. Buildout of the proposed Plan would not subject	LTS	N/A	N/A

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
people or structures to such flood hazards.			
HYD-11: Buildout of the proposed Plan, in combination with past, present, and reasonably foreseeable projects, would not cause significant cumulative impacts to hydrology and water quality.	LTS	N/A	N/A
LAND USE AND PLANNING			
LU-1: Implementation of the proposed Plan would not physically divide an established community.	LTS	N/A	N/A
LU-2: Implementation of the proposed Plan would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.	LTS	N/A	N/A
LU-3: Implementation of the proposed Plan would not conflict with any applicable habitat conservation plan or natural community conservation plan.	LTS	N/A	N/A
LU-4: Implementation of the proposed Plan, in combination with past, present, and reasonably foreseeable projects, would not result in less than significant cumulative impacts with respect to land use and planning.	LTS	N/A	N/A
NOISE			
NOISE-1: Development in accordance with the proposed Plan would cause increases in traffic along local roadways of more than 3 dBA over existing conditions.	Traffic Noise: SU~~/~~ Stationary-Source Noise: LTS	Traffic Noise: No mitigation measures available. Stationary-Source Noise: N/A	Traffic Noise: SU~~/~~ Stationary-Source Noise: LTS
NOISE-2: Construction activities could result in vibration-induced architectural damage at nearby	~~PS~~	NOISE-2a: Prior to issuance of grading and construction permits, applicants for individual development projects that involve vibration-intensive construction	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
structures or hardscape features, or could result in vibration-induced annoyance at nearby sensitive receptors.		activities—such as pile drivers, jack hammers, and vibratory rollers—within 50 feet of off-site structures, shall prepare and submit to the City of Fresno an acoustical study to evaluate potential construction-related vibration damage impacts. The vibration assessment shall be prepared by a qualified acoustical engineer and be based on the Federal Transit Administration (FTA) vibration-induced architectural damage criterion. If the acoustical study determines a potential exceedance of the FTA thresholds, measures shall be identified that ensure vibration levels are reduced to below the thresholds. Measures to reduce vibration levels can include use of less-vibration-intensive equipment (e.g., drilled piles and static rollers) and/or construction techniques (e.g., non-explosive rock blasting and use of hand tools) and preparation of a pre-construction survey report to assess the condition of the affected sensitive structure. Identified measures shall be included on all construction and building documents and submitted for verification to the City. NOISE-2b: Prior to issuance of grading and construction permits, applicants for individual development projects that involve vibration-intensive construction activities—such as pile drivers, jack hammers, and vibratory rollers—within 100 feet of sensitive receptors (e.g., residences and schools) shall prepare and submit to the City of Fresno an acoustical study to evaluate potential construction-related vibration annoyance impacts. The study shall be prepared by a qualified acoustical engineer and shall identify measures to reduce impacts to habitable structures to below the Federal Transit Administration (FTA) vibration-induced annoyance criterion. If construction-related vibration is determined in the acoustical study to be perceptible at vibration-sensitive uses, additional requirements, such as use of less-vibration-intensive equipment or construction techniques, shall be implemented during construction (e.g., drilled piles, static rollers, and non-explosive rock blasting). Identified measures shall be included on all construction and building documents and submitted for verification to the City.	
NOISE-3: Implementation of the proposed Plan would cause a substantial permanent increase in ambient noise levels in the vicinity of the Plan Area above levels existing without the proposed Plan.	S	N/A	SU
NOISE-4: Construction activities would result in temporary noise increases in the vicinity of the Plan Area.	~~P~~S	NOISE-4a: As required by the City of Fresno Municipal Code, construction activity shall be limited to the hours between 7:00 a.m. and 10:00 p.m. on weekdays and Saturdays, and shall require a permit issued by the City.	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		NOISE-4b: Prior to the issuance of demolition, grading, and/or construction permits, applicants for individual development projects within 500 feet of noise-sensitive receptors (e.g., residences, hospitals, schools) shall conduct a project-level construction noise analysis to evaluate potential impacts on sensitive receptors. The analysis shall be conducted once the final construction equipment list that will be used for demolition and grading activities is determined. The project-level noise analysis shall be prepared, reviewed, and approved by the City of Fresno Community Development Director. If the analysis determines that demolition and construction activities would result in an impact to identified noise-sensitive receptors, then specific measures to attenuate the noise impact shall be outlined in the analysis and reviewed and approved by the City of Fresno Community Development Director. Specific measures may include, but are not limited to, the following best management practices: ▪ Post a construction site notice near the construction site access point or in an area that is clearly visible to the public. The notice shall include the following: job site address; permit number, name, and phone number of the contractor and owner; dates and duration of construction activities; construction hours allowed; and the City of Fresno Community Development Director and construction contractor phone numbers where noise complaints can be reported and logged. ▪ Consider the installation of temporary sound barriers for construction activities immediately adjacent to occupied noise-sensitive structures. ▪ Restrict haul routes and construction-related traffic to the least noise-sensitive times of the day. ▪ Reduce non-essential idling of construction equipment to no more than five minutes. ▪ Ensure that all construction equipment is monitored and properly maintained in accordance with the manufacturer's recommendations to minimize noise. ▪ Fit all construction equipment with properly-operating mufflers, air intake silencers, and engine shrouds, no less effective than as originally equipped by the manufacturer, to minimize noise emissions. ▪ If construction equipment is equipped with back-up alarm shut offs, switch off back-up alarms and replace with human spotters, as feasible.	

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		▪ Stationary equipment (such as generators and air compressors) and equipment maintenance and staging areas shall be located as far from existing noise-sensitive land uses, as feasible. ▪ To the extent feasible, use acoustic enclosures, shields, or shrouds for stationary equipment such as compressors and pumps. ▪ Shut off generators when generators are not needed. ▪ Coordinate deliveries to reduce the potential of trucks waiting to unload and idling for long periods of time. ▪ Grade surface irregularities on construction sites to prevent potholes from causing vehicular noise. ▪ Minimize the use of impact devices such as jackhammers, pavement breakers, and hoe rams. Where possible, use concrete crushers or pavement saws rather than hoe rams for tasks such as concrete or asphalt demolition and removal. The final noise-reduction measures to be implemented and their associated details shall be determined by the construction-level noise analysis. The final noise-reduction measures shall be included on all construction and building documents and/or construction management plans and submitted for verification to the City; implemented by the construction contractor through the duration of the construction phase; and discussed at the pre-demolition, -grade, and/or -construction meetings.	
NOISE-5: Implementation of the proposed Plan would not cause exposure of people residing or working in the vicinity of the study area to excessive aircraft noise levels, for a project located within an airport land use plan, or where such a plan has not been adopted, within 2 miles of a public airport or public use airport.	LTS	N/A	N/A
NOISE-6: Implementation of the proposed Plan would not cause exposure of people residing or working in the Plan Area to excessive noise levels, for a project within the vicinity of a private airstrip.	LTS	N/A	N/A
NOISE-7: Implementation of the proposed Plan, in combination with past, present, and reasonably	Traffic Noise: S~~U~~	Traffic Noise and Construction Noise: No mitigation measures available.	Traffic Noise and Construction

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Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
foreseeable projects, would result in significant cumulative impacts with respect to noise.	Stationary-Source Noise and Construction Vibration: LTS~~/~~ Construction Noise: ~~P~~S	Stationary-Source Noise and Construction Vibration: N/A	Noise: SU~~/~~ Stationary-Source Noise and Construction Vibration: LTS
POPULATION AND HOUSING			
POP-1: Implementation of the proposed Plan would not induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).	LTS	N/A	N/A
POP-2: Implementation of the proposed Plan would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.	LTS	N/A	N/A
POP-3: Implementation of the proposed Plan would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.	LTS	N/A	N/A
POP-4: Implementation of the proposed Plan, in combination with past, present and reasonably foreseeable projects, would not result in less than significant cumulative impacts with respect to population and housing.	LTS	N/A	N/A
PUBLIC SERVICES AND RECREATION			
PS-1: Implementation of the proposed Plan would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities in order	LTS	N/A	N/A

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Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
to maintain acceptable service ratios, response times or other performance objectives for fire protection, the construction of which could cause significant environmental impacts.			
PS-2: Implementation of the proposed Plan, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to fire protection service.	LTS	N/A	N/A
PS-3: Implementation of the proposed Plan would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for police protection, the construction of which could cause significant environmental impacts.	LTS	N/A	N/A
PS-4: Implementation of the proposed Plan, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to police protection services.	LTS	N/A	N/A
PS-5: Implementation of the proposed Plan would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives for schools, the construction of which could cause significant environmental impacts.	LTS	N/A	N/A
PS-6: Implementation of the proposed Plan, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to schools.	LTS	N/A	N/A

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Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
PS-7: Implementation of the proposed Plan would result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for parks, the construction of which could cause significant environmental impacts.	S	PS-7: As new development occurs in the Plan Area, the City shall periodically (every 5 years) monitor residential population growth compared to development of new parklands for the purpose of evaluating the strength of this Plan to meet the ratio of 3 acres of parkland per 1,000 population. If the ratio is not met, the City shall explore additional ways to increase the amount of dedicated parkland in the Plan Area, including but not limited to designating additional lands for parkland development.	LTS
PS-8: Implementation of the proposed Plan would contribute to cumulative parks and recreation impacts in the area.	LTS	PS-8: Implement Mitigation Measure PS-7.	LTS
PS-9: Implementation of the proposed Plan would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.	LTS	N/A	N/A
PS-10: Implementation of the proposed Plan would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for libraries, the construction of which could cause significant environmental impacts.	LTS	N/A	N/A
PS-11: Implementation of the proposed Plan would not contribute to cumulative library impacts in the area.	LTS	N/A	N/A
TRANSPORTATION AND TRAFFIC			
TRANS-1: The proposed Plan would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including	LTS	N/A	N/A

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
mass transit, non-motorized travel, and relevant components of the circulation system, including, but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.			
TRANS-2: The proposed Plan would not conflict with an applicable congestion management program, including, but not limited to, level of service standards, travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.	LTS	N/A	N/A
TRANS-3: The proposed Plan would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	LTS	N/A	N/A
TRANS-4: The proposed Plan would not increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	LTS	N/A	N/A
TRANS-5: The proposed Plan would not result in inadequate emergency access.	LTS	N/A	N/A
TRANS-6: The proposed Plan would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	LTS	N/A	N/A
TRANS-7.1: The addition of proposed Plan traffic to the roadway network, in combination with traffic generated by reasonably foreseeable projects, results in unacceptable roadway operations on City of Fresno study roadway segments under cumulative conditions.	S	TRANS-7.1: Provide transportation improvements consistent with General Plan Policy MT-1-j in the Plan Area that would encourage non-vehicular transportation and reduce auto traffic levels. These improvements shall be consistent with the goals and policies in the proposed Plan, which require the implementation of complete streets, bikeways, trails, sidewalks, and enhanced transit service to support transit use, biking, and walking as viable modes of travel. By supporting and encouraging these non-auto modes in lieu of auto travel, future traffic levels	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		would be reduced. The City of Fresno shall also apply General Plan Policy MT-1-o, which allows LOS E or F conditions outside of identified multimodal districts if provisions are made to sufficiently improve the overall transportation system and promote non-vehicular transportation. With the application of General Plan policy MT-1-o, the LOS F conditions on Church Avenue and LOS E conditions on North Avenue would be considered acceptable.	
TRANS-7.2: The addition of project traffic to the roadway network, in combination with traffic generated by reasonably foreseeable projects, results in unacceptable intersection operations at Caltrans study intersections.	S	TRANS-7.2: Development within the proposed Plan shall pay its regional transportation mitigation fee (RTMF) towards funding improvements to the regional highways and streets system. The City of Fresno shall coordinate with Caltrans and the Fresno Council of Governments to recommend the following intersection and ramp improvements at the SR-99/Jensen Avenue interchange and SR-41/North Avenue interchange be incorporated into the RTMF program and any applicable future City of Fresno fee update applicable to roadway facilities and/or traffic signals: ▪ SR-99 Southbound Off-Ramp/Jensen Avenue intersection: – Widen the SR-99 southbound off-ramp to add an additional left-turn pocket. – Restripe the existing shared through-left turn lane on the SR-99 southbound off-ramp as a dedicated through lane. – The resulting lane configuration on the southbound off-ramp is: two left-turn lanes, one through lane, and one right-turn lane. – Add an overlap phase for the northbound right-turn movement. – Prohibit westbound U-turn movement to allow the northbound right-turn overlap. – Widen the eastbound approach to stripe a third through lane; add a third receiving lane on the east leg that traps into the SR-99 southbound on-ramp. ▪ SR-99 Northbound Off-Ramp/Jensen Avenue intersection: – Change the lane configurations on the northbound off-ramp to a dedicated left-turn pocket and shared through-right turn lane. – Add an overlap phase for the southbound right-turn movement. – Prohibit eastbound U-turn movement to allow the southbound right-turn overlap. – Widen the westbound approach to stripe a third through lane; add a third receiving lane on the west leg that traps into the SR-99 northbound on-ramp.	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		– Change the phasing for the northbound and southbound approaches to protected left-turn movements and separate. ▪ SR-41 Southbound Off-Ramp/North Avenue intersection: – Widen the SR-41 southbound off-ramp to add a left-turn pocket. – Change the lane configurations on the southbound off-ramp to convert the existing shared through-left turn lane to a shared right turn-through-left turn lane. – Extend the right-turn pocket on the off-ramp to accommodate right-turn queue length shown in Table 4.14-16. – The resulting lane configuration on the southbound off-ramp is: one left-turn lane, one shared right turn-through-left turn lane, and one right-turn lane. – Widen the eastbound approach to add a third through lane that traps into the eastbound left-turn onto the SR-41 northbound on-ramp. In addition to addressing intersection operations, the changes identified above also address freeway off-ramp queuing impacts identified in Impact TRANS-7.3 below. With the implementation of the changes listed above, the operations at these three intersections would be improved to LOS D or better during both the AM and PM peak hours, as shown in Table 4.14-16 below (refer to Appendix H for calculations). While these changes would improve traffic operations to an acceptable LOS, these improvements require alterations to signals operated by Caltrans as well as physical expansion of intersections and ramps that are under Caltrans jurisdiction. Since these improvements are not within the City of Fresno's jurisdiction to control, it cannot be guaranteed that these improvements will be implemented. In addition to the three intersections at the SR-99/Jensen Avenue and SR-41/North Avenue interchanges that operate at LOS E or LOS F under cumulative conditions, the following improvements would address unacceptable LOS E operations at the SR-99/Fresno Street interchange: ▪ SR-99 Southbound Ramps/Fresno Street intersection: – Widen the SR-99 southbound frontage road to add an additional right-turn pocket. – Restripe the existing through lane as a shared through-left turn lane on the SR-99 southbound off-ramp.	

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		– The resulting lane configuration on the southbound off-ramp is: one left-turn lane, one shared through left-turn lane, and two right-turn lanes. ▪ SR-99 Northbound Ramps/Fresno Street intersection: – Add a through lane to the westbound approach on Fresno Street that traps into the left-turn onto the SR-99 southbound on-ramp. – Adding the third through lane on Fresno Street would require removing the existing raised median and prohibiting eastbound left-turns at the Fresno Street/E Street intersection. With the implementation of the changes listed above, the operations at these two intersections would be improved to LOS D or better during both the AM and PM peak hours, as shown in Table 4.14-17 below (refer to Appendix H for calculations). While the intersection and ramp changes at the SR-99/Fresno Street interchange would improve intersection LOS, physical constraints on the SR-99 southbound frontage road would make the proposed widening of the southbound approach infeasible.	
TRANS-7.3: The addition of proposed Plan traffic to the roadway network in combination with traffic generated by reasonably foreseeable projects results in freeway off-ramp queues that extend back onto the freeway mainline.	S	TRANS-7.3: Development within the proposed Plan shall pay its regional transportation mitigation fee (RTMF) towards funding improvements to the regional highways and streets system. In addition to the recommended improvements listed in Mitigation Measure TRANS-7.2, the City of Fresno shall coordinate with Caltrans and the Fresno Council of Governments to recommend the following intersection and ramp improvements at the SR-41/Jensen Avenue interchange be incorporated into the RTMF program and any applicable future City of Fresno fee update applicable to roadway facilities and/or traffic signals: ▪ SR-41 Southbound Off-Ramp/Jensen Avenue intersection: – Change the existing shared left-right turn lane on the SR-41 southbound off-ramp as a dedicated right-turn lane SR-99 southbound off-ramp – The resulting lane configuration on the southbound off-ramp is: one left-turn lane and two right-turn lanes – Add a southbound right-turn phase to run concurrently with the eastbound through phase by taking green time from the westbound through phase The implementation of the changes to the SR-41 southbound off-ramp at Jensen Avenue listed above would reduce queuing on the SR-41 southbound off-ramp. These changes in combination with the improvements to the SR-99/Jensen	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		Avenue, SR-41/North Avenue, and SR-99/Fresno Street interchange listed in Mitigation Measure TRANS-7.2, would reduce freeway off-ramp queuing under cumulative conditions. Table 4.14-18 in Chapter 4.14 presents the estimated freeway off-ramp queues with the improvements presented in Mitigation Measure TRANS-7.2 and TRANS-7.3 (refer to Appendix H for calculations). While these changes would reduce the 95th percentile queues on freeway off-ramps to within the available storage on the off-ramp, these improvements require alterations to signals operated by Caltrans as well as physical expansion of intersections and ramps that are under Caltrans jurisdiction. Since these improvements are not within the City of Fresno's jurisdiction to control, it cannot be guaranteed that these improvements will be implemented.	
UTILITIES AND SERVICE SYSTEMS			
UTIL-1: Implementation of the proposed Plan would exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.	S	MEIR USS-1: The City shall develop and implement a wastewater master plan update. MEIR USS-2: Prior to exceeding existing wastewater treatment capacity, the City shall evaluate the wastewater system and shall not approve additional development that contributes wastewater to the wastewater treatment facility that could exceed capacity until additional capacity is provided. By approximately the year 2025, the City shall construct the following improvements. ▪ Construct an approximately 70 MGD expansion of the Regional Wastewater Treatment Facility and obtain revised waste discharge permits as the generation of wastewater is increased. ▪ Construct an approximately 0.49 MGD expansion of the North Facility and obtain revised waste discharge permits as the generation of wastewater is increased. MEIR USS-3: Prior to exceeding existing wastewater treatment capacity, the City shall evaluate the wastewater system and shall not approve additional development that contributes wastewater to the wastewater treatment facility that could exceed capacity until additional capacity is provided. After approximately the year 2025, the City shall construct the following improvements. ▪ Construct an approximately 24 MGD Wastewater Treatment Facility within the	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		Southeast Development Area and obtain revised waste discharge permits as the generation of wastewater is increased. ▪ Construct an approximately 9.6 MGD expansion of the Regional Wastewater Treatment Facility and obtain revised waste discharge permits as the generation of wastewater is increased.	
UTIL-2: Implementation of the proposed Plan would require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	S	MEIR USS-4: A Traffic Control/Traffic Management Plan to address traffic impacts during construction of water and sewer facilities shall be prepared and implemented subject to approval by the City prior to construction. The plan shall identify hours of construction and for deliveries, include haul routes, identify access and parking restrictions, plan for notifications, identify pavement markings and signage, and plan for coordination with emergency service providers and schools. MEIR USS-5: Prior to exceeding existing water supply capacity, the City shall evaluate the water supply system and shall not approve additional development that demand additional water until additional capacity is provided. By approximately the year 2025, the following capacity improvements shall be provided. ▪ Construct an approximately 80 million gallon per day (MGD) surface water treatment facility near the intersection of Armstrong and Olive Avenues, in accordance with Chapter 9 and Figure 9-1 of the City of Fresno Metropolitan Water Resources Management Plan Update Phase 2 Report, January 2012 (2012 Metro Plan Update). ▪ Construct an approximately 30 MGD expansion of the existing northeast surface water treatment facility for a total capacity of 60 MGD, in accordance with Chapter 9 and Figure 9-1 of the 2012 Metro Plan Update. ▪ Construct an approximately 20 MGD surface water treatment facility in the southwest portion of the City, in accordance with Chapter 9 and Figure 9- 1 of the 2012 Metro Plan Update. MEIR USS-6: Prior to exceeding capacity within the existing wastewater collection system facilities, the City shall evaluate the wastewater collection system and shall not approve additional development that would generate additional wastewater and exceed the capacity of a facility until additional capacity is provided. By approximately the year 2025, the following capacity improvements shall be	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		provided. ▪ Orange Avenue Trunk Sewer: This facility shall be improved between Dakota and Jensen Avenues. Approximately 37,240 feet of new sewer main shall be installed and approximately 5,760 feet of existing sewer main shall be rehabilitated. The size of the new sewer main shall range from 27-inches to 42-inches in diameter. The associated project designations in the 2006 Wastewater Master Plan are RS03A, RL02, C01-REP, C02-REP, C03-REP, C04-REP, C05-REP, C06-REL and C07-REP. ▪ Marks Avenue Trunk Sewer: This facility shall be improved between Clinton Avenue and Kearney Boulevard. Approximately 12,150 feet of new sewer main shall be installed. The size of the new sewer main shall range from 33- inches to 60-inches in diameter. The associated project designations in the 2006 Wastewater Master Plan are CM1- REP and CM2-REP. ▪ North Avenue Trunk Sewer: This facility shall be improved between Polk and Fruit Avenues and also between Orange and Maple Avenues. Approximately 25,700 feet of new sewer main shall be installed. The size of the new sewer main shall range from 48-inches to 66- inches in diameter. The associated project designations in the 2006 Wastewater Master Plan are CN1-REL1 and CN3-REL1. ▪ Ashlan Avenue Trunk Sewer: This facility shall be improved between Hughes and West Avenues and also between Fruit and Blackstone Avenues. Approximately 9,260 feet of new sewer main shall be installed. The size of the new sewer main shall range from 24-inches to 36-inches in diameter. The associated project designations in the 2006 Wastewater Master Plan are CA1-REL and CA2-REP. MEIR USS-7: Prior to exceeding capacity within the existing 28 pipeline segment shown on Figures 1 and 2 in Appendix J-1 of the Fresno General Plan MEIR, the City shall evaluate the wastewater collection system and shall not approve additional development that would generate additional wastewater and exceed the capacity of one of the 28 pipeline segments until additional capacity is provided. MEIR USS-8: Prior to exceeding capacity within the existing water conveyance facilities, the City shall evaluate the water conveyance system and shall not approve additional development that would demand additional water and exceed the capacity of a facility until additional capacity is provided. The following capacity	

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		improvements shall be provided by approximately 2025. ▪ Construct 65 new groundwater wells, in accordance with Chapter 9 and Figure 9-1 of the 2012 Metro Plan Update. ▪ Construct a 2.0 million gallon potable water reservoir (Reservoir T2) near the intersection of Clovis and California Avenues, in accordance with Chapter 9 and Figure 9-1 of the 2012 Metro Plan Update. ▪ Construct a 3.0 million gallon potable water reservoir (Reservoir T3) near the intersection of Temperance and Dakota Avenues, in accordance with Chapter 9 and Figure 9-1 of the 2012 Metro Plan Update. ▪ Construct a 3.0 million gallon potable water reservoir (Reservoir T4) in the Downtown Planning Area, in accordance with Chapter 9 and Figure 9-1 of the 2012 Metro Plan Update. ▪ Construct a 4.0 million gallon potable water reservoir (Reservoir T5) near the intersection of Ashlan and Chestnut Avenues, in accordance with Chapter 9 and Figure 9-1 of the 2012 Metro Plan Update. ▪ Construct a 4.0 million gallon potable water reservoir (Reservoir T6) near the intersection of Ashlan Avenue and Highway 99, in accordance with Chapter 9 and Figure 9-1 of the 2012 Metro Plan Update. ▪ Construct 50.3 miles of regional water transmission mains ranging in size from 24-inch to 48-inch, in accordance with Chapter 9 and Figure 9-1 of the 2012 Metro Plan Update. ▪ Construct 95.9 miles of 16-inch transmission grid mains, in accordance with Chapter 9 and Figure 9-1 of the 2012 Metro Plan Update. MEIR USS-9: Prior to exceeding capacity within the existing water conveyance facilities, the City shall evaluate the water conveyance system and shall not approve additional development that would demand additional water and exceed the capacity of a facility until additional capacity is provided. The following capacity improvements shall be provided after approximately the year 2025 and additional water conveyance facilities shall be provided prior to exceedance of capacity within the water conveyance facilities to accommodate full buildout of the General Plan Update. ▪ Construct a 4.0 million gallon potable water reservoir (SEDA Reservoir 1) within the northern part of the Southeast Development Area.	

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EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		▪ Construct a 4.0 million gallon potable water reservoir (SEDA Reservoir 2) within the southern part of the Southeast Development Area. Additional water conveyance facilities shall be provided prior to exceedance of capacity within the water conveyance facilities to accommodate full buildout of the General Plan Update.	
UTIL-3: Implementation of the proposed Plan would result in a determination by the wastewater treatment provider which serves or may serve the proposed Plan that it has adequate capacity to serve the proposed Plan's projected demand in addition to the provider's baseline commitments.	S	UTIL-3: Implement MEIR Mitigation Measures USS-1 through USS-3.	LTS
UTIL-4: Implementation of the proposed Plan, in combination with past, present, and reasonably foreseeable projects, would result in a significant cumulative impacts with respect to wastewater.	S	UTIL-4: Implement MEIR Mitigation Measures USS-1 through USS-9.	LTS
UTIL-5: Implementation of the proposed Plan would not require or result in the construction of new water or wastewater treatment facilities or expansion of baseline facilities, the construction of which could cause significant environmental effects.	LTS	N/A	N/A
UTIL-6: Implementation of the proposed Plan would not have sufficient water supplies available to serve the proposed Plan from baseline entitlements and resources, or are new or expanded entitlements needed.	LTS	N/A	N/A
UTIL-7: Implementation of the proposed Plan, in combination with past, present, and reasonably foreseeable projects, would/would not result in significant cumulative impacts with respect to water supply.	LTS	N/A	N/A

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
UTIL-8: Implementation of the proposed Plan would not require or result in the construction of new reclaimed water treatment facilities or expansion of baseline facilities, the construction of which could cause significant environmental effects.	LTS	N/A	N/A
UTIL-9: Implementation of the proposed Plan would have sufficient reclaimed water supplies available to serve the proposed Plan from baseline entitlements and resources, or are new or expanded entitlements needed.	LTS	N/A	N/A
UTIL-10: Implementation of the proposed Plan, in combination with past, present and reasonably foreseeable projects, would/would not result in a significant cumulative impacts with respect to reclaimed water supply.	LTS	N/A	N/A
UTIL-11: Implementation of the proposed Plan would not exceed NPDES stormwater discharge requirements or applicable standards of the California Regional Water Quality Control Board.	LTS	N/A	N/A
UTIL-12: Implementation of the proposed Plan would not require or result in the construction of new stormwater treatment facilities or expansion of baseline facilities, the construction of which could cause significant environmental effects.	LTS	N/A	N/A
UTIL-13: Implementation of the proposed Plan would result in a determination by the stormwater treatment provider which serves or may serve the Plan Area that it has adequate capacity to serve the proposed Plan's projected demand in addition to the provider's baseline commitments.	LTS	N/A	N/A
UTIL-14: Implementation of the proposed Plan, in combination with past, present and reasonably foreseeable projects, would not result in a	LTS	N/A	N/A

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EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
significant cumulative impacts with respect to stormwater.			
UTIL-15: Implementation of the proposed Plan would not be served by a landfill with sufficient permitted capacity to accommodate the proposed Plan's solid waste disposal needs.	S	MEIR USS-22: Prior to exceeding landfill capacity, the City shall evaluate additional landfill locations and shall not approve additional development that could contribute solid waste to a landfill that is at capacity until additional capacity is provided.	LTS
UTIL-16: Implementation of the proposed Plan would comply with federal, State, and local statutes and regulations related to solid waste.	LTS	N/A	N/A
UTIL-17: Implementation of the proposed Plan in combination with past, present, and reasonably foreseeable projects would not be served by a landfill with sufficient permitted capacity to accommodate the proposed Plan's solid waste disposal needs.	S	MEIR USS-22: Prior to exceeding landfill capacity, the City shall evaluate additional landfill locations and shall not approve additional development that could contribute solid waste to a landfill that is at capacity until additional capacity is provided.	LTS
UTIL-18: Implementation of the proposed Plan would not result in a substantial increase in natural gas and electrical service demands, would use appropriate energy conservation and efficiency measures, and would not require new energy supply facilities and distribution infrastructure or capacity enhancing alterations to baseline facilities.	LTS	N/A	N/A
UTIL-19: Implementation of the proposed Plan, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to energy conservation.	LTS	N/A	N/A

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3. *Revisions to the Draft PEIR*

This chapter presents changes to the Draft Program Environmental Impact Report (PEIR) that resulted from preparation of responses to comments on the Draft PEIR, or staff-directed changes, including typographical corrections and clarifications. In each case, the Draft PEIR page and location on the page are presented, followed by the textual, tabular, or graphical revision. Text with double underline represents language that has been added to the Draft PEIR; text with ~~strikethrough~~ represents text that has been deleted from the Draft PEIR.

None of the revisions constitute significant new information added to the analysis contained in the Draft PEIR to the extent of requiring recirculation. As such, the Draft PEIR does not need to be recirculated for public review.

3.1 REVISIONS TO CHAPTER 2, EXECUTIVE SUMMARY

The fourth bulleted paragraph on page 2-3 of the Draft PEIR is hereby amended as follows:

- Appendices: The appendices for this document (presented in PDF format on a CD attached to the back cover of the Draft PEIR) contain the following supporting documents:
  - Appendix A: Notice of Preparation and Scoping Comments
  - Appendix B: Proposed Public Review Draft of Southwest Fresno Specific Plan
  - Appendix C: Air Quality and Greenhouse Gas Data
  - Appendix D: Cultural Resources Data
  - Appendix E: Hazards and Hazardous Materials Data
  - Appendix F: Noise Data
  - Appendix G: ~~Public Services~~ Transportation and Traffic Data
  - ~~Appendix H: Transportation and Traffic Data~~

The first bulleted list on page 2-6 of the Draft PEIR is hereby amended as follows:

- ~~Groundwater/soil contamination~~
- Traffic impacts in and around the Plan Area, including parking, transit access, and safe pedestrian and bicycle safety and connections
- Affordable housing
- ~~Cultural resources~~
- Eminent Domain

- Park acreage to serve the existing and new residents of the Plan Area
- School capacity planning to serve the existing and new residents of the Plan Area

3.2 REVISIONS TO CHAPTER 3, PROJECT DESCRIPTION

The first full paragraph on page 3-10 of the Draft PEIR is hereby amended as follows:

Employment. The amount of employment space in the Plan Area (i.e., office, business park, regional business park, light industrial, and heavy industrial uses) in the proposed Plan is significantly less than in the General Plan; the proposed Plan shows approximately 1 million square feet less in employment uses in the Plan Area. The reason for this decrease is because of the removal of industrial land use designations and change of business park and regional business park uses to other land uses such as residential, park, mixed use, and commercial.

3.3 REVISIONS TO CHAPTER 4.3, AIR QUALITY

The third paragraph on page 4.3-30 of the Draft PEIR is hereby amended as follows:

As discussed above, while the proposed Plan would result in a substantial increase in long-term criteria pollutant emissions compared to existing conditions, it would support a more sustainable development pattern for the Plan Aarea. As the improvements, objectives, and policies under the proposed Plan would support a more sustainable development pattern in accommodating future growth for the Plan Aarea, they would contribute in minimizing long-term emissions of criteria air pollutants. Various policies of the proposed Plan would promote complete streets, mixed-use and transit oriented neighborhoods, low–emission vehicle transportation options, and increased capacity for alternative transportation modes, which would help reduce air pollutant emissions. For example, policies include:

The fourth bullet on page 4.3-31 of the Draft PEIR is hereby amended as follows:

Policy LU-11.1 Encourage compliance with voluntary residential and non-residential California Green Building Code (CALGreen) standards through CALGreen incentive programs.

The sixth bullet on page 4.3-31 of the Draft PEIR is hereby amended as follows:

Policy T-4.5 Provide secure, high-quality bicycle parking per the Citywide Development Code's Section 15-2429 on Bicycle Parking, ~~such as~~including racks and lockers, at key locations along the bicycle network, such as~~including~~ transit stops, ~~in front of~~commercial businesses,~~retail and services, for employment~~ offices, parks, and schools. Promote and incentivize the provision of secure bicycle parking for new multi-family residential and mixed-use residential development projects.

The ninth through eleventh bullets on page 4.3-31 of the Draft PEIR are hereby amended as follows:

Policy T-9.1 Promote, incentivize, and pursue funding to replace public and private vehicles and fleets with zero-emission (or near-zero emission if zero-emission solutions are not feasible)

technology. Diesel fleets, such as transit buses, located or operating within the Plan Area should be prioritized for replacement.

Policy T-9.2 Promote, incentivize, and pursue funding for electrical vehicle (EV) charging infrastructure throughout the Plan Area. Require EV charging infrastructure for new multi-family residential and mixed-use residential development projects.

Policy T-9.3 Promote and incentivize the provision of preferential parking for low-emitting, fuel-efficient, and carpool/van vehicles for new non-residential development projects.

Policy T-1~~0~~1.1 When feasible, design new roadways and retrofit existing roadways within magnet cores, complete neighborhoods, and along special corridors to prioritize travel by walking, bicycling, and riding transit, using the complete streets design guidelines contained in the Southwest Fresno Specific Plan. For example, if adequate or excessive vehicle traffic capacity is available, create wide sidewalks, provide pedestrian amenities, and install bicycle facilities such as separated bikeways or bike lanes, bike parking, and signage. This could be in the form of a "road diet" to transform certain corridors into multi-modal streets.

Policy T-1~~1~~2.1 Prioritize the implementation of facilities that encourage walking and biking, such as sidewalks, multi-use trails, and bikeways.

Policy T-1~~1~~2.3 Support Transportation Demand Management (TDM) programs to encourage alternative modes of travel to the single-occupancy vehicle such as transit use, car- or vanpool, rideshare, and telecommuting.

The second paragraph on page 4.3-32 of the Draft PEIR is hereby amended as follows:

Mitigation Measure AQ-1: Prior to the issuance of building permits for new development projects within the Plan Area, the project applicant shall show on the building plans that all major appliances (dishwashers, refrigerators, clothes washers, and dryers) to be provided/installed are Energy Star-certified appliances or appliances of equivalent energy efficiency. Installation of Energy Star-certified or equivalent appliances shall be verified by the City of Fresno Development and Resource Management Department prior to the issuance of a certificate of occupancy.

The third paragraph on page 4.3-32 of the Draft PEIR is hereby amended as follows:

Significance Without Mitigation: Significant and unavoidable. No further measures to reduce operation-phase criteria air pollutant emissions are available beyond Mitigation Measure AQ-1, the applicable SJVAPCD rules and regulations in addition to proposed Plan policies and design guidelines. The various goals and policies of the proposed Plan, such as those outlined above, would contribute to reducing long-term criteria air pollutant emissions to the extent feasible. However, due to the magnitude and intensity of development accommodated by the proposed Plan, Impact AQ-1 would remain significant and avoidable.

The second paragraph on page 4.3-36 of the Draft PEIR is hereby amended as follows:
Mitigation Measure AQ-3: Implement Mitigation Measure AQ-1.

The third paragraph on page 4.3-36 of the Draft PEIR is hereby amended as follows:
Significance Without Mitigation: Significant and unavoidable. No further measures to reduce operation-phase criteria air pollutant emissions are available beyond Mitigation Measure AQ-3, the applicable SJVAPCD rules and regulations in addition to proposed Plan policies and design guidelines. Application of State and SJVAPCD rules and regulations, such as Rules 9510 and 9410, implementation of the proposed Plan's roadway, bicycle, and trail improvements;~~,~~ policies (e.g., Policies LU-1.1, LU-4.4, T-1~~0~~1.1, and T-1~~1~~2.3);~~,~~ ~~and~~ complete streets design guidelines;~~,~~ and implementation of applicable General Plan policies (e.g., Policies RC-4-e, RC-4-k, MT-2-b, and MT-4-b) would reduce operation-related criteria air pollutants generated from energy, stationary, and mobile sources to the extent feasible. As stated, the aforementioned Mitigation Measure AQ-3, improvements, design guidelines, and policies could contribute in reducing operation-phase regional air quality impacts of future individual projects to a less than significant level. However, despite adherence to Mitigation Measure AQ-3, implementation of the policies and design guidelines, Impact AQ-3 would remain significant and unavoidable due to the magnitude of the overall land use development associated with the proposed Plan.

The first full paragraph on page 4.3-38 of the Draft PEIR is hereby amended as follows:
Significance With Mitigation: Significant and unavoidable. Application of State and SJVAPCD rules and regulations;~~,~~ implementation of the proposed Plan's policies (e.g., Policies LU-1.1, LU-4.4, T-1~~0~~1.1, and T-1~~1~~2.3) and complete streets design guidelines, in addition to applicable General Plan policies and objectives (e.g., Policies UF-12-a and UF-14-a and Objective RC-4);~~,~~ and incorporation of Mitigation Measures AQ-4a and AQ AQ-4b, would reduce construction and operation-related criteria air pollutants to the extent feasible. However, despite implementation of the proposed plans, policies, and design guidelines, and adherence to these mitigation measures, Impact AQ-4 would remain significant and unavoidable due to the magnitude of land use development associated with the proposed Plan.

3.4 REVISIONS TO CHAPTER 4.4, BIOLOGICAL RESOURCES

Mitigation Measure BIO-1.1a on page 4.4-24 of the Draft PEIR is hereby amended as follows:
~~MEIR~~ Mitigation Measure BIO-1.1a: Construction of a proposed project should avoid, where possible, vegetation communities that provide suitable habitat for a special-status species known to occur within the Plan Area. If construction within potentially suitable habitat must occur, a qualified botanist should conduct botanical surveys to confirm the presence/absence of any special-status plant or wildlife species ~~must be determined prior to construction,~~ to determine if the habitat supports any special-status species. The surveys should be completed using the reporting and data collection guidelines outlined in the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*[66] and a report of findings should be submitted to the City and the Department of Fish and Wildlife (CDFW) before the onset of any initial ground-disturbing activity or construction associated with each phase of project implementation. If a special-status species ~~are~~is determined to occupy any portion

of a project site, then any occurrence should be avoided whenever possible by delineating and observing a disturbance-free buffer zone of a minimum of 50 feet from the outer-edge of the special-status plant populations(s) or specific habitat type(s) required by special status plant species. If the buffer zone(s) cannot be maintained, appropriate minimization measures and mitigation measures should be prepared in consultation with CDFW on a case-by-case basis. ~~avoidance and minimization measures shall be incorporated into the construction phase of a project to avoid direct or incidental take of a listed species to the greatest extent feasible.~~

[66] Department of Fish and Game, 2009, Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities, November, State of California.

Mitigation Measure BIO-1.2 on page 4.4-25 of the Draft PEIR is hereby amended as follows:

Mitigation Measure BIO-1.2: Conduct a Preconstruction Survey for Swainson's Hawk Nests and Implement Avoidance Measures. A qualified biologist knowledgeable of the species should conduct a Swainson's hawk survey of the project site and the surrounding 0.5-mile-radius area, in substantial compliance with the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee 2000) during the normal bird breeding season (February 1 through September 15) prior to the start of any initial ground-disturbing activity or construction associated with each phase of project implementation, to the extent feasible. Additional pre-construction Swainson's hawk surveys should take place no more than 10 days prior to the start of ground-disturbing activities. ~~If trees suitable for Swainson's hawk nesting are to be removed during the Swainson's hawk nesting season (March through August), a qualified biologist knowledgeable of the species will conduct a Swainson's hawk survey of the project site and the surrounding 0.5-mile-radius area, as described in the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee 2000). This methodology divides the nesting season into five survey periods: January 1 to March 20, March 20 to April 5, April 5 to May 20, May 21 to June 10, and June 10 to July 30. The first survey period occurs before most Swainson's hawks return to California, so this survey is optional. The site should be surveyed at a minimum of 3 times in each of the two periods that precede project initiation.~~

If an active Swainson's hawk nest is detected on the project site, a minimum disturbance-free buffer zone of 0.5-mile should be delineated and maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest for parental care for survival. If the 0.5-mile disturbance-free buffer zone is not feasible, CDFW will be consulted and acquisition of an Incidental Take Permit (ITP) for Swainson's hawk may be necessary prior to project initiation to comply with CESA. ~~site-specific avoidance or mitigation measures will be implemented consistent with CDFW recommendations (Swainson's Hawk Technical Advisory Committee 2000).~~ If nesting trees are identified on the project site, removal of nesting trees for Swainson's hawk should be avoided. If avoidance is infeasible, nesting trees should be replaced with an appropriate native tree species, planted at a ratio of 3:1, in an area that will be protected in perpetuity.

To mitigate for the loss of Swainson's hawk foraging habitat, the project applicant should provide Habitat Management (HM) lands to the California Department of Fish and Wildlife (CDFW) based on the following ratios, if feasible:

- If the project(s) is located within 1 mile of an active nest tree, the applicant should provide a minimum of 1 acre of HM lands for each 1 acre of urban development authorized.
- If the project(s) is located within 5 miles of an active nest tree but greater than 1 mile from the nest tree, the applicant should provide a minimum of 0.75 acres of HM lands for each 1 acre of urban development authorized.
- If the project(s) is located within 10 miles of an active nest tree but greater than 5 miles from the nest tree, the applicant should provide a minimum of 0.5 acres of HM lands for each 1 acre of urban development authorized.

The project applicant should provide for the long-term management of the HM lands by funding a management endowment, the interest of which should be used for managing the HM lands. The rate per HM acre should be established through consultation with CDFW. In addition to fee title acquisition of grassland habitat, mitigation could occur by the purchase of conservation or suitable agricultural easements. Suitable agricultural easements would include areas limited to production of crops such as alfalfa, dry land, and irrigated pasture, and cereal grain crops. Vineyards, orchards, cotton fields, and other dense vegetation do not provide adequate foraging habitat.

Mitigation Measure BIO-1.3 on page 4.4-26 of the Draft PEIR is hereby amended as follows:

Mitigation Measure BIO -1.3: Implement Standard Measures for Protection of San Joaquin Kit Fox. No less than 14 days and no more than 30 days prior to commencement of construction activities the project proponent sh~~all~~ould retain a USFWS- and CDFW-approved biologist to conduct pre-construction surveys in potential habitat periphery of the Plan Area that has not been fragmented by agricultural-residential or urban development. The survey, reporting, and activities during construction sh~~all~~ould be in substantial compliance with ~~adhere to~~ the requirements contained in the *U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance.*[66] As described in the standardized recommendations, if a natal/pupping den is discovered within the Plan Area or within 200-feet of the project boundary, the USFWS and CDFW sh~~all~~ould be immediately notified and under no circumstances should the den be disturbed or destroyed without prior authorization. If the preconstruction/preactivity survey reveals an active natal pupping or new information, the project applicant should contact the USFWS immediately to obtain the necessary take authorization/permit.

Mitigation Measure BIO-1.4 on page 4.4-27 of the Draft PEIR is hereby amended as follows:

Mitigation Measure BIO-1.4: Conduct Preconstruction Surveys for Special-status Bats and Implement Avoidance Measures. Any medium or larger (≥ 12-inch diameter) trees or snags selected for removal sh~~all~~oud be inspected by a qualified biologist for presence of potential day-roosting habitat (e.g., cavities exfoliating bark, or basal hollows) for special-status bats or a maternity colony. If feasible, cavities sh~~all~~ould be examined for roosting bats using a portable camera probe or similar technology.

No more than two weeks before the onset of any initial ground-disturbing activity or construction associated with each phase of project implementation, a qualified bat biologist should conduct pre-construction surveys of all ~~B~~buildings with potential for roosting habitat for supporting special-status bats or a maternity colony sh~~all~~ould be inspected by a qualified biologist for evidence of roosting colonies. If suitable roosting habitat is present and/or bat sign is observed, but no bats are detected, an evening exit count and acoustic survey using a full spectrum acoustic detector sh~~all~~ould be conducted by a qualified bat biologist to determine if bats are present and what species are present. If present, roosts (including day roosts, winter hibernacula, and maternity colonies) and a 100- to 300-foot disturbance-free buffer surrounding each roost sh~~all~~ould be flagged and avoided, as determined by a qualified bat biologist. The 100- to 300-foot disturbance-free buffer should be maintained until the qualified bat biologist can determine that bats no longer use the roost.

If avoidance is not possible, a qualified bat biologist should develop a Bat Eviction Plan in consultation with CDFW for written approval prior to implementation. The Bat Eviction Plan should include exclusion methods, roost removal procedures, and monitoring efforts to ensure that all bats have exited the roost prior to all ground-disturbing activities and are unable to re-enter the roost. In addition, replacement habitat appropriate for the species' roost requirements sh~~all~~ould be created prior to the roost removal.~~, and the roosting bats shall be passively evicted under the direction of a qualified biologist (as determined by a Memorandum of Understanding with the CDFG).~~ The qualified bat biologist, in consultation with CDFW, sh~~all~~ould facilitate the removal of roosting bats outside of the winter hibernation (1 November to 28 February) and maternity roosting (15 March ~~15~~ to 31 August ~~31~~) periods through the following means:

1. Implementing eviction during a period of warm (nighttime low >50°F), dry weather, when bats are expected to be active.
2. Opening the roosting area to allow airflow through the cavity or building (air flow disturbance).
3. Waiting a minimum of three nights of warm weather, as defined above, for roosting bats to respond to air flow disturbance, thereby allowing bats to leave during nighttime hours when predation risk is relatively low and chances of finding a new roost is greater than in the daytime.
4. Conducting a follow-up survey prior to roost removal to ensure that bats have vacated the roost.
5. Disturbing roosts at dusk just prior to roost removal the same evening to allow bats to escape during nighttime hours.

Mitigation Measure BIO-1.5 on page 4.4-28 and 4.4-29 of the Draft PEIR is hereby amended as follows:
Mitigation Measure 1.5. Conduct Focused American Badger Surveys and Avoid or Minimize Impacts to American Badger Dens. No more than 30 days before the start of construction activities, a qualified biologist sh~~all~~ould conduct pre-construction surveys for American badgers within suitable habitat. If a potentially active den is found in a construction area, the den openings may be monitored with tracking medium or an infrared-beam camera for three consecutive nights to determine current use. Potential (inactive) dens within the limits of disturbance sh~~all~~ould be blocked with a one-way door or excavated to prevent use during construction. Blocking with one-way doors is preferable to excavation where feasible;

potential dens blocked with doors will be made available to badgers after construction. If American badgers or active dens are detected during these surveys, the following ~~shall~~ould be implemented:

- If present, occupied badger dens ~~shall~~ould be flagged, and ground-disturbing activities avoided, within 50 feet of the occupied den during the nonbreeding season (1 July through 14 February). Flagging that is highly visible by construction crews ~~shall~~ould encircle the occupied den at the appropriate buffer distance, and ~~shall~~ould not prevent access to the den by badgers. Dens determined to be occupied during the breeding season (15 February through 30 June) ~~shall~~ould be flagged, and ground-disturbing activities avoided, within 200 feet to protect adults and nursing young. Buffers may be modified by the qualified biologist, provided the badgers are protected, and ~~shall~~ould not be removed until the qualified biologist has determined that the den is no longer in use.
- If avoidance of an active non-maternity den is not feasible, the qualified biologist should consult with CDFW to determine whether the badger(s) may be evicted. Relocation methods may be implemented ~~badgers shall be relocated~~ by first incrementally blocking the den over a three-day period, followed by slowly excavating the den (either by hand or with mechanized equipment under the direct supervision of a qualified biologist, removing no more than 4 inches at a time) before or after the rearing season (15 February through 30 June). Any passive relocation of American badgers ~~shall~~ould occur only under the direction of a qualified biologist.

Mitigation Measure BIO-1.6 on page 4.4-29 and 4.4-30 of the Draft PEIR is hereby amended as follows:

Mitigation Measure BIO-1.6: Conduct a Preconstruction Survey for Burrowing Owl and Implement Avoidance Measures. A qualified biologist(s) knowledgeable of the species should conduct a focused, preconstruction survey during the peak breeding season for burrowing owls (15 April to 15 July) prior to the start of ground-disturbing activities for the project to determine if burrowing owls are present on the project site and within 250 feet where access allows. The survey should be conducted in substantial compliance with the California Burrowing Owl Consortium's *Survey Protocol and Mitigation Guidelines* (CBOC, 1997), or other survey and mitigation protocols recommended by the CDFW, to the extent feasible. All areas of suitable habitat proposed for ground disturbance will be surveyed. If burrowing owls are detected, buffers and mitigation per the *Survey Protocol and Mitigation Guidelines* will be implemented.

If burrowing owl(s) are found to occupy the site and avoidance is not possible, a qualified biologist knowledgeable of the species should conduct burrow exclusion during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty by site surveillance and/or scoping. Burrow closure should be implemented only where there are adjacent natural burrows and non-impacted sufficient habitat for burrowing owls to occupy with permanent protection mechanisms in place. Ongoing surveillance should be conducted during any initial ground-disturbing activity or construction associated with each phase of project implementation to monitor colonization of the area by burrowing owls.

~~No more than 15 days before the start of ground-disturbing activities for the project, a qualified biologist(s) knowledgeable of the species will conduct a focused, preconstruction survey for burrowing~~

~~owls and their sign on the project site and within 250 feet where access allows. In conformance with federal and State regulations regarding the protection of raptors, the survey will be conducted per the *Staff Report on Burrowing Owl Mitigation*.~~[67] ~~All areas of suitable habitat proposed for ground disturbance will be surveyed. If burrowing owls are detected, buffers and mitigation per the *Staff Report on Burrowing Owl Mitigation* will be implemented.~~

Mitigation Measure BIO-1.7 on page 4.4-30 of the Draft PEIR is hereby amended as follows:

Mitigation Measure BIO-1.7. Conduct Pre-construction Surveys for Western Pond Turtle, and Move Individuals to Safety. Prior to construction, a qualified biologist (i.e., a biologist approved by CDFW and that holds a Scientific Collecting Permit to handle western pond turtles) sh~~all~~ould conduct focused surveys during the western pond turtle egg-laying season (March through August) to determine if ~~look for~~ western pond turtles are present within 0.25-mile of aquatic and riparian habitat, where accessible. If any pond turtles are detected during these surveys, or during construction in an area where individuals could be affected, they should be allowed to move out on their own volition. If this is not feasible, they sh~~all~~ould be moved to the nearest suitable habitat immediately upstream or downstream from the project site. ~~a suitable location outside the area of impact.~~ The candidate sites for relocation sh~~all~~ould be identified before construction and sh~~all~~ould be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range.

If any western pond turtle nests with eggs are found, the nests sh~~all~~ould remain undisturbed until the eggs have hatched. ~~, if feasible. If avoidance of a nest is infeasible (e.g., if avoidance would result in an unacceptable delay in the project's schedule), or if the eggs are discovered only after the nest has been affected, any viable eggs shall be relocated to a suitable location outside the impact area. Egg relocation areas shall be identified based on pond turtle nesting biology. Any viable eggs shall be deposited in a hole and buried for thermal protection.~~

Mitigation Measure BIO-1.8 on page 4.4-31 of the Draft PEIR is hereby amended as follows:

~~MEIR~~ **Mitigation Measure BIO-1.8.** Proposed projects within the Plan Area should avoid, if possible, construction within the general nesting season of February through August for avian species protected under Fish and Game Code 3500 and the Migratory Bird Treaty Act (MBTA), if it is determined that suitable nesting habitat occurs on a project site. If construction cannot avoid the nesting season, a pre-construction clearance survey must be conducted by a qualified wildlife biologist no more than 10 days prior to the start of any initial ground-disturbing activity or construction associated with each phase of project implementation to determine if any nesting birds or nesting activity is observed on or within 500 feet of a project site. If an active nest is observed during the survey, a biological monitor must be on site to ensure that no proposed project activities would impact the active nest. A suitable buffer will be established around the active nest until the nestlings have fledged and the nest is no longer active. Project activities may continue in the vicinity of the nest only at the discretion of the biological monitor. Once construction begins, a qualified wildlife biologist should continuously monitor nests to detect behavioral changes resulting from project-related activities.

If continuous monitoring of nests by a qualified wildlife biologist is not feasible, a disturbance-free buffer zone of a minimum of 250 feet should be delineated around active nests of non-listed bird species and a disturbance-free buffer zone of a minimum of 500 feet should be delineated around active nests of non-listed raptors, or suitable buffer distance approved by the biological monitor. These buffers should be maintained until the breeding season has ended or until a qualified wildlife biologist can determine that the bird species or raptors have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these buffers should be considered only after consultation with a qualified wildlife biologist and CDFW.

Mitigation Measure BIO-2.1a on page 4.4-32 of the Draft PEIR is hereby amended as follows:

~~MEIR~~ Mitigation Measure BIO-2.1a: Impacts to riparian habitat should be avoided by delineating a 200-foot disturbance free buffer from the high water mark of a waterbody or waterway or form the outside edge of the riparian habitat and for areas with no riparian vegetation, a minimum 100-foot disturbance-free buffer should be delineated around the high water mark of a waterbody or waterway.

If avoidance is not possible, ~~a proposed project will result in the removal or impact to any riparian habitat and/or a special-status natural community with potential to occur in the Plan Area,~~ a compensatory habitat-based mitigation sh~~all~~ould be required to reduce project impacts. Compensatory mitigation must involve the preservation or restoration or the purchase of off-site mitigation credits for impacts to riparian habitat and/or a special-status natural community. Mitigation must be conducted in-kind or within an approved mitigation bank in the region. The specific mitigation ratio for habitat-~~-~~based mitigation sh~~all~~ould be determined on an acre-for-acre basis ~~will be determined~~ through consultation with the appropriate agency (i.e., CDFW or USFWS)~~ on a case-by-case basis~~.

Mitigation Measure BIO-2.1b on page 4.4-32 of the Draft PEIR is hereby amended as follows:

~~MEIR~~ Mitigation Measure BIO-2.1b: Project impacts that occur to riparian habitat may also result in significant impacts to streambeds or waterways protected under Section 1600 of Fish and Wildlife Code and Section 404 of the CWA. In accordance with Fish & Game Code §1600 et seq., consultation with CDFW and/or USACE should be initiated to determine the appropriate mitigation strategy and regulatory permitting to reduce impacts prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake.~~ consultation, determination of mitigation strategy, and regulatory permitting to reduce impacts, as required for projects that remove riparian habitat and/or alter a streambed or waterway, shall be implemented.~~

Mitigation Measure BIO-3a on page 4.4-33 of the Draft PEIR is hereby amended as follows:

~~MEIR~~ Mitigation Measure BIO-3a: If a proposed project will result in the significant alteration or fill of a federally protected wetland, in accordance with Fish & Game Code Section 1600 et seq., consultation with CDFW and/or USACE should be initiated to determine the appropriate mitigation strategy and regulatory permitting to reduce impacts prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from

the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. In addition, a formal wetland delineation conducted according to USACE accepted methodology is required for each project to determine the extent of wetlands on a project site. The delineation shallould be used to determine if federal permitting and mitigation strategy are required to reduce project impacts. Acquisition of permits from USACE for the fill of wetlands and ~~USACE~~ approval of wetland mitigation plan would ensure a "no net loss" of wetland habitat within the Plan Area by the appropriate regulatory agencies (e.g., USACE, Regional Water Quality Control Board (RWQCB), and the California Department of Fish and Wildlife (CDFW)). Appropriate wetland mitigation/creation shallould be implemented in a ratio according to the size of the impacted wetland.

3.5 REVISIONS TO CHAPTER 4.7, GREENHOUSE GAS (GHG) EMISSIONS

The third paragraph on page 4.7-10 of the Draft PEIR is hereby amended as follows:

Assembly Bill (AB) 2722

AB 2722 established the Transformative Climate Communities (TCC) Program to fund neighborhood-level TCC plans. The TCC Program is a California Climate Investment (CCI) program administered by the Strategic Growth Council (SGC), and implemented by the Department of Conservation (DOC) and other partnering State agencies. The Program supports projects that reduce GHG emissions through the development and implementation of neighborhood-level TCC plans that reduce GHG emissions while providing local economic, environmental, and health benefits to disadvantaged communities. The City of Fresno is pursuing grant funding for the following local projects:

- Chinatown Lofts
- Chinatown Mixed-Use Project at High-speed Rail (HSR) West Entrance
- H Street Development
- The Park at South Fulton
- Hotel Fresno
- North Fulton Street Mixed-Use Project
- Van Ness Family Apartments
- California HSR Mixed-Use Development
- West Fresno Magnet Core Workforce Housing
- Kings View Manor Acquisition/Rehabilitation
- Chinatown Property-based Improvement District (PBID)
- Economic Opportunities Commission (EOC) Partnership for Energy Savings and GHG Reductions in Southwest (SW) Fresno
- GRID Alternatives Solar Renewable Energy Project
- Weatherize 100 Homes and Install Solar Panels on 35 Homes in SW Fresno
- SW Fresno Green Trails and Cycle Paths Initiative

- Chinatown Active Transportation Project
- HSR Station Area Complete Streets Connectivity Project
- H Complete Street
- Clean Shared Mobility Network
- Tulare Complete Streets
- Clean Energy Park & Play – Solar-Powered Charging Station & Van Pool
- Annadale Mode Shift Project
- TCC Connector Project
- MLK Activity Center Street Improvements
- Chinatown Park
- Santa Clara Permaculture Community Garden
- Chinatown Urban Greening Project
- Mariposa Plaza
- Clean Energy Park & Play – Urban Greening & Playground
- Changing Lives with Trees in SW Fresno
- Yosemite Village Permaculture Community Garden and Urban Farm Incubator
- MLK Activity Center Park
- Another Level Training Academy Community Garden
- Food Commons Hub
- Fresno City College – West Fresno Satellite
- West Fresno Advanced Transportation Technology Training Program

The second paragraph on page 4.7-28 of the Draft PEIR is hereby amended as follows:

As shown in Table 4.7-8, the net increase in GHG emissions of 332,705 $MTCO_2e$ annually from operational activities of development projects accommodated by the proposed Plan would exceed the bright-line screening threshold of 900 $MTCO_2e$ for all land use types. The planned improvements, design guidelines, objectives, and policies under the proposed Plan would generally support a sustainable development pattern for the Plan Aarea by creating more complete neighborhoods and improving transit options. For example, the proposed Plan includes plans for improving active transit infrastructure and amenities, such as the inclusion of Class II bike lanes that follows the arterial and collector streets and Class I bike paths along Marks, Jensen, and North Avenues and implementation of cComplete sStreets dDesign gGuidelines for various corridors throughout the Plan Area that would contribute to reducing vehicle trips and VMT. However, the increase in overall land use intensity and associated population and employment growth within the Plan Area are the primary factors for the increase in GHG emissions.

While the proposed Plan would result in a substantial increase in GHG emissions, it would support a more sustainable development pattern for the Plan Area. As the improvements, objectives, and policies under the proposed Plan would support a more sustainable development pattern in accommodating future growth for the Plan Area, they would contribute in minimizing long-term emissions of GHG. Various policies of the proposed Plan would promote complete streets, mixed-use, and transit oriented neighborhoods, and increased capacity for alternative transportation modes, which would help reduce GHG emissions. For example, policies include:

Policy LU-2.5 Attract and encourage higher-density mixed use development along California Avenue, connecting to Downtown Fresno, Fresno Area Express (FAX), and High-Speed Rail (HSR) with a future bus rapid transit (BRT) line, to support a Mixed-Use Corridor.

Policy LU-3.1 Encourage the development of centers, or nodes, within walking and biking distance of residents and surrounded by residences. Nodes should consist of a park, a school, and quality neighborhood retail and services.

Policy LU-8.4 In collaboration with appropriate local, State, and/or federal agency, regularly enforce and evaluate performance and performance standards on the operation of existing industrial activity related to air quality, odor, noise, and vibration in order to maintain compatibility with adjacent neighborhoods and uses.

Policy LU-9.1 Create active street frontages by providing wide sidewalks with pedestrian-scaled streetscape amenities and orienting building entrances toward the street.

Policy LU 10.1 Provide a walkable environment within neighborhoods by slowing down traffic, providing wide sidewalks with drought-tolerant vegetation and street trees, and creating an interconnected pedestrian network.

Policy LU-10.2 Encourage buildings within neighborhoods to be compatible in scale with surrounding residential development.

Policy T-1.1 Implement the pedestrian recommendations from the City of Fresno Active Transportation Plan, focusing on the high priority areas first.

Policy T-4.4 Ensure that all roadway widening projects in Southwest Fresno include Class II or Class IV bicycle facilities.

Policy T-4.5 Provide secure, high-quality bicycle parking per the Citywide Development Code Section 15-2429 on Bicycle Parking, including racks and lockers, at key locations along the bicycle network, such as transit stops, commercial businesses, offices, parks, and schools. Promote and incentivize the provision of secure bicycle parking for new multi-family residential and mixed-use residential development projects.

Policy T-6.1 Improve the reliability, quality, and efficiency of transit service within Southwest Fresno and to regional destinations.

Policy T-8.1 Consider and prioritize the comfort of pedestrians, bicyclists, and transit riders when planning vehicular improvements on roadways through implementation of complete streets improvements.

Policy T-11.1 When feasible, design new roadways and retrofit existing roadways within magnet cores, complete neighborhoods, and along special corridors to prioritize travel by walking, bicycling, and riding transit, using the complete streets design guidelines contained in the Southwest Fresno Specific Plan. For example, if adequate or excessive vehicle traffic capacity is available, create wide sidewalks, provide pedestrian amenities, and install bicycle facilities such as separated bikeways or bike lanes, bike parking, and signage. This could be in the form of a "road diet" to transform certain corridors into multi-modal streets.

Policy T-12.1 Prioritize the implementation of facilities that encourage walking and biking, such as sidewalks, multi-use trails, and bikeways.

Policy T-12.3 Support Transportation Demand Management (TDM) programs to encourage alternative modes of travel to the single-occupancy vehicle such as transit use, car- or vanpool, rideshare, and telecommuting.

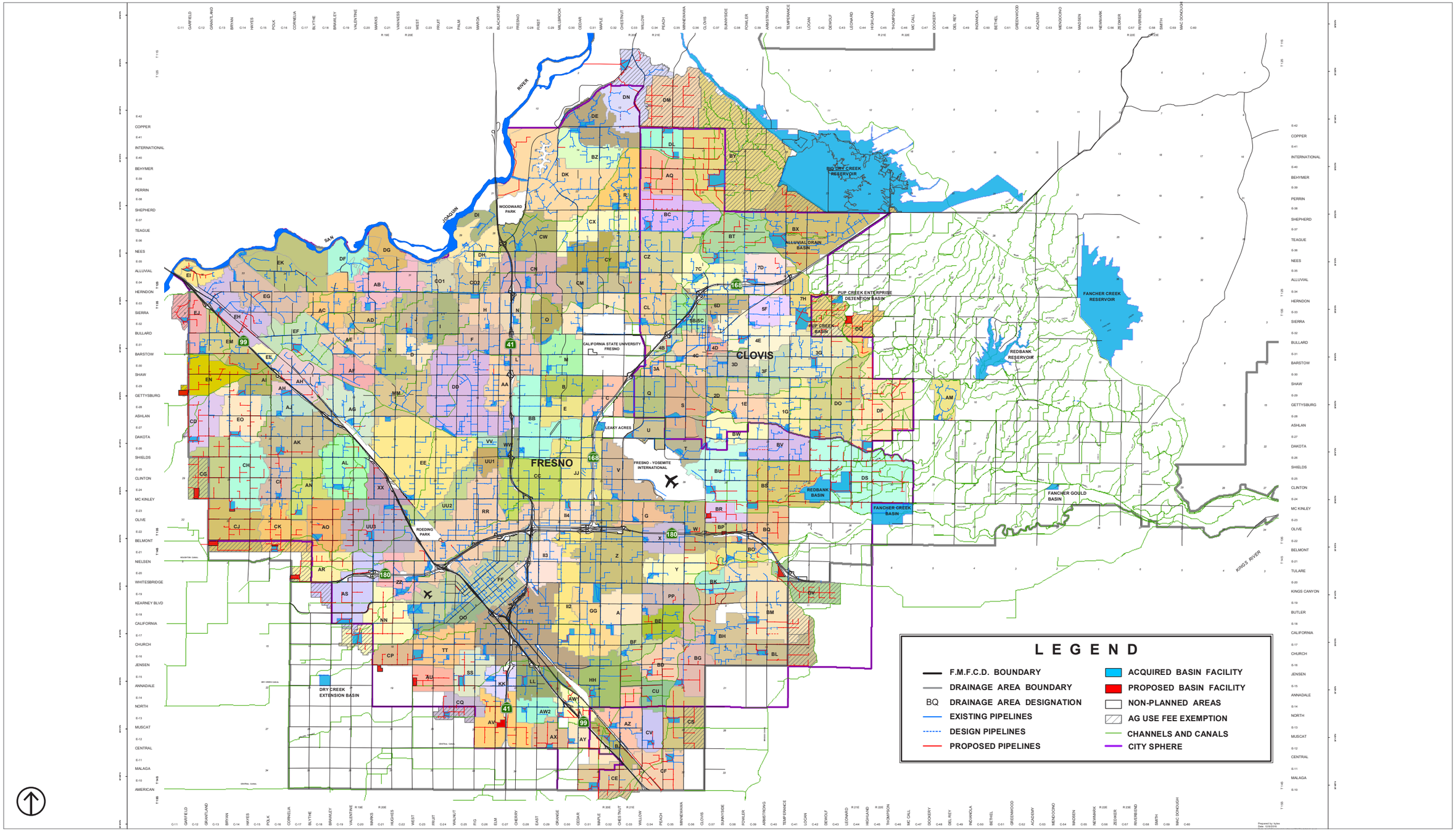
The above policies would promote active transportation and support the reduction in average vehicle trip distances, which would contribute in reducing overall vehicle trips and VMT. In addition, although applicable future individual development projects would be processed under their own separate CEQA evaluation and may be consistent with the City's GHG Reduction Plan development checklist resulting in a less than significant GHG emissions impact, cumulatively, development of projects accommodated by the proposed Plan would generate substantial GHG emissions. Therefore, the proposed Plan's cumulative contribution to the long-term GHG emissions in the State would be considered significant.

3.6 REVISIONS TO CHAPTER 4.9, HYDROLOGY AND WATER QUALITY

Figure 4.9-1 of the Draft PEIR is hereby revised to reflect the most recently updated Urban Flood Control System Area map published December 9, 2016. Please see the revised Figure 4.9-1 on page 3-15.

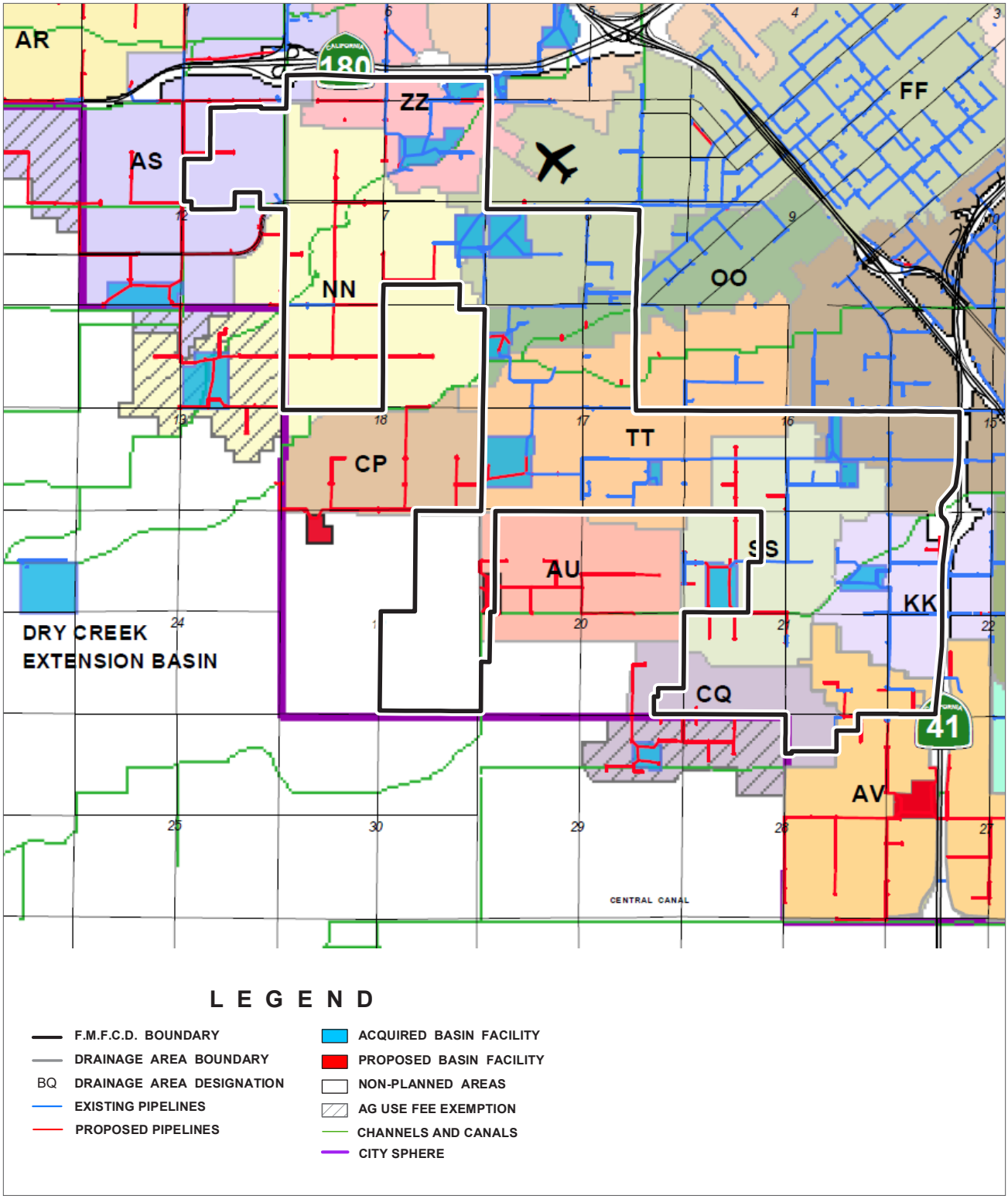
Figure 4.9-2 of the Draft PEIR is hereby revised to reflect the most recently updated Urban Flood Control System Area map published December 9, 2016. Please see the revised Figure 4.9-2 on page 3-17.

HYDROLOGY AND WATER QUALITY



Source: Fresno Metropolitan Flood Control District, 2016.

Figure 4.9-1
FMFCD Urban Flood Control System Area



Source: Fresno Metropolitan Flood Control District, 2017; PlaceWorks, 2017.

Southwest Fresno SP Boundary

Figure 4.9-2

Existing Urban Flood Control System In and Near the Plan Area

REVISIONS TO THE DRAFT EIR

The last paragraph of page 4.9-15 of the Draft PEIR is hereby amended as follows:

The Plan Area encompasses all or part of each of the following drainage areas: AS, NN, ZZ, FF, OO, TT, SS, KK, CQ, and AV. Drainage area acreages and retention basin capacities in acre-feet are listed below in Table 4.9-3. Note that the drainage area studied for the proposed Plan spans 5,859 acres including areas upstream and downstream of the Plan Area; the whole area studied is addressed in Table 4.9-3. The FMFCD ~~basins~~ storm drainage pipeline collection system ha~~ve~~s capacity for a two-year storm and the basins have a capacity for at least 60 percent of average annual rainfall. ~~When necessary, FMFCD can move water from a basin in one such drainage area to a second such basin by pumping water into a street and letting water flow in curb and gutter to a storm drain inlet in an adjoining drainage area.[18]~~ Drainage exceeding the capacity of one basin is moved to other drainage areas through basin relief pipelines interconnecting drainage areas. FMFCD has based planning for the drainage areas using the General Plan land use classifications for each drainage area. Beyond planning, the basins have been located, sized, and in most cases, basin property acquisition has been completed. FMFCD guidelines allow a 20 percent change in required volume before FMFCD is required to resize the basin and either enlarge or change the location of the affected basin. In older areas of the existing system, there may not be available area to expand basin property to allow a 20 percent change in required volume.[19]

The fifth paragraph on page 4.9-23 of the Draft PEIR is hereby amended as follows:

The proposed Plan sets forth the following goals and policies applicable to drainage and water quality:

Goal T-1~~2~~3: Improve storm water quality through transportation infrastructure improvements.

Policy T1~~2~~3.1 Coordinate with the Fresno Metropolitan Flood Control District (FMFCD) Master Plan to incorporate Low Impact Development (LID) storm water management techniques with curb, gutter, and sidewalk improvements.

The first paragraph on page 4.9-24 of the Draft PEIR is hereby amended as follows:

Policy T1~~2~~3.2 Manage stormwater on-site to cleanse, diffuse, and absorb rainwater where it falls by creating rain gardens, swales, infiltration areas, and other attractive areas that bring nature and beauty into developed areas.

Policy T1~~2~~3.3 Work with FMFCD to reduce or waive development impact fees if LID development is implemented on-site.

The third paragraph on page 4.9-27 under Impact HYD-4 of the Draft PEIR is hereby amended as follows:

The FMFCD ~~basins~~ storm drainage pipe system ha~~ve~~s capacity for a two-year storm and basins are designed for at least 60 percent of average annual rainfall. ~~When necessary, FMFCD can move water from a basin in one such drainage area to a second such basin by pumping water into a street and letting water flow in curb and gutter to a storm drain inlet in an adjoining drainage area.[18]~~ Drainage exceeding the capacity of one basin is moved to other drainage areas through basin relief pipelines interconnecting drainage areas. FMFCD guidelines allow a 20 percent change in required volume before FMFCD is required to resize the basin and either enlarge or change the location of the affected basin. In older areas of the

existing system, there may not be available area to expand basin property to allow a 20 percent change in required volume. As shown above in Table 4.9-3, buildout of the proposed Plan would not require an increase in volume of 20 percent or more in any of the basins serving the Plan Area; and thus would not require construction of any new or expanded basins. The FMFCD Urban Storm Drainage Master Plan includes several proposed storm drains on-site.

Footnote 48 on page 4.9-27 of the Draft PEIR is hereby amended as follows:

[18] ~~Rourke, Daniel, Environmental Resources Manager, Fresno Metropolitan Flood Control District. Phone call with PlaceWorks, April 11, 2014.~~

3.7 REVISIONS TO CHAPTER 4.10, LAND USE AND PLANNING

The text in the first row under the column "Consistency Summary" in Table 4.10-1 on page 4.10-6 of the Draft PEIR is hereby amended as follows:

Consistent. Goal LU-8 of the proposed Plan ~~supports~~ reflects the City's long-~~-~~term strategy for supporting the sustainability of industrial uses by directing them outside the P~~p~~lan A~~a~~rea, where they will not conflict with existing neighborhoods. The city contains ample land (approximately 2,150 acres of vacant or partially vacant land) to accommodate industrial development.

3.8 REVISIONS TO CHAPTER 4.12, POPULATION AND HOUSING

The second paragraph on page 4.12-7 of the Draft PEIR is hereby amended as follows:

New jobs in the Plan Area would be created by development of commercial, office, and other employment-generating uses. New industrial jobs could occur in existing industrial businesses; however, the proposed Plan ~~redirects~~ reflects the City's land use strategy of focusing new industrial uses ~~to~~ in locations outside of the Plan Area to remove land use conflicts with nearby residential and other sensitive uses. As shown in Table 4.12-4, the Fresno General Plan MEIR projects an increase of 183,940 jobs for a total of 393,200 jobs in Fresno in 2056. As described in the Project Description in this Draft PEIR, buildout of the proposed Plan could result in as many as 8,671 additional jobs in 2042. These new jobs would not exceed the citywide job projections. Although job growth usually does not directly induce population growth, this calculation takes into account the fact that an increase in employment could accompany population growth, as workers and their family members are likely to live close to their workplaces.

3.9 REVISIONS TO CHAPTER 4.13, PUBLIC SERVICES

The first paragraph under Impact heading PS-7 on page 4.13-28 of the Draft PEIR is hereby amended as follows:

Implementation of the proposed Plan would result in a population increase of approximately 27,775 residents under the Dual Designation Scenario ~~for a total of 40, 424 residents~~. This additional residential growth would result in an increase in demand for parks and recreation facilities. Based on the General Plan standard of 3 acres of public parkland per 1,000 residents, the proposed Plan would require ~~the dedication of~~ approximately ~~121~~83[11] acres of useable parkland to meet the 3-acre per 1,000 residents ratio standard. Assuming the Standard Development Scenario presented in Table 3-1 of Chapter 3, Project Description, the Plan proposes 7~~0~~8 acres of new parkland ~~and combined with the approximately 19 acres of existing parkland~~ within the Plan Area (see Table 4.13-10). Therefore, implementation of the proposed Plan would result in ~~an total of 91 acres of parkland being located within the Plan Area This is~~ a deficit of ~~30~~ 5 acres ~~less than the total acreage needed~~ to meet the citywide parks and open space standard of 3 acres per 1,000 residents.

Footnote 11 on page 4.13-28 of the Draft PEIR is hereby amended as follows:

[11] ~~(12,649 existing residents + 27,775 new residents) = 40,424 total residents.~~ (~~40,424~~27,775 ~~total~~ new residents*3 acres/1,000 residents~~)~~ = ~~121.27~~83.325 acres.

The first full paragraph on page 4.13-32 of the Draft PEIR is hereby amended as follows:

Implementation of the proposed Plan would result in the creation of 7~~0~~8 acres of new parkland. ~~When combined with the existing approximately 19 acres of parkland within the Plan Area, implementation of the proposed Plan would result in approximately 89acres of parks being located within the Plan Area.~~[15] The development of new parks would offer additional facilities for use by new residents within the Plan Area, reducing the impact on existing facilities. In addition to the new parks that would be developed under the proposed Plan, Goal PF-1 seeks to improve existing parks as the highest priority. Policy PF-1.1 encourages the City to upgrade amenities in existing parks, and ensure that all parks have well-maintained and fully accessible essential and desired amenities. Policy PF-1.2 encourages park safety and security through enforcement and community design, while Policy PF-1.3 encourages remediation of toxic sites on and/or directly adjacent to existing parkland to improve the environmental health of the community. Therefore, existing recreational facilities would not experience substantial physical deterioration or experience an acceleration of physical deterioration. Development within the Plan Area would also be required to comply with FMC Section 12-4.701 through 12-4.706, which requires payment of park facilities fees to finance park facility improvements. As a result, impacts are considered *less than significant*.

3.10 REVISIONS TO CHAPTER 4.14, TRANSPORTATION AND TRAFFIC

The first paragraph on page 4.14-1 of the Draft PEIR is hereby amended as follows:

This section describes the regulatory framework and existing conditions in the vicinity of the Plan Area related to transportation and traffic, and the potential impacts of the proposed Plan on transportation and traffic. Fehr & Peers prepared the analysis contained in this section. This report analyzes the following scenarios to determine the effects of the proposed Plan:

- Existing Conditions (2017): reflects roadway geometrics as observed in spring 2017 and traffic volumes collected between June 2014 and May 2017, as presented in Section 4.14.1.2
- Existing plus proposed Plan conditions (2017): evaluates the transportation and traffic impacts directly related to the development associated with the proposed Plan, as presented in Section 4.14.3
- Cumulative conditions (2035): analyzes the proposed Plan's incremental effects to traffic congestion when viewed in connection with the effects of reasonably foreseeable future projects. This analysis uses population and employment forecasts from the recently adopted Fresno General Plan as land use inputs for future development in the region. This is consistent with §15130(b)(1)(B) from the CEQA Guidelines. The cumulative conditions scenario also includes reasonably foreseeable roadway network changes including funded roadway improvement projects identified in the Fresno Council of Governments (Fresno COG) 2014 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and applicable local and regional impact fee programs as well as modifications to the roadway network associated with the construction of the High-Speed Rail (HSR) trackway.

The title of Figure 4.14-3 on page 4.14-13 of the Draft PEIR is hereby amended as follows:

Figure 4.14-3 Existing Roadway Network (2017)

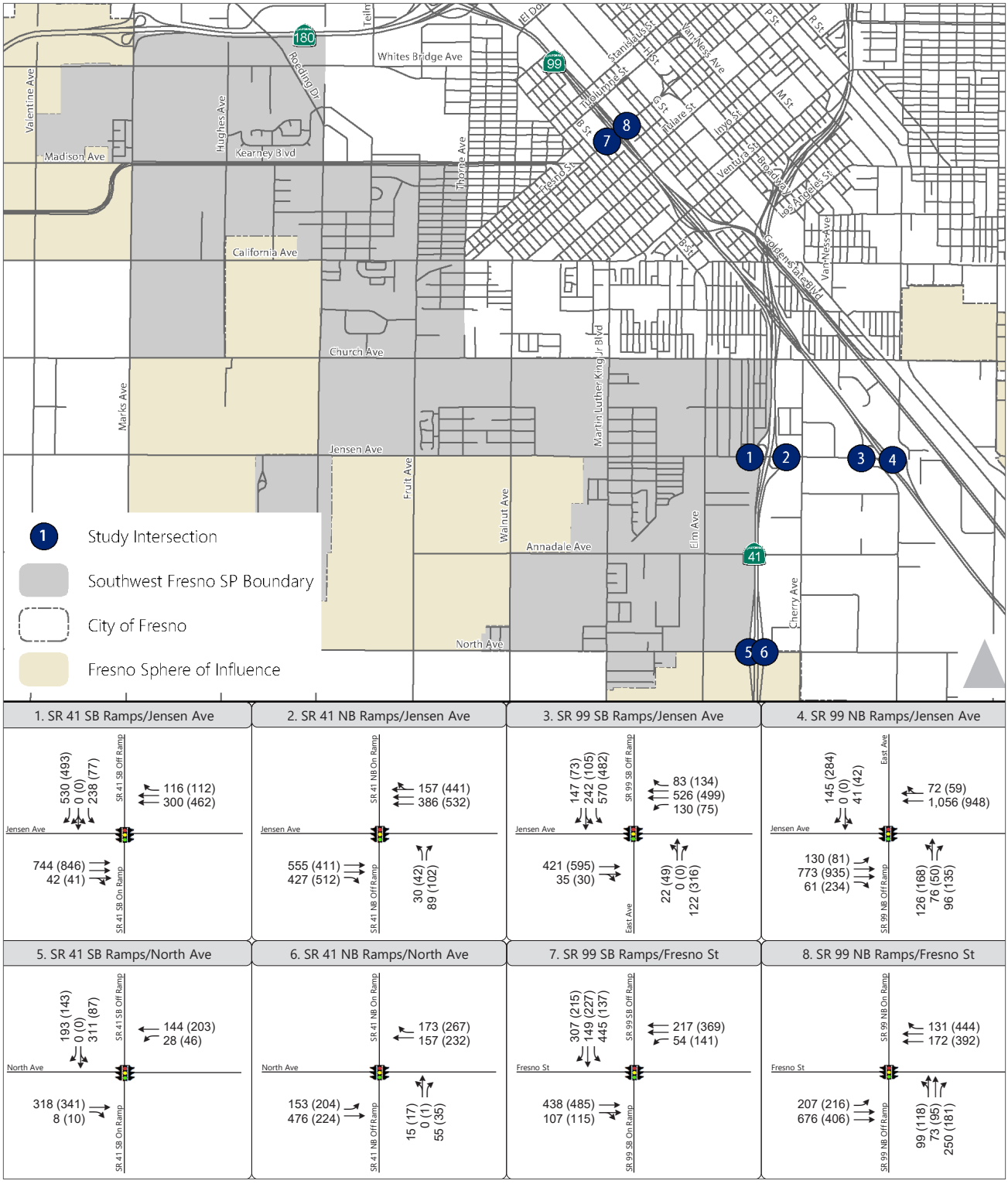
The fifth paragraph on page 4.14-15 of the Draft PEIR is hereby amended as follows:

Morning (7:00 a.m. to 9:00 a.m.) and evening (4:00 p.m. to 6:00 p.m.) peak period intersection turning movement counts at the eight study intersections were collected in April 2017 (refer to Appendix ~~H~~G for traffic count data). Figure 4.14-6 presents the existing AM and PM peak hour intersection traffic volumes for the eight study intersections.

Figure 4.14-6, shown on the following page, is hereby added. Please see the new Figure 4.14-6 on page 3-22.

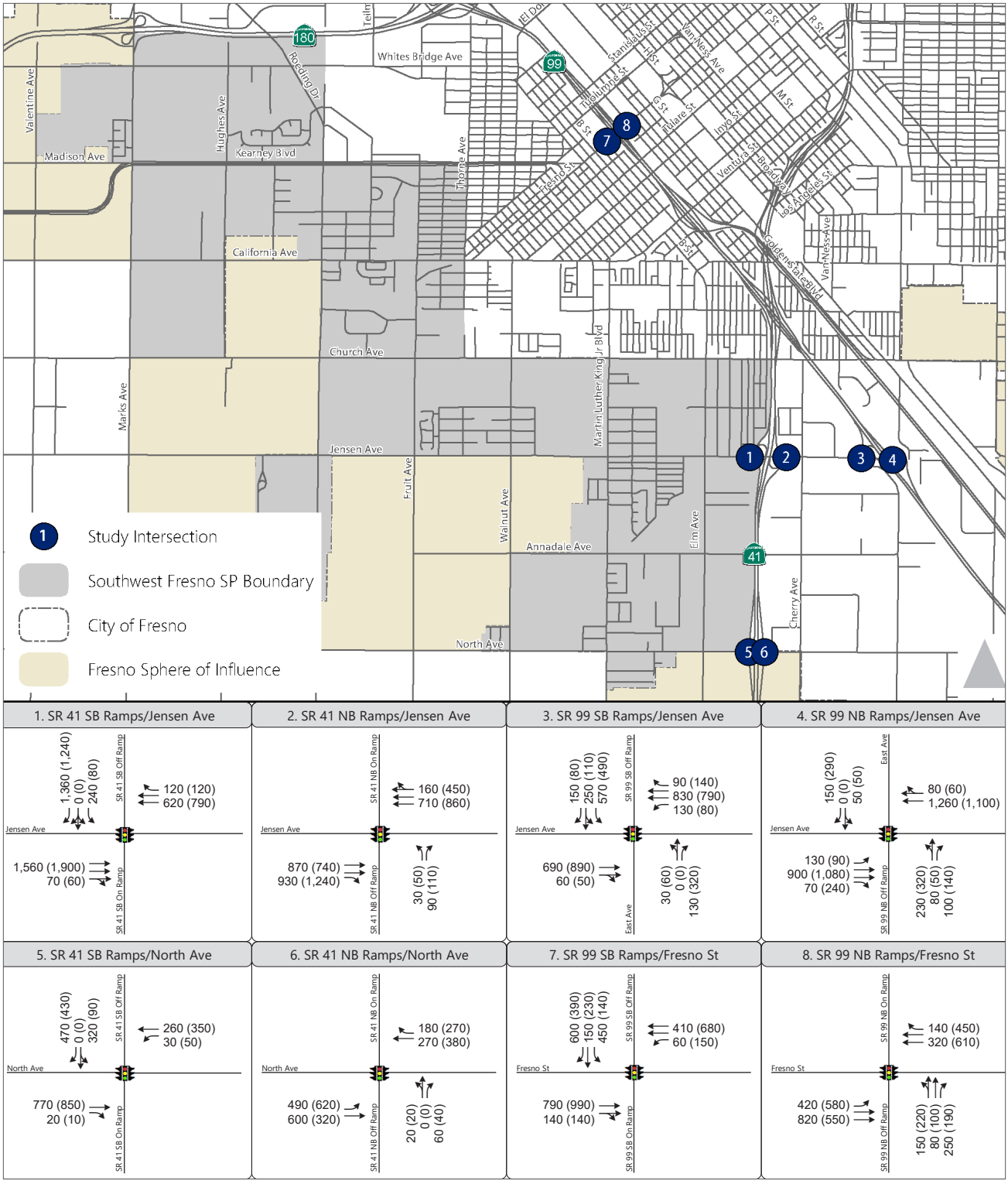
Figure 4.14-15, shown on the following page, is hereby added. Please see the new Figure 4.14-15 on page 3-23.

Figure 4.14-20, shown on the following page, is hereby added. Please see the new Figure 4.14-20 on page 3-24.



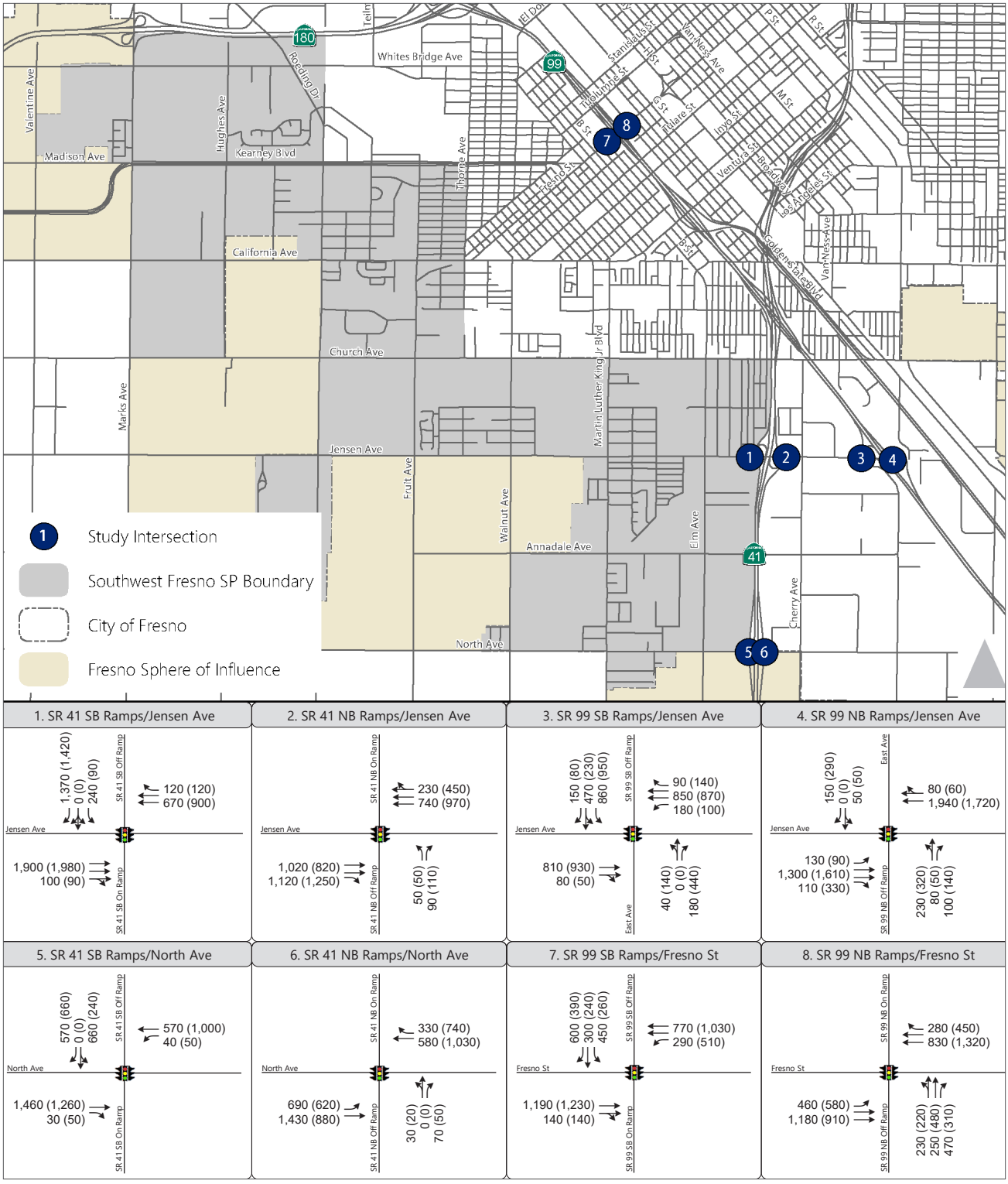
Source: Fehr & Peers Transportation Consultants, 2017.

Figure 4.14-6
Peak Hour Traffic Volumes and Lane Configurations Existing Conditions



Source: Fehr & Peers Transportation Consultants, 2017.

Figure 4.14-15
Peak Hour Traffic Volumes and Lane Configurations Existing Plus Project



Source: Fehr & Peers Transportation Consultants, 2017.

Figure 4.14-20

Peak Hour Traffic Volumes and Lane Configurations Cumulative Conditions

The title of Table 4.14-2 on page 4.14-18 of the Draft PEIR is hereby amended as follows:
Table 3.10-2 Peak Hour Roadway Segment Operations – Existing Conditions (2017)

The last paragraph on page 4.14-19 of the Draft PEIR is hereby amended as follows:
As shown in Table 3.10-2, all study roadway segments operate at LOS C or LOS D under existing conditions. Per the volume thresholds presented in Table 4.14-6, LOS A and LOS B are not achievable on arterial or collector streets per the HCM methodology; therefore, LOS C is the best achievable operation. Figure 4.14-~~6~~7 presents the AM peak hour roadway LOS, while Figure 4.14-~~7~~8 presents the PM peak hour roadway LOS.

The title of Figure 4.14-6 on page 4.14-20 of the Draft PEIR is hereby amended as follows:
Figure 3.10-~~1~~ 7 Existing AM Peak Hour Roadway Segment LOS (2017)

The second paragraph on page 4.14-22 of the Draft PEIR is hereby amended as follows:
Table 4.14-3 presents the AM and PM peak hour LOS at each study intersection under existing conditions (refer to Appendix ~~H~~G for calculations). As shown in Table 4.14-3, all intersections operate at LOS D or better under existing conditions with the exception of the following location:

The title of Table 4.14-3 on page 4.14-22 of the Draft PEIR is hereby amended as follows:
Table 4.14-3 Peak Hour Intersection Operations – Existing Conditions (2017)

Table 4.14-4 on page 4.14-23 of the Draft PEIR is hereby amended as follows:

TABLE 4.14-4 PEAK HOUR FREEWAY OFF-RAMP QUEUING – EXISTING CONDITIONS (2017)

Freeway Off-Ramp	Ramp Length[a]	Deceleration Length[b]	Peak Hour	95th Percentile Queue[bc]
1. SR-41 Southbound Off-Ramp at Jensen Ave.	1,380 ft.	420 ft.	AM	75 ft.
			PM	75 ft.
2. SR-41 Northbound Off-Ramp at Jensen Ave.	1,470 ft.	420 ft.	AM	50 ft.
			PM	50 ft.
3. SR-99 Southbound Off-Ramp at Jensen Ave.	1,440 ft.	420 ft.	AM	625 ft.*
			PM	450 ft.*
4. SR-99 Northbound Off-Ramp at Jensen Ave.	1,050 ft.	420 ft.	AM	225 ft.*
			PM	250 ft.*
5. SR-41 Southbound Off-Ramp at North Ave.	1,575 ft.	270 ft.	AM	250 ft.
			PM	75 ft.
6. SR-41 Northbound Off-Ramp at North Ave.	1,700 ft.	270 ft.	AM	25 ft.
			PM	50 ft.
7. SR-99 Southbound Off-Ramp at Fresno St.	1,030 ft.	270 ft.	AM	100 ft.
			PM	150 ft.

TABLE 4.14-4 PEAK HOUR FREEWAY OFF-RAMP QUEUING – EXISTING CONDITIONS (2017)

Freeway Off-Ramp	Ramp Length[a]	Deceleration Length[b]	Peak Hour	95th Percentile Queue[bc]
8. SR-99 Northbound Off-Ramp at Fresno St.	1,070 ft.	270 ft.	AM	75 ft.
			PM	100 ft.

Notes: * = 95th percentile volume exceeds capacity; the actual queue may be longer than reported.
a. The ramp length is estimated by measuring the distance from the gore point where the off-ramp departs from the mainline to the limit line at the ramp terminal intersection with the local street, as measured from aerial imagery. Distance is reported in feet.
b. The ramp deceleration length is estimated based on data from the table presented with Figure 504.2B in Caltrans Highway Design Manual. The deceleration length is measured from the ramp gore point where the off-ramp departs from the mainline.
c. 95th Percentile Queue calculated using Synchro software. Queue is reported in feet and rounded up to the nearest 25-foot interval.
Source: Fehr & Peers, 2017.

The third paragraph on page 4.14-24 of the Draft PEIR is hereby amended as follows:

Figure 4.14-~~8~~9 shows the existing fixed-route transit service in the Plan Area. The areas on the western portion of the Plan Area are less developed and are not directly served by existing fixed-route bus service. In addition to its fixed-route service, FAX Handy Ride provides paratransit service for people with disabilities and those who cannot functionally use the FAX fixed-route bus system.

The title of Figure 4.14-8 on page 4.14-25 of the Draft PEIR is hereby amended as follows:

Figure 4.14-~~8~~9 Existing Fixed Route Transit Service (2017)

The first paragraph on page 4.14-26 of the Draft PEIR is hereby amended as follows:

Figure 4.14-~~9~~10 presents the existing bicycle facilities in the Plan Area; the bicycle network consists of only Class II bike lanes present on a small fraction of the existing roadway network.

The last paragraph on page 4.14-26 of the Draft PEIR is hereby amended as follows:

Figure 4.14-1~~0~~1 shows the existing presence of sidewalks in the Plan Area.

The title of Figure 4.14-9 on page 4.14-27 of the Draft PEIR is hereby amended as follows:

Figure 4.14-~~9~~10 Existing Bicycle Facilities (2017)

The title of Figure 4.14-10 on page 4.14-28 of the Draft PEIR is hereby amended as follows:

Figure 4.14-1~~0~~1 Existing Pedestrian Facilities (2017)

The first paragraph on page 4.14-36 of the Draft PEIR is hereby amended as follows:

Development associated with the proposed Plan would increase the amount of vehicle traffic, which would require the improvement and expansion of the roadway network in the Plan Area to serve the associated travel demand. The traffic generated by the proposed Plan will be caused by future development within the Plan Area. Figure 4.14-1~~1~~2 presents the land use map for the Plan Area.

Figure 4.14-1~~2~~3 shows the planned number of lanes on the roadway network in the Plan Area.

The second paragraph on page 4.14-36 of the Draft PEIR is hereby amended as follows:

This study uses the TDF model developed for the Fresno General Plan MEIR to forecast the amount of traffic generated by the proposed Plan. For the existing plus proposed Plan scenario, the development potential associated with the proposed Plan was added to the Fresno General Plan MEIR TDF model baseline land uses. The proposed Plan's land uses included residential units and retail, office, and industrial employment. In addition, the roadway network in the baseline TDF model was updated to match the roadway network presented in Figure 4.14-1~~2~~3.

The fourth paragraph on page 4.14-36 of the Draft PEIR is hereby amended as follows:

Figure 4.14-1~~3~~4 presents the resulting daily traffic volumes for the 30 study roadway segments under existing plus proposed Plan's conditions.

Figure 4.14-15 presents the AM and PM peak hour traffic volume forecasts for the eight study intersections under existing plus proposed Plan conditions.

The title of Figure 4.14-12 on page 4.14-38 of the Draft PEIR is hereby amended as follows:

Figure 4.14-1~~2~~3 Existing Plus Proposed Plan's Roadway Network (2017)

Figure 4.14-13 of the Draft PEIR is included on the next page, as it was omitted from the Draft PEIR. Further, the title of Figure 4.14-13 on page 4.14-39 of the Draft PEIR is hereby amended as follows:

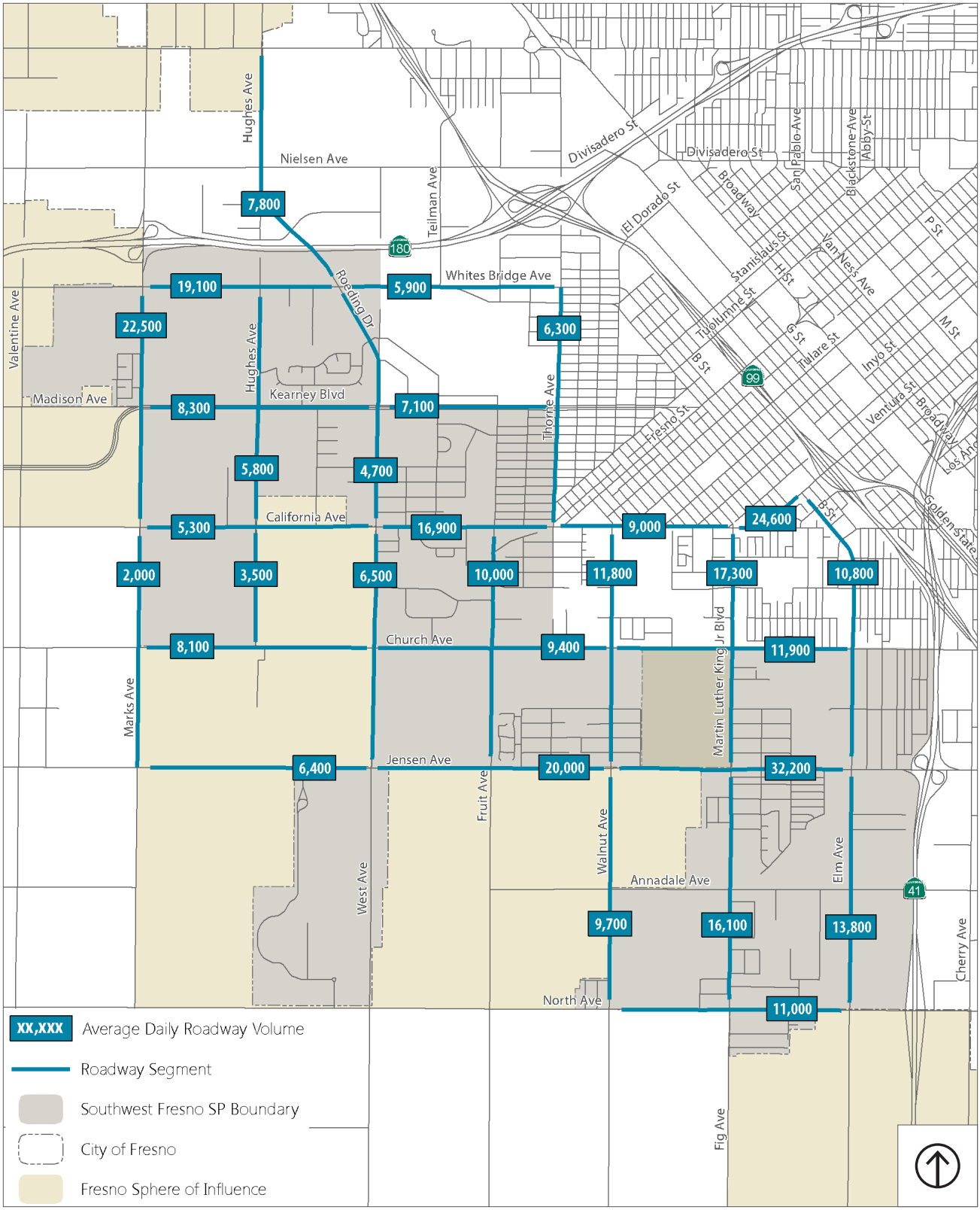
Figure 4.14-1~~3~~4 Existing Plus Proposed Plan Daily Roadway Volumes (2017)

Table 4.14-8 on page 4.14-40 of the Draft PEIR is hereby amended as follows:

TABLE 4.14-8 VMT COMPARISON – EXISTING CONDITIONS AND EXISTING PLUS PROPOSED PLAN (2017)

	Average Weekday VMT	
Trip Type	Existing Conditions (2017)	Existing Plus Proposed Plan Conditions (2017)
Internal-to-Internal (I-I)	1,153	41,991
Internal-to-External (I-I)	141,973	815,020
External-to-Internal (I-I)	142,106	813,627
Total	**285,232**	**1,670,638**

Source: Fresno COG Countywide Travel Demand Forecasting Model as modified for the proposed Plan.



Source: Fehr & Peers Transportation Consultants, 2017.

Figure 4.14-14
Existing Plus Proposed Plan Daily Roadway Volumes (2017)

The second paragraph on page 4.14-40 of the Draft PEIR is hereby amended as follows:

Table 4.14-9 presents the AM and PM peak hour traffic volumes and LOS for each study roadway segment under existing plus proposed Plan conditions. Figure 4.14-1~~4~~6 presents the AM peak hour roadway LOS under existing plus proposed Plan conditions, while Figure 4.14-1~~5~~7 presents the PM peak hour roadway LOS. As shown in Table 4.14-9, all study roadway segments operate at LOS C or LOS D under existing plus proposed Plan conditions. While many roadway segments go from LOS C under existing conditions to LOS D under existing plus proposed Plan conditions, all roadways continue to operate at an acceptable LOS (i.e., at or better than the LOS standard identified in Tale 4.14-4). Therefore, the proposed Plan has a *less than significant* impact on roadway operations.

The third paragraph on page 4.14-40 of the Draft PEIR is hereby amended as follows:

Table 4.14-10 presents the AM and PM peak hour LOS for each study intersection under existing plus proposed Plan conditions (refer to Appendix ~~H~~G for calculations). The results presented in Table 4.14-19 reflect signal timing changes that are anticipated to occur during routine maintenance of the traffic signals by Caltrans. This includes adjustments to cycle lengths and shifting green time to phases for movements that experience greater increases in traffic volume. These adjustments in one case (at the intersection of SR-99 Northbound Ramps/East Ave./Jensen Ave.) result in slightly better operations under existing plus proposed Plan conditions than existing conditions due to more efficient use of the traffic signal cycle.

The title of Figure 4.14-14 on page 4.14-41 of the Draft PEIR is hereby amended as follows:

Figure 4.14-1~~4~~6 Existing Plus Proposed Plan AM Peak Hour Roadway Segment LOS (2017)

The title of Figure 4.14-15 on page 4.14-42 of the Draft PEIR is hereby amended as follows:

Figure 4.14-1~~5~~7 Existing Plus Proposed Plan PM Peak Hour Roadway Segment LOS (2017)

Table 4.14-9 on page 4.14-43 of the Draft PEIR is hereby amended as follows:

TABLE 4.14-9 PEAK HOUR ROADWAY SEGMENT OPERATIONS – EXISTING PLUS PROPOSED PLAN CONDITIONS (2017)

			Existing Conditions (2017)			Existing Plus Proposed Plan (2017)		
Roadway Segment	Classification[a]	Peak Hour	Volume	V/C[b]	LOS[v]	Volume	V/C[b]	LOS[v]
1. Whitesbridge Ave.: Marks Ave. to Roeding Dr.	4-lane Divided Collector	AM	180	0.12	C	1,280	0.34	D
		PM	260	0.18	C	1,650	0.44	D
2. Whitesbridge Ave.: Roeding Dr. to Thorne Ave.	2-lane Undivided Collector	AM	110	0.08	C	360	0.24	D
		PM	210	0.14	C	560	0.38	D
3. Kearney Blvd.: Marks Ave. to West Ave.	2-lane Undivided Collector	AM	290	0.19	C	730	0.50	D
		PM	210	0.14	C	710	0.48	D
4. Kearney Blvd.: West Ave. to Thorne Ave.	2-lane Undivided Collector	AM	240	0.16	C	620	0.42	D
		PM	170	0.12	C	600	0.41	D
5. California Ave.: Marks Ave. to West Ave.	2-lane Collector with TWLTL	AM	180	0.12	C	440	0.25	D
		PM	170	0.12	C	480	0.27	D

TABLE 4.14-9 PEAK HOUR ROADWAY SEGMENT OPERATIONS – EXISTING PLUS PROPOSED PLAN CONDITIONS (2017)

Roadway Segment	Classification[a]	Peak Hour	Existing Conditions (2017) Volume	V/C[b]	LOS[v]	Existing Plus Proposed Plan (2017) Volume	V/C[b]	LOS[v]
6. California Ave.: West Ave. to Fresno St.	4-lane Divided Arterial	AM	350	0.19	C	1,350	0.36	D
		PM	430	0.23	C	1,510	0.40	D
7. California Ave.: Fresno St. to Martin Luther King Jr. Blvd.	2-lane Arterial with TWLTL	AM	590	0.34	D	790	0.45	D
		PM	550	0.31	D	790	0.45	D
8. Ventura St: Martin Luther King Jr. Blvd. to B St.~~reet~~	4-lane Divided Arterial	AM	930	0.25	C	2,100	0.56	D
		PM	840	0.22	C	2,130	0.57	D
9. Church Ave.: Marks Ave. to West Ave.	2-lane Undivided Collector	AM	80	0.05	C	570	0.39	D
		PM	120	0.08	C	670	0.45	D
10. Church Ave.: West Ave. to Walnut Ave.	2-lane Collector with TWLTL	AM	150	0.10	C	690	0.39	D
		PM	170	0.11	C	770	0.44	D
11. Church Ave.: Walnut Ave. to Elm Ave.	2-lane Collector with TWLTL	AM	390	0.22	C	870	0.49	D
		PM	370	0.21	C	880	0.50	D
12. Jensen Ave.: Marks Ave. to West Ave.	2-lane Undivided Arterial	AM	320	0.22	C	390	0.27	D
		PM	410	0.28	D	510	0.34	D
13. Jensen Ave.: West Ave. to Walnut Ave.	4-lane Divided Arterial	AM	420	0.28	D	1,300	0.35	D
		PM	560	0.38	D	1,520	0.41	D
14. Jensen Ave.: Walnut Ave. to Elm Ave.	4-lane Divided Arterial	AM	730	0.20	C	2,110	0.56	D
		PM	920	0.25	C	2,320	0.62	D
15. North Ave.: Walnut Ave. to Elm Ave.	2-lane Arterial with TWLTL	AM	380	0.26	D	1,060	0.60	D
		PM	340	0.23	D	1,150	0.65	D
16. Marks Ave.: Whitesbridge Ave. to California Ave.	4-lane Divided Arterial	AM	620	0.34	D	1,790	0.48	D
		PM	670	0.36	D	2,050	0.55	D
17. Marks Ave.: California Ave. to Jensen Ave.	2-lane Undivided Arterial	AM	140	0.10	C	100	0.07	C
		PM	210	0.14	C	170	0.12	C
18. Hughes Ave./Roeding Dr.: Nielsen Ave. to Whitesbridge Ave.	4-lane Divided Collector	AM	200	0.05	C	660	0.18	C
		PM	230	0.06	C	760	0.20	C
19. Hughes Ave.: Whitesbridge Ave. to California Ave.	2-lane Undivided Collector	AM	20	0.02	C	420	0.29	D
		PM	50	0.03	C	530	0.36	D
20. Hughes Ave.: California Ave. to Church Ave.	2-lane Undivided Collector	AM	20	0.01	C	260	0.18	C
		PM	30	0.02	C	320	0.22	C
21. Roeding Dr./West Ave.: Whitesbridge Av. to California Av.	2-lane Divided Collector	AM	80	0.06	C	410	0.22	C
		PM	80	0.05	C	440	0.24	C
22. West Ave.: California Ave. to Jensen Ave.	2-lane Collector with TWLTL	AM	70	0.05	C	530	0.30	D
		PM	80	0.05	C	580	0.33	D

TABLE 4.14-9 PEAK HOUR ROADWAY SEGMENT OPERATIONS – EXISTING PLUS PROPOSED PLAN CONDITIONS (2017)

Roadway Segment	Classification[a]	Peak Hour	Existing Conditions (2017) Volume	V/C[b]	LOS[v]	Existing Plus Proposed Plan (2017) Volume	V/C[b]	LOS[v]
23. Fruit Ave.: California Ave. to Jensen Ave.	2-lane Undivided Collector	AM	140	0.09	C	750	0.51	D
		PM	180	0.12	C	810	0.55	D
24. Thorne Ave.: Whitesbridge Ave. to California Ave.	2-lane Collector with TWLTL	AM	240	0.14	C	510	0.29	D
		PM	270	0.15	C	600	0.34	D
25. Walnut Ave.: California Ave. to Jensen Ave.	2-lane Undivided Collector	AM	380	0.26	D	1,030	0.70	D
		PM	350	0.24	D	1,100	0.74	D
26. Walnut Ave.: Jensen Ave. to North Ave.	2-lane Collector with TWLTL	AM	20	0.01	C	730	0.41	D
		PM	50	0.04	C	820	0.47	D
27. Martin Luther King Jr. Blvd.: California Ave. to Jensen Ave.	2-lane Collector with TWLTL	AM	500	0.28	D	1,370	0.78	D
		PM	520	0.29	D	1,400	0.80	D
28. Martin Luther King Jr. Blvd.: Jensen Ave. to North Ave.	2-lane Collector with TWLTL	AM	330	0.22	C	1,050	0.60	D
		PM	290	0.20	C	1,070	0.61	D
29. Elm Ave.: Ventura St to Jensen Ave.	4-lane Divided Arterial	AM	290	0.08	C	580	0.16	C
		PM	600	0.16	C	970	0.26	C
30. Elm Ave.: Jensen Ave. to North Ave.	2-lane Divided Arterial	AM	240	0.06	C	670	0.36	D
		PM	420	0.11	C	920	0.49	D

a. Roadway classifications reflect changes proposed by proposed Plan. Descriptions of classifications are presented in the Local Roadways section:
Undivided = roadways without physical separation between opposing directions of travel
TWLTL = two-way left-turn lane: a center lane exclusively for left-turning vehicles from either direction, which also provides space between opposing directions of travel
Divided = roadways with physical separation between opposing directions of travel, such as a raised median
b. Volume-to-capacity ratio; capacity defined as the LOS E/F threshold as presented in Table 4.15-5.
c. Level of service based on volume thresholds presented in Table 4.15-5.
Source: Fehr & Peers, 2017.

Table 4.14-10 on page 4.14-45 of the Draft PEIR is hereby amended as follows:

TABLE 4.14-10 PEAK HOUR INTERSECTION OPERATIONS – EXISTING PLUS PROPOSED PLAN CONDITIONS (2017)

Intersection	Traffic Control	Peak Hour	Existing Conditions (2017) Delay[a]	LOS[b]	Existing Plus Proposed Plan (2017) Delay[a]	LOS[b]
1. SR-41 Southbound Ramps/Jensen Ave.	Signal	AM	9	A	22	C
		PM	7	A	22	C
2. SR-41 Northbound Ramps/Jensen Ave.	Signal	AM	4	A	4	A
		PM	4	A	5	A

TABLE 4.14-10 PEAK HOUR INTERSECTION OPERATIONS – EXISTING PLUS PROPOSED PLAN CONDITIONS (2017)

Intersection	Traffic Control	Peak Hour	Existing Conditions (2017) Delay[a]	Existing Conditions (2017) LOS[b]	Existing Plus Proposed Plan (2017) Delay[a]	Existing Plus Proposed Plan (2017) LOS[b]
3. SR-99 Southbound Ramps/East Ave./Jensen Ave.	Signal	AM	**61**	**E**	**61**	**E**
		PM	29	C	35	D
4. SR-99 Northbound Ramps/East Ave./Jensen Ave.	Signal	AM	53	D	39	D
		PM	46	D	31	C
5. SR-41 Southbound Ramps/North Ave.	Signal	AM	23	C	53	D
		PM	13	B	45	D
6. SR-41 Northbound Ramps/North Ave.	Signal	AM	9	A	18	B
		PM	12	B	28	C
7. SR-99 Southbound Ramps/Fresno St.	Signal	AM	24	C	27	C
		PM	18	B	25	C
8. SR-99 Northbound Ramps/Fresno St.	Signal	AM	15	B	19	B
		PM	19	B	32	C

Notes: **BOLD** text indicates the intersection operates at an unacceptable LOS based on Caltrans concept LOS.
UNDERLINED text indicates the proposed Plan would have a significant impact based on the significance criteria presented in the Methodology section.
a. The overall average intersection control delay is reported in seconds per vehicle.
b. Level of service based on *Highway Capacity Manual* (Transportation Research Board, 2010).
Source: Fehr & Peers, 2017.

The third paragraph on page 4.14-45 of the Draft PEIR is hereby amended as follows:

~~As described above, the proposed Plan would have a *less than significant* effect on roadway operations, intersection operations, and freeway off-ramp queuing. While the proposed Plan would add trips to the roadway network, the resulting roadway, intersection, and freeway off-ramp conditions would not conflict with applicable plans, ordinances, or policies establishing measures of effectiveness (i.e., delay, LOS, and queue lengths) for the performance of the circulation system. Therefore, this impact is *less than significant*.~~

Table 4.14-11 on page 4.14-46 of the Draft PEIR is hereby amended as follows:

TABLE 4.14-11 PEAK HOUR FREEWAY OFF-RAMP QUEUING – EXISTING PLUS PROPOSED PLAN CONDITIONS (2017)

Freeway Off-Ramp	Ramp Length[a]	Deceleration Length[b]	Peak Hour	95th Percentile Queue[bc] Existing Conditions (2017)	95th Percentile Queue[bc] Existing Plus Proposed Plan (2017)
1. SR-41 Southbound Off-Ramp at Jensen Ave.	1,380 ft.	420 ft.	AM	75 ft.	600 ft.*
			PM	75 ft.	550 ft.*
2. SR-41 Northbound Off-Ramp at Jensen Ave.	1,470 ft.	420 ft.	AM	50 ft.	50 ft.
			PM	50 ft.	50 ft.

TABLE 4.14-11 PEAK HOUR FREEWAY OFF-RAMP QUEUING – EXISTING PLUS PROPOSED PLAN CONDITIONS (2017)

Freeway Off-Ramp	Ramp Length[a]	Deceleration Length[b]	Peak Hour	95th Percentile Queue[bc] Existing Conditions (2017)	95th Percentile Queue[bc] Existing Plus Proposed Plan (2017)
3. SR-99 Southbound Off-Ramp at Jensen Ave.	1,440 ft.	420 ft.	AM	625 ft.*	650 ft.*
			PM	450 ft.*	475 ft.*
4. SR-99 Northbound Off-Ramp at Jensen Ave.	1,050 ft.	420 ft.	AM	225 ft.*	400 ft.*
			PM	250 ft.*	475 ft.*
5. SR-41 Southbound Off-Ramp at North Ave.	1,575 ft.	270 ft.	AM	250 ft.	400 ft.*
			PM	75 ft.	100 ft.
6. SR-41 Northbound Off-Ramp at North Ave.	1,700 ft.	270 ft.	AM	25 ft.	50 ft.
			PM	50 ft.	50 ft.
7. SR-99 Southbound Off-Ramp at Fresno St.	1,030 ft.	270 ft.	AM	100 ft.	400 ft.*
			PM	150 ft.	225 ft.
8. SR-99 Northbound Off-Ramp at Fresno St.	1,070 ft.	270 ft.	AM	75 ft.	100 ft.
			PM	100 ft.	125 ft.

Note: * = 95th percentile volume exceeds capacity; the actual queue may be longer than reported.
a. The ramp length is estimated by measuring the distance from the gore point where the off-ramp departs from the mainline to the limit line at the ramp terminal intersection with the local street, as measured from aerial imagery. Distance is reported in feet.
b. The ramp deceleration length is estimated based on data from the table presented with Figure 504.2B in Caltrans *Highway Design Manual*. The deceleration length is measured from the ramp gore point where the off-ramp departs from the mainline.
c. 95th Percentile Queue calculated using Synchro software. Queue is reported in feet and rounded up to the nearest 25-foot interval.
Source: Fehr & Peers, 2017.

The second paragraph on page 4.14-46 of the Draft PEIR is hereby amended as follows:

As described above, the ~~P~~proposed Plan would have a *less than significant* effect on roadway operations, intersection operations, and freeway off-ramp queuing. While the p~~P~~roposed Plan would add trips to the roadway network, the resulting roadway, intersection, and freeway off-ramp conditions would not conflict with applicable plans, ordinances, or policies establishing measures of effectiveness (i.e., delay, LOS, and queue lengths) for the performance of the circulation system. Therefore, this impact is *less than significant*.

The third through eighth policy text on page 4.14-49 of the Draft PEIR are hereby amended as follows:

Goal T-~~9~~10: Create a healthy environment for Southwest Fresno residents by intentionally routing truck traffic away from sensitive areas such as residential areas, parks, and schools.

Policy T-~~9~~10.1: Work with existing industrial and heavy commercial businesses to identify alternative truck routes that limit negative impacts on sensitive areas while maintaining an efficient movement of goods.

Policy T-~~9~~10.3: Improve conditions of existing and rerouted truck routes for pedestrians and bicyclists by implementing pedestrian and bicycle facilities such as reduced corner radii at intersections to slow turning vehicular traffic, protected signal phasing for truck left-turns, enhanced high-visibility crossings, protected bikeways, and wide sidewalks.

Goal T-1~~0~~1: Create an accessible and well-connected "complete streets" transportation network that serves community members of all ages, income groups, and abilities, and balances travel by all modes of travel such as by car, bus, bicycle, foot, or wheelchair.

Policy T-1~~0~~1.2 Identify streets with excessive vehicular ROW that are opportunities to implement traffic calming and other improvements to slow traffic and provide options for multi-modal travel.

Policy T-1~~0~~1.3 Encourage lower vehicular travel speeds for collector and local streets in the Plan Area. This could be accomplished through traffic calming measures, narrower travel lanes, reducing the number of travel lanes, neighborhood speed watch/traffic management programs, or speed enforcement programs.

The fourth through sixth bullets on page 4.14-52 of the Draft PEIR are hereby amended as follows:

Goal T-~~9~~10: Create a healthy environment for Southwest Fresno residents by intentionally routing truck traffic away from sensitive areas such as residential areas, parks, and schools.

Policy T-~~9~~10.3 Improve conditions of existing and rerouted truck routes for pedestrians and bicyclists by implementing pedestrian and bicycle facilities such as reduced corner radii at intersections to slow turning vehicular traffic, protected signal phasing for truck left-turns, enhanced high-visibility crossings, protected bikeways, and wide sidewalks.

Goal T-1~~0~~1: Create an accessible and well-connected "complete streets" transportation network that serves community members of all ages, income groups, and abilities, and balances travel by all modes of travel such as by car, bus, bicycle, foot, or wheelchair.

Policy T-1~~0~~1.1 When feasible, design new roadways and retrofit existing roadways within magnet cores, complete neighborhoods, and along special corridors to prioritize travel by walking, bicycling, and riding transit, using the complete streets design guidelines contained in this chapter. For example, if adequate or excessive vehicle traffic capacity is available, create wide sidewalks, provide pedestrian amenities, and install bicycle facilities such as separated bikeways or bike lanes, bike parking, and signage. This could be in the form of a "road diet" to transform certain corridors into multi-modal streets.

Goal T-1~~1~~2: Foster a healthy lifestyle in Southwest Fresno through encouraging active forms of transportation such as walking and bicycling as an alternative to motorized modes of travel.

Policy T-1~~1~~2.1 Prioritize the implementation of facilities that encourage walking and biking, such as sidewalks, multi-use trails, and bikeways.

The first and second policy text on page 4.14-53 of the Draft PEIR are hereby amended as follows:

Policy T-1~~1~~2.3 Support Transportation Demand Management (TDM) programs to encourage alternative modes of travel to the single-occupancy vehicle such as transit use, car- or vanpool, rideshare, and telecommuting.

Goal T-1~~3~~4: Ensure that Southwest Fresno's transportation infrastructure is in well-maintained conditions to provide a comfortable travel experience for pedestrians and bicyclists.

Policy T-1~~3~~4.2 Monitor the conditions of roadways to ensure the repair and resurfacing of cracked and uneven roadway surfaces to provide a smooth and even surface for bicycling.

The first paragraph on page 4.14-54 of the Draft PEIR is hereby amended as follows:
Figure 4.14-1~~6~~8 shows the planned number of lanes on the roadway network in the Plan Area under cumulative conditions.

The third paragraph on page 4.14-54 of the Draft PEIR is hereby amended as follows:
To forecast cumulative traffic levels with the proposed Plan, the development potential associated with the proposed Plan was included in the Fresno General Plan MEIR TDF model representing 2035 conditions with the Fresno General Plan and Fresno Downtown p~~P~~lans outside of the Plan Area, as well as the roadway projects identified above to match the roadway network presented in Figure 4.14-1~~6~~8.

The title of Figure 4.14-16 on page 4.14-55 of the Draft PEIR is hereby amended as follows:
Figure 4.14-1~~6~~8 Cumulative Roadway Network (2035)

The first paragraph on page 4.14-56 of the Draft PEIR is hereby amended as follows:
Figure 4.14-1~~7~~9 presents the resulting daily traffic volumes for the 30 study roadway segments under cumulative conditions.

Figure 4.14-20 presents the AM and PM peak hour traffic volume forecasts for the eight study intersections under cumulative conditions.

The third paragraph on page 4.14-56 of the Draft PEIR is hereby amended as follows:
Table 4.14-13 presents the AM and PM peak hour traffic volumes and LOS for each study roadway segment under cumulative conditions. Figure 4.14-~~18~~21 presents the AM peak hour roadway LOS under cumulative conditions, while Figure 4.14-~~19~~22 presents the PM peak hour roadway LOS. As shown in Table

4.14-13, all study roadway segments operate at LOS C or LOS D under cumulative conditions, with the exception of the following roadway segments.

Table 4.14-12 on page 4.14-56 of the Draft PEIR is hereby amended as follows:

TABLE 4.14-12 VMT COMPARISON – EXISTING CONDITIONS (2017) AND CUMULATIVE CONDITIONS (2035)

	Average Weekday VMT		
Trip Type	Existing Conditions (2017)	Existing Plus Proposed Plan (2017)	Cumulative Conditions (2035)
Internal-to-Internal (I-I)	1,153	41,991	27,182
Internal-to-External (I-I)	141,973	815,020	890,302
External-to-Internal (I-I)	142,106	813,627	888,624
Total	285,232	1,670,638	1,806,108

Source: Fresno COG Countywide Travel Demand Forecasting Model as modified for the proposed Plan.

The title of Figure 4.14-17 on page 4.14-57 of the Draft PEIR is hereby amended as follows:
Figure 4.14-~~17~~9 Cumulative Daily Roadway Volumes (2035)

The title of Figure 4.14-18 on page 4.14-58 of the Draft PEIR is hereby amended as follows:
Figure 4.14-~~18~~ 21 Cumulative AM Peak Hour Roadway Segment LOS (2035)

The title of Figure 4.14-19 on page 4.14-59 of the Draft PEIR is hereby amended as follows:
Figure 4.14-~~19~~22 Cumulative PM Peak Hour Roadway Segment LOS (2035)

Table 4.14-13 on page 4.14-60 of the Draft PEIR is hereby amended as follows:

TABLE 4.14-13 PEAK HOUR ROADWAY SEGMENT OPERATIONS – CUMULATIVE CONDITIONS (2035)

			Existing Conditions (2017)			Existing Plus Proposed Plan (2017)			Cumulative Conditions (2035)		
Roadway Segment	Classification[a]	Peak Hour	Volume	V/C[b]	LOS[c]	Volume	V/C[b]	LOS[c]	Volume	V/C[b]	LOS[c]
1. Whitesbridge Ave.: Marks Ave. to Roeding Dr.	4-lane Divided Collector	AM	180	0.12	C	1,280	0.34	D	1,970	0.53	D
		PM	260	0.18	C	1,650	0.44	D	2,310	0.62	D
2. Whitesbridge Ave.: Roeding Dr. to Thorne Ave.	2-lane Collector with TWLTL	AM	110	0.08	C	360	0.24	D	1,120	0.63	D
		PM	210	0.14	C	560	0.38	D	1,340	0.76	D
3. Kearney Blvd.: Marks Ave. to West Ave.	2-lane Undivided Collector	AM	290	0.19	C	730	0.50	D	970	0.65	D
		PM	210	0.14	C	710	0.48	D	1,000	0.68	D

TABLE 4.14-13 PEAK HOUR ROADWAY SEGMENT OPERATIONS – CUMULATIVE CONDITIONS (2035)

Roadway Segment	Classification[a]	Peak Hour	Existing Conditions (2017) Volume	Existing Conditions (2017) V/C[b]	Existing Conditions (2017) LOS[c]	Existing Plus Proposed Plan (2017) Volume	Existing Plus Proposed Plan (2017) V/C[b]	Existing Plus Proposed Plan (2017) LOS[c]	Cumulative Conditions (2035) Volume	Cumulative Conditions (2035) V/C[b]	Cumulative Conditions (2035) LOS[c]
4. Kearney Blvd.: West Ave. to Thorne Ave.	2-lane Undivided Collector	AM	240	0.16	C	620	0.42	D	1,090	0.73	D
		PM	170	0.12	C	600	0.41	D	1,150	0.78	D
5. California Ave.: Marks Ave. to West Ave.	2-lane Collector with TWLTL	AM	180	0.12	C	440	0.25	D	1,030	0.58	D
		PM	170	0.12	C	480	0.27	D	1,140	0.65	D
6. California Ave.: West Ave. to Fresno St.	4-lane Divided Arterial	AM	350	0.19	C	1,350	0.36	D	2,280	0.61	D
		PM	430	0.23	C	1,510	0.40	D	2,700	0.72	D
7. California Ave.: Fresno St. to Martin Luther King~~LK~~ Jr. Blvd.	2-lane Arterial with TWLTL	AM	590	0.34	D	790	0.45	D	1,200	0.68	D
		PM	550	0.31	D	790	0.45	D	1,340	0.76	D
8. Ventura St: Martin Luther King~~LK~~ Jr. Blvd. to B St.~~reet~~	4-lane Divided Arterial	AM	930	0.25	C	2,100	0.56	D	2,570	0.69	D
		PM	840	0.22	C	2,130	0.57	D	2,860	0.77	D
9. Church Ave.: Marks Ave. to West Ave.	2-lane Undivided Collector	AM	80	0.05	C	570	0.39	D	670	0.45	D
		PM	120	0.08	C	670	0.45	D	740	0.50	D
10. Church Ave.: West Ave. to Walnut Ave.	2-lane Collector with TWLTL	AM	150	0.10	C	690	0.39	D	1,140	0.65	D
		PM	170	0.11	C	770	0.44	D	1,240	0.71	D
11. Church Ave.: Walnut Ave. to Elm Ave.	2-lane Collector with TWLTL	AM	390	0.22	C	870	0.49	D	**1,780**	**1.01**	**F**
		PM	370	0.21	C	880	0.50	D	**1,830**	**1.04**	**F**
12. Jensen Ave.: Marks Ave. to West Ave.	4-lane Divided Arterial	AM	320	0.22	C	390	0.27	D	1,790	0.48	D
		PM	410	0.28	D	510	0.34	D	2,130	0.57	D
13. Jensen Ave.: West Ave. to Walnut Ave.	4-lane Divided Arterial	AM	420	0.28	D	1,300	0.35	D	2,080	0.56	D
		PM	560	0.38	D	1,520	0.41	D	2,530	0.68	D
14. Jensen Ave.: Walnut Ave. to Elm Ave.	4-lane Divided Arterial	AM	730	0.20	C	2,110	0.56	D	2,870	0.77	D
		PM	920	0.25	C	2,320	0.62	D	3,260	0.87	D
15. North Ave.: Walnut Ave. to Elm Ave.	2-lane Arterial with TWLTL	AM	380	0.26	D	1,060	0.60	D	1,500	0.85	D
		PM	340	0.23	D	1,150	0.65	D	**1,620**	**0.92**	**E**
16. Marks Ave.: Whitesbridge Ave. to California Ave.	4-lane Divided Arterial	AM	620	0.34	D	1,790	0.48	D	2,400	0.64	D
		PM	670	0.36	D	2,050	0.55	D	2,830	0.76	D
17. Marks Ave.: California Ave. to Jensen Ave.	4-lane Divided Arterial	AM	140	0.10	C	100	0.07	C	1,290	0.35	D
		PM	210	0.14	C	170	0.12	C	1,500	0.40	D
18. Hughes Ave./Roeding Dr.: Nielsen Ave. to Whitesbridge Ave.	4-lane Divided Collector	AM	200	0.05	C	660	0.18	C	1,600	0.43	D
		PM	230	0.06	C	760	0.20	C	1,890	0.51	D
19. Hughes Ave.: Whitesbridge Ave. to California Ave.	2-lane Undivided Collector	AM	20	0.02	C	420	0.29	D	880	0.60	D
		PM	50	0.03	C	530	0.36	D	920	0.62	D

TABLE 4.14-13 PEAK HOUR ROADWAY SEGMENT OPERATIONS – CUMULATIVE CONDITIONS (2035)

Roadway Segment	Classification[a]	Peak Hour	Existing Conditions (2017) Volume	Existing Conditions (2017) V/C[b]	Existing Conditions (2017) LOS[c]	Existing Plus Proposed Plan (2017) Volume	Existing Plus Proposed Plan (2017) V/C[b]	Existing Plus Proposed Plan (2017) LOS[c]	Cumulative Conditions (2035) Volume	Cumulative Conditions (2035) V/C[b]	Cumulative Conditions (2035) LOS[c]
20. Hughes Ave.: California Ave. to Church Ave.	2-lane Undivided Collector	AM	20	0.01	C	260	0.18	C	660	0.44	D
		PM	30	0.02	C	320	0.22	C	750	0.51	D
21. Roeding Dr./West Ave.: Whitesbridge Ave. to California Ave.	2-lane Divided Collector	AM	80	0.06	C	410	0.22	C	1,010	0.54	D
		PM	80	0.05	C	440	0.24	C	1,140	0.61	D
22. West Ave.: California Ave. to Jensen Ave.	2-lane Collector with TWLTL	AM	70	0.05	C	530	0.30	D	1,270	0.72	D
		PM	80	0.05	C	580	0.33	D	1,320	0.75	D
23. Fruit Ave.: California Ave. to Jensen Ave.	2-lane Undivided Collector	AM	140	0.09	C	750	0.51	D	870	0.59	D
		PM	180	0.12	C	810	0.55	D	950	0.64	D
24. Thorne Ave.: Whitesbridge Ave. to California Ave.	2-lane Collector with TWLTL	AM	240	0.14	C	510	0.29	D	700	0.39	D
		PM	270	0.15	C	600	0.34	D	810	0.46	D
25. Walnut Ave.: California Ave. to Jensen Ave.	2-lane Undivided Collector	AM	380	0.26	D	1,030	0.70	D	1,200	0.81	D
		PM	350	0.24	D	1,100	0.74	D	1,370	0.93	E
26. Walnut Ave.: Jensen Ave. to North Ave.	2-lane Collector with TWLTL	AM	20	0.01	C	730	0.41	D	1,160	0.66	D
		PM	50	0.04	C	820	0.47	D	1,240	0.71	D
27. Martin Luther King Jr. Blvd.: California Ave. to Jensen Ave.	2-lane Collector with TWLTL	AM	500	0.28	D	1,370	0.78	D	1,420	0.80	D
		PM	520	0.29	D	1,400	0.80	D	1,520	0.86	D
28. Martin Luther King Jr. Blvd.: Jensen Ave. to North Ave.	2-lane Collector with TWLTL	AM	330	0.22	C	1,050	0.60	D	1,090	0.62	D
		PM	290	0.20	C	1,070	0.61	D	1,120	0.64	D
29. Elm Ave.: Ventura St. to Jensen Ave.	4-lane Divided Arterial	AM	290	0.08	C	580	0.16	C	1,090	0.29	D
		PM	600	0.16	C	970	0.26	C	1,630	0.44	D
30. Elm Ave.: Jensen Ave. to North Ave.	2-lane Divided Arterial	AM	240	0.06	C	670	0.36	D	770	0.41	D
		PM	420	0.11	C	920	0.49	D	1,090	0.58	D

Notes: **BOLD** text indicates the roadway operates at an unacceptable LOS based on the LOS standards presented in Table 4.14-5.
UNDERLINED text indicates the proposed Plan would have a significant impact based on the significance criteria presented in the Methodology section.

a. Roadway classifications reflect cumulative roadway configuration (see

The third through eighth policy text on page 4.14-49 of the Draft PEIR are hereby amended as follows:

Goal T-910: Create a healthy environment for Southwest Fresno residents by intentionally routing truck traffic away from sensitive areas such as residential areas, parks, and schools.

Policy T-910.1: Work with existing industrial and heavy commercial businesses to identify alternative truck routes that limit negative impacts on sensitive areas while maintaining an efficient movement of goods.

Policy T-910.3: Improve conditions of existing and rerouted truck routes for pedestrians and bicyclists

TABLE 4.14-13 PEAK HOUR ROADWAY SEGMENT OPERATIONS – CUMULATIVE CONDITIONS (2035)

			Existing Conditions (2017)			Existing Plus Proposed Plan (2017)			Cumulative Conditions (2035)		
Roadway Segment	Classification[a]	Peak Hour	Volume	V/C[b]	LOS[c]	Volume	V/C[b]	LOS[c]	Volume	V/C[b]	LOS[c]

by implementing pedestrian and bicycle facilities such as reduced corner radii at intersections to slow turning vehicular traffic, protected signal phasing for truck left-turns, enhanced high-visibility crossings, protected bikeways, and wide sidewalks.

Goal T-101: Create an accessible and well-connected "complete streets" transportation network that serves community members of all ages, income groups, and abilities, and balances travel by all modes of travel such as by car, bus, bicycle, foot, or wheelchair.

Policy T-101.2 Identify streets with excessive vehicular ROW that are opportunities to implement traffic calming and other improvements to slow traffic and provide options for multi-modal travel.

Policy T-101.3 Encourage lower vehicular travel speeds for collector and local streets in the Plan Area. This could be accomplished through traffic calming measures, narrower travel lanes, reducing the number of travel lanes, neighborhood speed watch/traffic management programs, or speed enforcement programs.

The fourth through sixth bullets on page 4.14-52 of the Draft PEIR are hereby amended as follows:

Goal T-910: Create a healthy environment for Southwest Fresno residents by intentionally routing truck traffic away from sensitive areas such as residential areas, parks, and schools.

Policy T-910.3 Improve conditions of existing and rerouted truck routes for pedestrians and bicyclists by implementing pedestrian and bicycle facilities such as reduced corner radii at intersections to slow turning vehicular traffic, protected signal phasing for truck left-turns, enhanced high-visibility crossings, protected bikeways, and wide sidewalks.

Goal T-101: Create an accessible and well-connected "complete streets" transportation network that serves community members of all ages, income groups, and abilities, and balances travel by all modes of travel such as by car, bus, bicycle, foot, or wheelchair.

Policy T-101.1 When feasible, design new roadways and retrofit existing roadways within magnet cores, complete neighborhoods, and along special corridors to prioritize travel by walking, bicycling, and riding transit, using the complete streets design guidelines contained in this chapter. For example, if adequate or excessive vehicle traffic capacity is available, create wide sidewalks, provide pedestrian amenities, and install bicycle facilities such as separated bikeways or bike lanes, bike parking, and signage. This could be in the form of a "road diet" to transform certain corridors into multi-modal streets.

TABLE 4.14-13 PEAK HOUR ROADWAY SEGMENT OPERATIONS – CUMULATIVE CONDITIONS (2035)

			Existing Conditions (2017)			Existing Plus Proposed Plan (2017)			Cumulative Conditions (2035)		
Roadway Segment	Classification[a]	Peak Hour	Volume	V/C[b]	LOS[c]	Volume	V/C[b]	LOS[c]	Volume	V/C[b]	LOS[c]

Goal T-112: Foster a healthy lifestyle in Southwest Fresno through encouraging active forms of transportation such as walking and bicycling as an alternative to motorized modes of travel.

Policy T-112.1 Prioritize the implementation of facilities that encourage walking and biking, such as sidewalks, multi-use trails, and bikeways.

The first and second policy text on page 4.14-53 of the Draft PEIR are hereby amended as follows:

Policy T-112.3 Support Transportation Demand Management (TDM) programs to encourage alternative modes of travel to the single-occupancy vehicle such as transit use, car- or vanpool, rideshare, and telecommuting.

Goal T-134: Ensure that Southwest Fresno's transportation infrastructure is in well-maintained conditions to provide a comfortable travel experience for pedestrians and bicyclists.

Policy T-134.2 Monitor the conditions of roadways to ensure the repair and resurfacing of cracked and uneven roadway surfaces to provide a smooth and even surface for bicycling.

The first paragraph on page 4.14-54 of the Draft PEIR is hereby amended as follows:

Figure 4.14-168 shows the planned number of lanes on the roadway network in the Plan Area under cumulative conditions.

The third paragraph on page 4.14-54 of the Draft PEIR is hereby amended as follows:

To forecast cumulative traffic levels with the proposed Plan, the development potential associated with the proposed Plan was included in the Fresno General Plan MEIR TDF model representing 2035 conditions with the Fresno General Plan. This model includes development consistent with the Fresno General Plan and Fresno Downtown pPlans outside of the Plan Area, as well as the roadway projects identified above to match the roadway network presented in Figure 4.14-168.

The title of Figure 4.14-16 on page 4.14-55 of the Draft PEIR is hereby amended as follows:

4.14-16~~9~~). Descriptions of classifications are presented in the Local Roadways section:
Undivided = roadways without physical separation between opposing directions of travel
TWLTL = two-way left-turn lane: a center lane exclusively for left-turning vehicles from either direction, which also provides space between opposing directions of travel
Divided = roadways with physical separation between opposing directions of travel, such as a raised median
b. Volume-to-capacity ratio; capacity defined as the LOS E/F threshold as presented in Table 4.14-6.
c. Level of service based on volume thresholds presented in Table 4.14-6.
Source: Fehr & Peers, 2017.

The fifth paragraph on page 4.14-62 of the Draft PEIR is hereby amended as follows:

Table 4.14-14 presents the AM and PM peak hour LOS for each study intersection under cumulative conditions (refer to Appendix ~~H~~G for calculations). As shown in Table 4.14-14, the following intersections would operate at LOS E or LOS F under cumulative conditions during the AM peak hour, PM peak hour, or both AM and PM peak hours:

Table 4.14-14 on page 4.14-63 of the Draft PEIR is hereby amended as follows:

TABLE 4.14-14 PEAK HOUR INTERSECTION OPERATIONS – CUMULATIVE CONDITIONS (2035)

Intersection	Traffic Control	Peak Hour	Existing Conditions (2017) Delay[a]	Existing Conditions (2017) LOS[b]	Existing Plus Proposed Plan (2017) Delay[a]	Existing Plus Proposed Plan (2017) LOS[b]	Cumulative Conditions (2035) Delay[a]	Cumulative Conditions (2035) LOS[b]
1. SR-41 Southbound Ramps/Jensen Ave.	Signal	AM	9	A	~~27~~22	C	33	C
		PM	7	A	22	C	35	D
2. SR-41 Northbound Ramps/Jensen Ave.	Signal	AM	4	A	4	A	5	A
		PM	4	A	5	A	5	A
3. SR-99 Southbound Ramps/East Ave./Jensen Ave.	Signal	AM	**61**	**E**	**61**	**E**	**109**	**F**
		PM	29	C	35	D	**119**	**F**
4. SR-99 Northbound Ramps/East Ave./Jensen Ave.	Signal	AM	53	D	**~~94~~**39	**~~F~~**D	**73**	**E**
		PM	46	D	**~~74~~**31	**~~E~~**C	50	D
5. SR-41 Southbound Ramps/North Ave.	Signal	AM	23	C	**~~94~~**53	**~~F~~**D	**100**	**F**
		PM	13	B	**~~91~~**45	**~~F~~**D	48	D
6. SR-41 Northbound Ramps/North Ave.	Signal	AM	9	A	**~~56~~**18	**~~E~~**B	25	C
		PM	12	B	**~~104~~**28	**~~F~~**C	45	D
7. SR-99 Southbound Ramps/Fresno St.	Signal	AM	24	C	~~51~~27	~~D~~C	**60**	**E**
		PM	18	B	~~51~~25	~~D~~C	**59**	**E**
8. SR-99 Northbound Ramps/Fresno St.	Signal	AM	15	B	~~18~~19	B	33	C
		PM	19	B	~~54~~32	~~D~~C	**75**	**E**

Notes: **BOLD** text indicates the intersection operates at an unacceptable LOS based on Caltrans concept LOS.
UNDERLINED text indicates the proposed Plan would have a significant impact based on the significance criteria presented in the Methodology section.
a. The overall average intersection control delay is reported in seconds per vehicle.
b. Level of service based on *Highway Capacity Manual* (Transportation Research Board, 2010).
Source: Fehr & Peers, 2017.

REVISIONS TO THE DRAFT EIR

Table 4.14-15 on page 4.14-64 of the Draft PEIR is hereby amended as follows:

TABLE 4.14-15 PEAK HOUR FREEWAY OFF-RAMP QUEUING – CUMULATIVE CONDITIONS (2035)

Freeway Off-Ramp	Ramp Length[a]	Deceleration Length[b]	Peak Hour	95th Percentile Queue[b,c] Existing Conditions (2017)	Existing Plus Proposed Plan (2017)	Cumulative Conditions (2035)
1. SR-41 Southbound Off-Ramp at Jensen Ave.	1,380 ft.	420 ft.	AM	75 ft.	600 ft.*	**950 ft.***
			PM	75 ft.	550 ft.*	**1,125 ft.***
2. SR-41 Northbound Off-Ramp at Jensen Ave.	1,470 ft.	420 ft.	AM	50 ft.	50 ft.	50 ft.
			PM	50 ft.	50 ft.	50 ft.
3. SR-99 Southbound Off-Ramp at Jensen Ave.	1,440 ft.	420 ft.	AM	625 ft.*	650 ft.*	**1,175 ft.***
			PM	450 ft.*	475 ft.*	**1,100 ft.***
4. SR-99 Northbound Off-Ramp at Jensen Ave.	1,050 ft.	420 ft.	AM	225 ft.*	400 ft.*	**600 ft.***
			PM	250 ft.*	500 ft.*	**650 ft.***
5. SR-41 Southbound Off-Ramp at North Ave.	1,575 ft.	270 ft.	AM	250 ft.	275 ft.*	**1,100 ft.***
			PM	75 ft.	75 ft.	**875 ft.***
6. SR-41 Northbound Off-Ramp at North Ave.	1,700 ft.	270 ft.	AM	25 ft.	50 ft.	75 ft.
			PM	50 ft.	50 ft.	50 ft.
7. SR-99 Southbound Off-Ramp at Fresno St.	1,030 ft.	270 ft.	AM	100 ft.	400 ft.*	**750 ft.***
			PM	150 ft.	150 ft.	500 ft.*
8. SR-99 Northbound Off-Ramp at Fresno St.	1,070 ft.	270 ft.	AM	75 ft.	100 ft.	550 ft.*
			PM	100 ft.	125 ft.	525 ft.*

Notes: **BOLD** text indicates the off-ramp queue is expected to extend back through the entire off-ramp and onto the freeway mainline.
UNDERLINED text indicates the proposed Plan would have a significant impact based on the significance criteria presented in the Methodology section.
* = 95th percentile volume exceeds capacity; the actual queue may be longer than reported.
a. The ramp length is estimated by measuring the distance from the gore point where the off-ramp departs from the mainline to the limit line at the ramp terminal intersection with the local street, as measured from aerial imagery. Distance is reported in feet.
b. The ramp deceleration length is estimated based on data from the table presented with Figure 504.2B in Caltrans *Highway Design Manual*. The deceleration length is measured from the ramp gore point where the off-ramp departs from the mainline.
c. 95th Percentile Queue calculated using Synchro software. Queue is reported in feet and rounded up to the nearest 25-foot interval.
Source: Fehr & Peers, 2017.

The first full paragraph on page 4.14-67 of the Draft PEIR is hereby amended as follows:

In addition to addressing intersection operations, the changes identified above also address freeway off-ramp queuing impacts identified in Impact TRANS-7.3 below. With the implementation of the changes listed above, the operations at these three intersections would be improved to LOS D or better during both the AM and PM peak hours, as shown in Table 4.14-16 below (refer to Appendix ~~H~~G for calculations).

Table 4.14-16 on page 4.14-67 of the Draft PEIR is hereby amended as follows:

TABLE 4.14-16 PEAK HOUR INTERSECTION OPERATIONS – CUMULATIVE CONDITIONS WITH MITIGATIONS (2035)

Intersection	Traffic Control	Peak Hour	Existing Conditions (2017) Delay[a]	Existing Conditions (2017) LOS[b]	Cumulative Conditions (2035) Delay[a]	Cumulative Conditions (2035) LOS[b]	Cumulative with Mitigation (2035) Delay[a]	Cumulative with Mitigation (2035) LOS[b]
3. SR-99 Southbound Ramps/East Ave./Jensen Ave.	Signal	AM	**61**	**E**	**109**	**F**	46	D
		PM	29	C	**119**	**F**	52	D
4. SR-99 Northbound Ramps/East Ave./Jensen Ave.	Signal	AM	53	D	**73**	**E**	27	C
		PM	46	D	50	D	27	C
5. SR-41 Southbound Ramps/North Ave.	Signal	AM	23	C	**100**	**F**	34	C
		PM	13	B	48	D	22	C

Notes: **BOLD** text indicates the intersection operates at an unacceptable LOS based on Caltrans concept LOS.
UNDERLINED text indicates the proposed Plan would have a significant impact based on the significance criteria presented in the Methodology section.
a. The overall average intersection control delay is reported in seconds per vehicle.
b. Level of service based on *Highway Capacity Manual* (Transportation Research Board, 2010).
Source: Fehr & Peers, 2017.

The first full paragraph on page 4.14-68 of the Draft PEIR is hereby amended as follows:

With the implementation of the changes listed above, the operations at these two intersections would be improved to LOS D or better during both the AM and PM peak hours, as shown in Table 17 below (refer to Appendix ~~H~~G for calculations).

Table 4.14-17 on page 4.14-68 of the Draft PEIR is hereby amended as follows:

TABLE 4.14-17 PEAK HOUR INTERSECTION OPERATIONS – CUMULATIVE CONDITIONS WITH MITIGATIONS (2035)

Intersection	Traffic Control	Peak Hour	Existing Conditions (2017) Delay[a]	Existing Conditions (2017) LOS[b]	Cumulative Conditions (2035) Delay[a]	Cumulative Conditions (2035) LOS[b]	Cumulative with Mitigation (2035) Delay[a]	Cumulative with Mitigation (2035) LOS[b]
7. SR-99 Southbound Ramps/Fresno St.	Signal	AM	24	C	**60**	**E**	46	D
		PM	18	B	**59**	**E**	52	D
8. SR-99 Northbound Ramps/Fresno St.	Signal	AM	15	B	33	C	27	C
		PM	19	B	**75**	**E**	27	C

Notes: **BOLD** text indicates the intersection operates at an unacceptable LOS based on Caltrans concept LOS.
UNDERLINED text indicates the proposed Plan would have a significant impact based on the significance criteria presented in the Methodology section.
a. The overall average intersection control delay is reported in seconds per vehicle.
b. Level of service based on *Highway Capacity Manual* (Transportation Research Board, 2010).
Source: Fehr & Peers, 2017.

The third paragraph on page 4.14-69 of the Draft PEIR is hereby amended as follows:

Table 4.14-18 presents the estimated freeway off-ramp queues with the improvements presented in Mitigation Measure TRANS-7.2 and TRANS-7.3 (refer to Appendix ~~H~~G for calculations). While these

changes would reduce the 95th percentile queues on freeway off-ramps to within the available storage on the off-ramp, these improvements require alterations to signals operated by Caltrans as well as physical expansion of intersections and ramps that are under Caltrans jurisdiction. Since these improvements are not within the City of Fresno's jurisdiction to control, it cannot be guaranteed that these improvements will be implemented.

Table 4.14-18 on page 4.14-69 of the Draft PEIR is hereby amended as follows:

TABLE 4.14-18 PEAK HOUR FREEWAY OFF-RAMP QUEUING – CUMULATIVE CONDITIONS WITH MITIGATIONS (2017)

Freeway Off-Ramp	Ramp Length[a]	Deceleration Length[b]	Peak Hour	95th Percentile Queue[bc] Existing Conditions (2017)	Cumulative Conditions (2035)	Cumulative with Mitigation (2035)
1. SR-41 Southbound Off-Ramp at Jensen Ave.	1,380 ft.	420 ft.	AM	75 ft.	**950 ft.***	550 ft.
			PM	75 ft.	**1,125 ft.***	675 ft.*
3. SR-99 Southbound Off-Ramp at Jensen Ave.	1,440 ft.	420 ft.	AM	625 ft.*	**1,175 ft.***	625 ft.*
			PM	450 ft.*	**1,100 ft.***	650 ft.*
4. SR-99 Northbound Off-Ramp at Jensen Ave.	1,050 ft.	420 ft.	AM	225 ft.*	**600 ft.***	250 ft.
			PM	250 ft.*	**650 ft.***	450 ft.*
5. SR-41 Southbound Off-Ramp at North Ave.	1,575 ft.	270 ft.	AM	250 ft.	**1,100 ft.***	550 ft.
			PM	75 ft.	**875 ft.***	275 ft.
7. SR-99 Southbound Off-Ramp at Fresno St.	1,030 ft.	270 ft.	AM	100 ft.	**750 ft.***	500 ft.
			PM	150 ft.	500 ft.*	475 ft.*

Notes: **BOLD** text indicates the off-ramp queue extends through the entire off-ramp and onto the freeway mainline.
UNDERLINED text indicates the proposed Plan would have a significant impact based on the significance criteria presented in the Methodology section.
* = 95th percentile volume exceeds capacity; the actual queue may be longer than reported.
a. The ramp length is estimated by measuring the distance from the gore point where the off-ramp departs from the mainline to the limit line at the ramp terminal intersection with the local street, as measured from aerial imagery. Distance is reported in feet.
b. The ramp deceleration length is estimated based on data from the table presented with Figure 504.2B in Caltrans *Highway Design Manual*. The deceleration length is measured from the ramp gore point where the off-ramp departs from the mainline.
c. 95th Percentile Queue calculated using Synchro software. Queue is reported in feet and rounded up to the nearest 25-foot interval.
Source: Fehr & Peers, 2017.

3.11 REVISIONS TO CHAPTER 4.15, UTILITY SYSTEMS

The discussion under Impact UTIL-5 on page 4.15-21 of the Draft PEIR is hereby amended as follows:
As shown in Table 4.15-4, the proposed Plan would increase water use by 3 percent compared to the adopted General Plan. Such an increase in water use would occur throughout the Plan Area; some areas would experience and increase while other areas would experience a decrease. Similar to the adopted General Plan, water use is projected to increase as growth occurs through the planning horizon year. During this time, the structure of water supply and distribution systems will vary in design but the costs and basic infrastructure for both alternatives are similar and for planning purposes equivalent with

respect to scope and cost for both fixed and operating costs. For the purposes of the water supply, it was assumed growth within the Plan Area will occur as described earlier in this draft EIR, on currently vacant or underutilized parcels.

To reduce the potential impacts associated with increased water use, the City will be required to increase water supplies. The City is currently in the process of a decades-long effort to change from an almost exclusive reliance on groundwater to providing the majority of its water from newly developed surface water sources.

~~The potential long-term impacts related to water supply, treatment and distribution requirements of the baseline versus proposed plans differ by 3 percent and are~~ In the context of the City's long-term improvement plans for water treatment and distribution, requirements of the baseline General Plan, and the proposed difference of 3 percent for the proposed plan, the difference is considered nominal and therefore, *less than significant* for full implementation of the proposed Plan.

The discussion under Impact UTIL-6 on page 4.15-22 of the Draft PEIR is hereby amended as follows:
As shown in Table 4.15-4, the proposed Plan would increase water use by 3 percent from the current General Plan. Such an increase in water use would occur throughout the Plan Area; some areas would experience and increase while other areas would experience a decrease. Under both the proposed Plan and the adopted General Plan, water use is projected to increase as growth occurs through the planning horizon year.

The City would be required to increase water supplies to accommodate the growth projected under both the adopted General Plan and the proposed Plan. The City is undergoing a decades-long process of changing from a nearly exclusive reliance on groundwater to providing the majority of its water from surface water sources. As a tiered EIR from the adopted General Plan MEIR, growth projected under the proposed Plan would not result in greater impacts than analyzed in the MEIR, as policies in the adopted General Plan would reduce the potential impacts associated with increasing the City's available and sustainable water supply, including those associated with the proposed Plan.

In the context of the City's long-term improvement plans for water supply, requirements of the baseline General Plan, and the proposed Plan difference of 3 percent, the increase is nominal and *less than significant.*

Waste supply and impacts would be *less than significant* upon compliance with regulatory requirements and proposed policies for full implementation of the proposed Plan.

The second full paragraph on page 4.15-27 of the Draft PEIR is hereby amended as follows:
Recycled water, an important future water source for the City of Fresno, is not yet utilized in the Plan Area. However, implementation of ~~T~~the proposed Plan presents an opportunity to integrate recycled water use into the associated improvements with buildout of the City of Fresno's r~~R~~ecycled water system. Green field installation of a distribution system at the initial development stage provides opportunity to plan

optimum recycled water utilization within the Plan Area. According to the City of Fresno Public Utilities Water Division, recycled water "is currently produced and used in small amounts within select areas of the City." The City plans to increase the supply of recycled water for landscape, irrigation, and other non-potable uses, which would account for 11 percent of the City's water supply by the year 2025.[22]

The discussion under Impact UTIL-8 on page 4.15-27 of the Draft PEIR is hereby amended as follows:

Recycled water ~~is a major~~ will be a significant contributor to the area's future water supply system. ~~The principal impact of providing recycled water is the overall water supply rather than direct shortages for end users. This is due to the ability to trade off and supplement recycled water supply from other sources.~~ Overall water impacts are covered in the water supply discussion and omitted here. -Under Impacts UTIL-5 and UTIL-6, impacts were found to be less than significant. Therefore, impacts related to the construction of new reclaimed water treatment facilities or expansion of baseline facilities would be *less than significant*. Benefits and advantages of recycled water fundamentally derive from its ability to reduce overall water supply requirements by effectively allowing water to be "used" more than a single time. The impacts of reclaimed water treatment facilities are likewise intertwined with ground water and surface water treatment facility capacity and expansion. Therefore, there is a self-mitigating effect with respect to recycled water facilities that offsets incremental increases in recycled water capacity with decreases in water supply and treatment requirements which allows a finding of *less than significant* impacts with increases in water use for the proposed Plan.

The discussion under Impact UTIL-9 on page 4.15-28 of the Draft PEIR is hereby amended as follows:

~~Recycled water supply shortage impacts would be significant both in real impacts but also in the cost of non-compliance with regulatory requirements and proposed policies. Mitigation measures are those identified in the wastewater supply discussion.~~ As discussed under Impact UTIL-1, implementation of the approved Fresno General Plan and therefore the proposed Plan will result in the need for expansion and new wastewater treatment facilities to serve projected growth. In addition, according to the City of Fresno Metropolitan Water Resources Management Plan Phase 2, the expansion and new surface water treatment facilities will be needed to increase water supplies within the Plan Area.

However, as described in Section 4.15.3.1 above, the purpose of the State of California's Recycled Water Policy is to increase the use of recycled water from municipal wastewater sources in a manner that implements State and federal water quality laws. When used in compliance with the Recycled Water Policy, water recycling criteria in Title 22 of the California Code of Regulations, and all applicable State and federal water quality laws, the State Water Board finds that recycled water is safe for approved uses. The State Water Board strongly supports recycled water as a safe alternative to potable water for such approved uses.

Further, ~~W~~with implementation of MEIR Mitigation Measures USS-1 through USS-3, impacts related to the sufficient of reclaimed water supplies available to serve the proposed Plan would be *less than significant*.

The discussion under Impact UTIL-10 on page 4.15-28 of the Draft PEIR is hereby amended as follows:

The study area for cumulative impacts regarding recycled water supply is the City of Fresno Planning Area and the groundwater basins from which the Plan Area derives water. As discussed under Impact UTIL-3, implementation of the proposed Plan would result in the need for expansion and new wastewater treatment facilities to serve projected growth. This significance is mitigated by implementation of MEIR Mitigation Measures USS-1 through USS-3.

However, as described in Section 4.15.3.1 above, the purpose of the State of California's Recycled Water Policy is to increase the use of recycled water from municipal wastewater sources in a manner that implements State and federal water quality laws. When used in compliance with the Recycled Water Policy, water recycling criteria in Title 22 of the California Code of Regulations, and all applicable State and federal water quality laws, the State Water Board finds that recycled water is safe for the approved uses. The State Water Board strongly supports recycled water as a safe alternative to potable water for approved uses.

~~Recycled water supply cumulative impacts would be *less than significant* upon compliance with regulatory requirements and proposed policies for full implementation of the proposed Plan.~~ With implementation of MEIR Mitigation Measures USS-1 through USS-3, in accordance with State and City of Fresno policies, plans, and requirements, cumulative impacts related to the sufficient supply of reclaimed water to serve the proposed Plan would be *less than significant.*

The third paragraph on page 4.15-32 of the Draft PEIR is hereby amended as follows:

Improvements in the irrigation system will be required with implementation of the proposed Plan. Modifications will be required so that facilities are consistent with an ~~developed~~ urban ~~context~~ setting. These improvement costs are not controlled nor borne by the FID, but by developers which lead in determining ~~both~~ the ~~scope and~~ cost of the associated improvements. Those costs are included in general improvement budgets such as street construction and stormwater projects. This is appropriate as no primary irrigation benefit accrues to the utility owner. ~~The requirements of the final design are principally a function of the property developer.~~ A~~s a rule,~~ All work must meet ~~the~~ FID standards and requirements for an urban setting. ~~easement generally remains but~~ W~~w~~hether a canal is preserved as-is, improved, or replaced with a pipeline is determined by ~~the developer of the project~~ FID. In addition, FID is an interested participant and remains the facility owner involved in planning, design, and approving improvements, but ~~scope and~~ costs for these improvements are included in the development projects.

Table 4.15-7 on page 4.15-33 is hereby amended as follows:

TABLE 4.15-7 DRAINAGE SYSTEM REQUIRED CAPACITY BY DRAINAGE AREA

Drainage Area	Proposed Plan Watershed Area ~~Basin Size~~[a] (Acres)	General Plan Required Basin Volume (Acre-Feet)	Proposed Plan Required Basin Volume (Acre-Feet)	Difference (%)
Basin AR	0.5	.23	.23	0.0%
Basin AS	637	126.06	130.79	3.8%

TABLE 4.15-7 DRAINAGE SYSTEM REQUIRED CAPACITY BY DRAINAGE AREA

Drainage Area	Proposed Plan Watershed Area ~~Basin Size~~[a] (Acres)	General Plan Required Basin Volume (Acre-Feet)	Proposed Plan Required Basin Volume (Acre-Feet)	Difference (%)
Basin Au	376	70.76	81.07	14.6%
Basin AV	526	178.00	148.92	-16.3%
Basin CE[b]	0	0.0	0.0%	0.0%
Basin CP	311	61.97	53.82	-13.2%
Basin CQ	220	46.76	52.25	11.8%
Basin FF	273	62.68	62.68	0.0%
Basin II1	168	39.88	41.51	4.1%
Basin KK	250	79.83	73.61	-7.8%
Basin NN	789	170.92	163.35	-4.4%
Basin OO	113	33.49	33.46	0.0%
Basin RR	12.4	1.41	1.41	0.0%
Basin SS	520	117.44	119.28	1.6%
Basin TT	563	140.39	138.85	-3.9%
Basin ZZ	225	57.59	61.34	6.5%
EXEMPT	101	43.86	43.74	-.3%
Out of Drainage Area	774	115.03	144.97	26.0%
Total	**5,859**	**1,346.3**	**1347.3**	**0.1%**

a. Denotes watershed area (acres) located within Plan Area.
b. Drainage area CE is located within the Plan Area; however, the Drainage Area has no contributing watershed within the Plan Area.
Source: Blair, Church & Flynn, 2017.

4. List of Commenters

Comments on the Draft PEIR were received from the following agencies, organizations, and individuals. Letters are arranged by category and by the date received. Each comment letter has been assigned a number, as indicated below. These letters are included in and responded to in Table 5-1 of this Final PEIR.

4.1 GOVERNMENT AGENCIES AND SERVICE PROVIDERS

GOV1 Laurence Kimura, P.E, Chief Engineer, Fresno Irrigation District, September 1, 2017
GOV2 Julie A. Vance, Regional Manager, California Department of Fish and Wildlife, September 21, 2017
GOV3 Michael Navarro, Chief, Transportation Planning - North, California Department of Transportation, September 25, 2017
GOV4 Thomas W. Barth, Barth Daly LLP, Washington Unified School District, September 25, 2017
GOV5 Steven E. White, Director, Fresno County Department of Public Works and Planning, September 25, 2017
GOV6 Wendell Lum, Master Plan Special Projects Manager, Fresno Metropolitan Flood Control District, September 27, 2017
GOV 7 Wendell Lum, Master Plan Special Projects Manager, Fresno Metropolitan Flood Control District, September 28, 2017

4.2 NON-GOVERNMENTAL ORGANIZATIONS & PRIVATE COMPANIES

ORG1 Terance Frazier, TFS Investments, LLC, August 11, 2017
ORG2 Lee Ayres, Chief Executive Officer, San Joaquin Green/Tree Fresno, August 27, 2017
ORG3 Christopher Hall, Partner, McCormick Barstow LLP, Darling Ingredients, Inc., September 25, 2017
ORG4 Andy Levine, et al., Leadership Counsel for Justice & Accountability, September 25, 2017

4.3 MEMBERS OF THE PUBLIC

PUB1 Gwendolyn Leffall, September 18, 2017
PUB2 Eric Payne, Southwest Fresno Specific Plan Steering Committee Member, September 19, 2017
PUB3 Tate Hill, Southwest Fresno Specific Plan Steering Committee Member, September 21, 2017
PUB4 Lillie, September 25, 2017
PUB5 Rosalyn Warren, et al., September 19, 2017

4.4 COMMENTS RECEIVED AFTER CLOSE OF THE PUBLIC COMMENT PERIOD

GOV8 Brian Clements, Program Manager, San Joaquin Valley Air Pollution Control District, September 28, 2017

PUB6 Jeff Roberts, Southwest Fresno Specific Plan Steering Committee Member, September 28, 2017

5. Comments and Responses

This chapter includes a reproduction of, and responses to, each comment letter on the Draft Program Environmental Impact Report (PEIR) received during the public review period. Comments are presented in their original format in Appendix H, along with annotations that identify each individual comment number.

Responses to individual comments are provided in this chapter alongside the text of each corresponding comment. Letters follow the same order as listed in Chapter 4 of this Final EIR and are categorized by:

- Governmental Agencies
- Private Organizations
- Private Individuals

Letters are arranged by category and then by date received. Where the same comment has been made more than once, a response may direct the reader to another numbered comment and response. Responses to individual comments are presented in Table 5-1.

The California Environmental Quality Act (CEQA) requires the Final EIR to provide written responses to comments received on the environmental analysis in the Draft PEIR during the public review period. The City received several such letters from agencies and the general public, as noted above. However, some of the public comments related to the merits of the proposed *Southwest Fresno Specific Plan* (referred to as the "proposed Plan"), as opposed to comments on the environmental analysis in the Draft PEIR. CEQA does not require the Final EIR to respond to comments on the merits of the proposed Plan; however, in light of the numerous comments on the merits, the City has prepared the following master responses to explain the basis for not preparing detailed responses on these non-CEQA comments.

5.1 MASTER RESPONSES

The following master responses provide a more detailed response to some of the issues of particular concern or that were commonly referred to in the comment letters received on the Draft PEIR. Where appropriate, the responses in Table 5-1 refer the commenter to the some or all of the following master responses to address a particular concern.

5.1.1 MASTER RESPONSE 1: COMMENTS RELATED TO THE MERITS OF THE PROPOSED SOUTHWEST FRESNO SPECIFIC PLAN

During the review period for the Draft PEIR, members of the public submitted several comments that related to the details of the proposed Plan, conveying the commenter's opinion or addressing the relative consequences or benefits of the proposed Plan (referred to here as "merits of the proposed Plan"), rather than the adequacy of the Draft PEIR or the environmental issues, impacts, and mitigation measures addressed in the Draft PEIR. It is important for the City in its decision-making process to consider both the adequacy of the Draft PEIR and the merits of the proposed Plan. However, the City as Lead Agency is only required by CEQA to respond to comments on pertinent environmental issues related to the adequacy of the Draft PEIR.

Section 15204 of the CEQA Guidelines provides direction for parties reviewing and providing comment on a Draft PEIR, as follows:

> *In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated.*

Section 15204 continues in relation to the role of the Lead Agency in responding to comments on the Draft PEIR:

> *When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.*

Where comments in Table 5-1 refer to the merits of the proposed Plan, the response indicates that the comment does not address the adequacy of the Draft PEIR and cross references to this Master Response. Although comments related to the merits of the proposed Plan do not require responses in the Final EIR, they do provide important input to the decision-making process. Therefore, merit- and opinion-based comment letters are included in the Final EIR to be available to the decision-makers when considering whether to adopt the proposed Plan. However, written responses in Table 5-1 will focus on the environmental analysis. All letters received during the public comment period will be forwarded to decision makers. As an effort to specifically address merit- and opinion-based comment letters related to the proposed Plan, responses to these comments are provided in a separate comment matrix, provided by the City.

5.1.2 MASTER RESPONSE 2: SPECULATION WITHOUT SUBSTANTIAL EVIDENCE

Multiple comments assert or request that impacts identified as less than significant in the Draft PEIR should be considered significant, or that the significance conclusions of the EIR should otherwise be revised. However, some of the commenters did not provide substantial evidence in support of their assertions regarding changing impact conclusions. Predicting the project's physical impacts on the environment without firm facts to support the analysis would require a level of speculation that is inappropriate for an EIR. The CEQA analysis included in the Draft PEIR is based on the CEQA Appendix G Checklist, which establishes specific thresholds of significance for each environmental resource category included in Appendix G (i.e., Aesthetics, Air Quality, Biological Resources, etc.). Each impact conclusion in the Draft PEIR is based on those thresholds that are specific to each of the environmental resources categories as the basis for the environmental analysis.

CEQA Section 21082.2(a) requires that the Lead Agency "shall determine whether a project may have a significant effect on the environment based on substantial evidence in light of the whole record." CEQA Guidelines Section 15384(a) clarifies that:

> *"Substantial evidence"… means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment, does not constitute substantial evidence.*

CEQA Guidelines Section 15384(b) goes on to state that "substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." Where there are no facts available to substantiate a commenter's assertion that the physical environment could ultimately be significantly impacted as a direct result of the project, the City, acting as the Lead Agency, is not required to analyze that effect, nor to mitigate that effect. Section 15204(c) of the CEQA Guidelines advises reviewers that comments should be accompanied by factual support:

> *Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinions supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.*

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the Lead Agency based on substantial evidence in the record as a whole. The analysis of the Draft PEIR is based on scientific and factual data, which has been reviewed by the Lead Agency and reflects its own independent judgement and conclusions. CEQA permits disagreements of

opinion with respect to environmental issues addressed in an EIR. Section 15151 of the CEQA Guidelines states, *"[d]isagreeement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts."*

5.1.3 MASTER RESPONSE 3: COMMENTS RELATED TO QUALITY OF LIFE, ECONOMICS, OR FINANCIAL ISSUES

Multiple comments refer to issues related to quality of life, economic, or financial issues. For example, some of these comments express concerns about effects on local businesses, the local economy, or the enjoyability of the neighborhood with implementation of the proposed Plan.

Consistent with the CEQA Guidelines Section 15131, Economic and Social Effects, the Draft PEIR is not meant to address quality of life, and economic or financial issues, rather, the purpose of CEQA and the Draft PEIR is to fully analyze and mitigate the project's potentially significant physical impacts on the environment to the extent feasible.

5.2 INDIVIDUAL RESPONSES

Responses to individual comments are presented in Table 5-1, below. Individual comments are reproduced from the original versions in Appendix H, along with the comment numbers shown in the appendix, followed by the response.

TABLE 5-1 COMMENTS AND RESPONSE MATRIX

Comment #	Date	Comment	Response
A. Governmental Agencies			
GOV1	9/1/2017	Laurence Kimura, P.E., Chief Engineer, Fresno Irrigation District	
GOV1-01		The Fresno Irrigation District (FID) has reviewed the Southwest Fresno Specific Plan Environmental Impact Report for the City of Fresno (Project). The Specific Plan Area consists of 3,255 acres in size and lies within the southwestern area of the City of Fresno, within Fresno County. The Specific Plan Area is bounded by Highway 180 in the north and by Highway 41 in the east. It does not include the Downtown Neighborhoods Community Plan Area, nor does it include the land currently in Fresno County that is outside city limits but within the Sphere of Influence (SOI) of the City's General Plan, with one exception. The one area in the SOI that is part of the Specific Plan Area is an approximately 115-acre site bounded by Church Avenue on the north, Jensen Avenue on the south, Knight Avenue on the west, and Martin Luther King, Jr. Boulevard on the east. We appreciate the opportunity to review and comment on the subject documents for the proposed Specific Plan. Your proposed Plan 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 Plan Area as shown on the attached FID exhibit map. The major facilities include: Teilman No. 79, Lower Dry Creek No. 77, Fanning No. 76, Braly No. 14, and Fresno Colony No. 24. 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 require 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.	The comment expresses concern regarding Fresno Irrigation District (FID) impacted facilities. As stated under Impact UTIL-12 on page 4.15-34 of the Draft PEIR, discretionary projects under the proposed Plan would be required to comply with all existing applicable regulations, policy, agreements, permitting requirements, and mitigation measures. This includes all required and applicable permits, reviews, and approvals from the City of Fresno, Fresno Metropolitan Flood Control District, FID, and others as required. Further, all required agreements and easements must be executed prior to issuance of construction permits.
GOV1-02		2. FID's Kearney Ave Basin No. 189 is located within the Plan Area. The development of the adjacent parcels must consider the potential impacts and protect the basin and the public so that FID's ability to maintain and operate the basin is not impacted or hindered.	Please see Response GOV1-01.
GOV1-03		3. FID's facilities that are within the Specific Plan Area carry irrigation water for FID users, recharge water for the City, and flood waters during the winter	Please see Response GOV1-01.

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TABLE 5-1 COMMENTS AND RESPONSE MATRIX

Comment #	Date	Comment	Response
		months. In addition to FID's facilities, private facilities also traverse the Specific Plan Area.	
GOV1-04		**Water Supply Impact** 4. It appears most of the land within the Specific Plan Area lies within the City Limit and the remainder of the area lies within Growth Area 1 on Exhibit C of the Revised, Amended and Restated Cooperative Agreement Between Fresno Irrigation District and City of Fresno For Water Utilization and Conveyance.	The comment describes the jurisdiction of land within the proposed Plan Area, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft PEIR, nor does the comment raise a new environmental issue. While no response is required as part of the CEQA process, it should be noted that the impact discussion on page 4.15-34 of the Draft PEIR describes that development under the proposed Plan will be implemented within all applicable law, code, regulation, policy, agreements, permitting requirements, and mitigation measures.
GOV1-05		5. 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. 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 from 300 to 243. It is assumed that the water users within the City will be 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.	The comment expresses concern regarding a significant impact to the groundwater quantity and/or quality underneath the City of Fresno, FID, and the Kings Groundwater Sub-Basin. As shown on Table 4.15-4 on page 4.15-19 of the Draft PEIR and as stated on page 4.15-21 of the Draft PEIR, implementation of the proposed Plan would increase water demand by 3 percent, which would be considered nominal compared to water demand under the adopted General Plan and therefore less than significant. Water consumption rates used to estimate total water demand for the baseline and proposed plan in the Draft PEIR are based on land use classification and density rates and range from 250 to 5,300 gallons per day per acre. Further, as shown on Table 4.15-4 and in Chapter 3, Revisions to the DEIR, the impact discussion under UTIL-5 and UTIL-6 states that future development under the proposed Plan does not directly correspond to increased consumption, as some areas would experience an increase while other areas would experience a decrease in water use. Conversion of agricultural land to urban use also transfers water use from agricultural use to urban use which can offset, and in some cases obviate, increase in water consumption.
GOV1-06		6. 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 towards this goal, but FID is concerned with the City's progress in balancing the water usage if the necessary offsets for the increased water demands are not accomplished or development occurs at a rate greater than water conservation goals.	Please see Response GOV1-05.

TABLE 5-1 COMMENTS AND RESPONSE MATRIX

Comment #	Date	Comment	Response
GOV1-07		As noted in the Draft PEIR, 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 overdrafted 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 development on the City's ability to comply with the requirements of SGMA.	Please see Response GOV1-05. The ability to comply with the requirements of SGMA were considered with respect to the proposed Plan as compared with the existing approved General Plan. As shown in Table 4.15-4 of the Draft PEIR, implementation of the proposed Plan would result in a 3 percent increase in water demand, which is a nominal increase and would not be expected to impact compliance with SGMA.
GOV1-08		The Southwest Fresno Specific Plan (Irrigation Systems Integration page 4.15-32) states that "Improvements in the irrigation system will be required with implementation of the proposed Plan" and that "These improvement costs are not controlled nor borne by FID". This is consistent with FlD's policy for our facilities to be piped or concrete lined in order to transition from an agricultural setting to an urban setting, mitigate for the effects of new development and increased population, and provide for public safety.	Please note that the page number cited in the comment refers to the Draft PEIR, not the Specific Plan. Please also see Response GOV1-01.
GOV1-09		This same section, Irrigation Systems Integration on page 4.15-32, also states that whether a canal is left as-is, improved, or replaced with a pipeline is determined by the developer of the project. This is not true. The City of Fresno Municipal Code Sections 10-905 (b) and 15-3804 N require all irrigation or drainage canals of a capacity which can be accommodated by a pipeline having an inside diameter of fifty-four inches or less will be required to be piped and trash racks be installed at all newly constructed headwalls or pipe inlets. It should also be noted that all work, whether left as canal or piped, must be improved to meet FID's standards and requirements for an urban setting.	Please note that the page number cited in the comment refers to the Draft PEIR, not the Specific Plan. The intent of the language referenced by the commenter was not to infer or grant to project developers any authority to operate outside the bounds of any law or regulation (including Municipal Codes 10-905 or 15-3804 N). All development plans would be subject to plan approvals. As shown in Chapter 3 of this Final EIR, page 4.15-32 has been revised for clarification.
GOV1-10		The proposed Southwest Fresno Specific Plan will convert farmland to other land use designations. FID assumes the water allocated to the agricultural land within FID boundary would be converted onto City water rates, assuming the current agreement between the City and FID remains intact.	This comment confirms an assumption underlying the Draft PEIR analysis, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft PEIR, nor does the comment raise a new environmental issue.
GOV1-11		Conversion of agricultural land for urban use should be done in a manner to limit the area impacted and minimize the impacts to the agricultural industry and agricultural resources caused by urbanization.	This comment expresses concern regarding the potential impacts to the agricultural industry and agricultural resources caused by urbanization, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft PEIR, nor does the comment raise a new environmental issue. As stated on page 4.2-8 of the Draft PEIR, no feasible mitigation measures are available for the conversion of "Prime Farmland, Unique Farmland, or Farmland of

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TABLE 5-1 COMMENTS AND RESPONSE MATRIX

Comment #	Date	Comment	Response
			Statewide Importance (Farmland)…to non-agricultural use" that would occur with implementation of the proposed Plan, and therefore the proposed Plan would result in a significant and unavoidable impact. However, as discussed on page 5.2-12 of the City of Fresno General Plan and Development Code Update Master Environmental Impact Report, Policy RC-9-b of the Fresno General Plan aims to reduce potential project-specific impacts on agricultural uses. Furthermore CEQA does not necessarily account for impacts to the agricultural industry as agricultural land is converted for urban use. Specifically, the project merits, or the economic and social effects of the proposed project, are not treated as effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Therefore, consistent with CEQA, the Draft PEIR includes an analysis of the proposed project's potentially significant physical impacts on the environment and does not include a discussion of the project merits.
GOV1-12		According to the Southwest Fresno Specific Plan (Policy PF-3.2), the City is proposing multi-use trail projects that will impact FID's canals right-of-ways. Significant issues remain before FlD's canal system can be used for trail purposes, and FID is currently working with the City of Fresno to create a Master Trails Agreement. In areas where development has not yet occurred, the City must reserve its own right-of-way for trails as part of the development and not be planned to be placed within FlD's canal right-of-way.	This comment expresses concern regarding future trails and their effects on FID canal rights-of-way, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft PEIR. Further Policy PF-3.2 of the Specific Plan notes that right-of-way for trails will not be planned to be placed within FID's canal right-of-way. Specifically, it states: "Provide a network of multi-use trails, including along the Fresno Irrigation District (FID) canal right-of-ways, to provide an off-street trail system that is integrated into the transportation network while also providing opportunities for recreation and access to nature and parks." CEQA and the Draft PEIR focuses on the potential impacts associated with the adequacy of utility and service systems to serve development proposed under the proposed Plan.
GOV1-13		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.	The comment does not address the adequacy of the Draft PEIR. The comment provides history and prior rights related to FID, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft PEIR, nor does the comment raise a new environmental issue. While no response is required as a part of the CEQA process, it should be noted that no usurpation or changes of existing water rights are intended with approval, adoption or implementation of the proposed Plan. As shown on page 4.15-20 of the Draft PEIR, water intended for agricultural use (irrigation), would be provided without the need to change FID water rights.

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Comment #	Date	Comment	Response
GOV1-14		There will be many FID canals impacted by future road improvements to meet the traffic demands. 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.	Please see Response GOV1-01.
GOV1-15		Small/Medium Canal Crossing Requirements - The majority of the proposed crossings will impact existing pipelines and small open channel canals. Transition from an agricultural setting to an urban setting typically requires FID's existing conveyance system to be converted to Rubber Gasket Reinforced Concrete Pipe (RGRCP) installed to FID's specifications.	Please see Response GOV1-01.
GOV1-16		Large Canal Crossing Requirements - There are a few large canal crossings that will not be able to be contained within a pipeline. The design shall protect the canal's integrity and FID's ability to maintain and operate the conveyance system in an urban setting. Any 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. FID has requirements for minimum freeboard, span and type of bridge or culvert, trash and debris, and equipment and vehicle access. Each crossing is unique, and specific requirements will be provided at the time of improvement.	Please see Response GOV1-01.
GOV1-17		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. An average irrigation season lasts 6 months; therefore, the season will typically end around August 31. In very wet years, the irrigation season may go through mid-November.	Please see Response GOV1-01.
GOV1-18		Discharges into FID Canals - FID will not allow any discharges into the canals for numerous reasons, including but not limited to: Federal/ State/Local regulations, FID's Rules and Regulations, and the potential negative impact to water quality. All new and existing discharges and runoff must be routed to FMFCD storm drain facilities. Thank you for making available to us the City of Fresno's Southwest Fresno Specific Plan Environmental Impact Report 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	Please see Response GOV1-01.

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		available. If you have any questions, please feel free to contact me at (559) 233-7161 extension 7103 or LKimura@fresnoirrigation.com.	
GOV1-19		*Attachment: Fresno Irrigation District exhibit map*	This map is referenced in Comment GOV1-01. Please see Response GOV1-01.
GOV1-20		*Attachment: City of Fresno Notice of Availability of the Draft Program Environmental Impact Report for the Southwest Fresno Specific Plan*	The attachment is the Notice of Availability (NOA) that was circulated for the Draft PEIR. The attachment does not contain any comments on the Draft PEIR.
GOV1-21		*Attachment: City of Fresno Project Location Map Southwest Fresno Specific Plan*	The attachment is a map of the Southwest Fresno Specific Plan Area. The attachment does not contain any comments on the Draft PEIR.
GOV2	9/21/2017	Julie A. Vance, Regional Manager, California Department of Fish and Wildlife	
GOV2-01		The California Department of Fish and Wildlife (CDFW) received a consultation notice regarding a program-level Draft Environmental Impact Report (DEIR) from the City of Fresno for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1] Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Specific Plan that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Plan that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code. CDFW ROLE CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code,§§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines§ 15386, subd. (a).). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may	The comment serves as an opening remark and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft PEIR, nor does the comment raise a new environmental issue. No further response is required.

TABLE 5-1 COMMENTS AND RESPONSE MATRIX

Comment #	Date	Comment	Response
		need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, tiered projects may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code,§ 1600 et seq). Likewise, to the extent implementation of tiered projects as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required. Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 15380), CDFW recommends it be fully considered in the environmental analysis for the Plan. Bird Protection: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Water Pollution: Pursuant to Fish and Game Code Section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. It is possible that without mitigation measures tiered projects could result in pollution of Waters of the State from storm water runoff or construction-related erosion. Potential impacts to the wildlife resources that utilize these watercourses include the following: increased sediment input from road or structure runoff; toxic runoff associated with project-related activities and implementation; and/or impairment of wildlife movement along riparian corridors. The Regional Water Quality Control Board and United States Army Corps of Engineers (ACOE) also has jurisdiction regarding discharge and pollution to Waters of the State. [1] CEQA is codified in the California Public Resources Code in section 21000 et seq . The	

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		"CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.	
GOV2-02		PROJECT DESCRIPTION SUMMARY **Proponent:** City of Fresno. Objective: The City of Fresno seeks to adopt a Specific Plan, which outlines a vision for Southwest Fresno throughout the Plan's 25-year horizon. Adoption of the proposed Plan will include repeal of the Edison Community Plan, amendment of the Fresno General Plan, amendment of the Official Zoning Map, adoption of zoning overlay districts, and a text amendment to the Development Code to implement the zoning overlay districts. **Location:** The Southwest Fresno Specific Plan will apply to areas of the City of Fresno bounded by Highway 180 to the north, Highway 41 to the east, and the city limits to the south and west. **Timeframe:** Unspecified.	This comment provides background information and a project description summary but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft PEIR, nor does the comment raise a new environmental issue. No further response is required.
GOV2-03		CDFW offers the comments and recommendations below to assist the City of Fresno in adequately identifying and/or mitigating the Specific Plan's, and subsequent tiered projects, significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. As requested, CDFW is providing recommendations on the scope and content of the DEIR. Editorial comments or other suggestions may also be included to improve the document. The DEIR indicates that portions of the Specific Plan area have the potential to support several special-status species and/or sensitive natural communities. Tiered projects therefore have the potential to impact these species. CDFW recognizes that the DEIR outlines mitigation measures to reduce impacts to special-status species and sensitive natural communities. However, CDFW is concerned that, as currently drafted, these measures may not be adequate to reduce impacts to a level that is less than significant. Specifically, CDFW is concerned regarding adequacy of mitigation measures for special-status plant species; the State threatened Swainson's hawk (Buteo swainsoni); the State threatened and federally endangered San Joaquin kit fox (Vulpes macrotis mutica); special-status bat species; and the State Species of Special Concern American badger (Taxidea taxus), burrowing owl (Athene cunicularia), and western pond turtle (Emys marmorata). In addition, CDFW is concerned regarding potential impacts to riparian areas, wetlands, and waterways.	This comment serves as an introduction to the comments that follow. Please see Responses GOV2-04 through GOV2-25.

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Comment #	Date	Comment	Response
GOV2-04		COMMENTS AND RECOMMENDATIONS Special-Status Plants: The DEIR acknowledges the potential presence of four special-status plant species, meeting the definition of rare or endangered under CEQA § 15380, in the Specific Plan area. These species include California jewelflower (Caulanthus californicus), California satintail (Imperata brevifolia), Sanford's arrowhead (Sagittaria sanfordii), and caper-fruited tropidocarpum (Tropidocarpum capparideum). Mitigation Measure BIO-1.1 a states that presence/absence of a special-status plant or wildlife species will be determined prior to construction of a tiered project. To evaluate presence/absence, CDFW recommends pre-activity surveys be conducted on a project specific basis by a qualified botanist and in accordance with the "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (CDFG, 2009). CDFW further recommends that these surveys include identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In addition, CDFW recommends that findings of these surveys be reported to CDFW using the reporting and data collection guidelines outlined in the protocol mentioned above. In the absence of protocol-level surveys being performed, additional surveys may be necessary.	As shown in Chapter 3 of this Final EIR, Mitigation Measure BIO-1.1a has been revised to specify that a qualified botanist should conduct botanical surveys in order to determine the presence/absence of any special-status plant prior to the onset of any initial ground-disturbing activity or construction associated with project implementation. In addition, the Mitigation Measure BIO-1.1a has been revised to ensure that the botanical survey include identification of reference plant populations and that the findings be prepared using the methodology outlined in *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (Department of Fish and Wildlife, 2009). Further, Mitigation Measure BIO1.1a has been revised to require the survey report be submitted to the City prior to the issuance of building permits.
GOV2-05		Further, Mitigation Measures 810-1.1 a and 810-1.1 b state that special-status plant species will be avoided through incorporation of avoidance and minimization measures and that take of State listed species will be avoided "to the greatest extent feasible". CDFW recommends special-status plant species be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special status plant species. CDFW recommends fully addressing avoidance, minimization, and mitigation measures for special-status plants and that these measures be included as enforceable mitigation in the finalized Environmental Impact Report (EIR).	As shown in Chapter 3 of this Final EIR, Mitigation Measure BIO-1.1a has been revised to specify that any occurrence of special-status species should be avoided whenever possible by delineating and observing a no-disturbance buffer zone of a minimum of 50 feet from the outer-edge of the special-status plant populations(s) or specific habitat type(s) required by special status plant species.
GOV2-06		**Swainson's Hawk:** The DEIR recognizes the potential for the State threatened Swainson's hawk (SWHA) to occur within and in the vicinity of the Specific Plan area and identifies Mitigation Measure 810-1.2, which outlines species-specific pre-activity surveys. However, this measure refers to pre-activity surveys only if suitable nesting trees will be removed during the SWHA nesting season. While CDFW agrees that preactivity survey methods developed by the Swainson's Hawk	As shown in Chapter 3 of this Final EIR, Mitigation Measure BIO-1.2 has been revised to specify that a qualified biologist knowledgeable of the species should conduct a Swainson's hawk survey of the project site and the surrounding 0.5-mile-radius area, in substantial compliance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory

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		Technical Advisory Committee (SWHA TAC, 2000) are appropriate, CDFW advises that these surveys take place prior to initiation of any ground-disturbing or tree removal activities, because in addition to direct mortality, potentially significant impacts that may result from Project-related activities include nest abandonment, loss of foraging habitat, and reduction of nesting success. These impacts may result from Project activities other than tree removal (e.g., construction noise, reduced foraging habitat resulting in loss or reduced vigor of eggs or young).	Committee 2000) during the normal bird breeding season (1 February through 15 September) prior to the start of any initial ground-disturbing activity or construction associated with each phase of project implementation, to the extent feasible.
GOV2-07		Further, Mitigation Measure 810-1.2 indicates that surveys conducted during the first survey period (January 1 through March 20) defined by SWHA TAC are optional. In contrast, CDFW recommends that pre-activity surveys take place for SWHA during the normal bird breeding season (February 1 through September 15), which coincides with a portion of the first survey period as defined by SWHA TAC. CDFW further advises that additional pre-construction surveys for SWHA take place no more than 1 0 days prior to the start of construction. If an active SWHA nest is found, CDFW recommends implementing a ½-mile minimum no-disturbance buffer until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest for parental care for survival. If the ½-mile no-disturbance nest buffer is not feasible, consultation with CDFW is warranted and acquisition of an Incidental Take Permit (ITP) for SWHA may be necessary prior to project initiation to comply with CESA.	As shown in Chapter 3 of this Final EIR, Mitigation Measure BIO-1.2 has been revised to specify that if an active Swainson's hawk nest is detected on the project site, a minimum disturbance-free buffer zone of 0.5-mile should be delineated and maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest for parental care for survival. If the 0.5-mile disturbance-free buffer zone is not feasible CDFW will be consulted and acquisition of an Incidental Take Permit (ITP) for Swainson's hawk may be necessary prior to project initiation in compliance with CESA.
GOV2-08		Nest trees are a limited resource in the southern San Joaquin Valley. CDFW recommends impacts to known SWHA nest trees be avoided at all times of year. CDFW considers removal of known SWHA nest trees, even outside of the nesting season, a potentially significant impact under CEQA because SWHA exhibit high nest site fidelity year after year and suitable nesting habitat features may be limited in the San Joaquin Valley. CDFW recommends that any potential SWHA nesting trees be replaced with an appropriate native tree species, planted at a ratio of 3: 1, in an area that will be protected in perpetuity. This mitigation will offset impacts of the loss of potential SWHA nesting habitat. In addition, the removal of mature trees that provide nesting habitat features is a potentially significant impact to other raptor species and CDFW advises that the EIR consider potential impacts to general raptor nesting habitat.	As shown in Chapter 3 of this Final EIR, Mitigation Measure BIO-1.2 has been revised to specify that removal of nesting trees for Swainson's hawk should be avoided. If avoidance is infeasible, nesting trees should be replaced with an appropriate native tree species, planted at a ratio of 3:1, in an area that will be protected in perpetuity.
GOV2-09		As noted in the DEIR, grassland habitat within the Specific Plan area has the potential to support foraging SWHA. SWHA generally forage within 10 miles of their nest tree. CDFW's Staff Report Regarding Mitigation for Impacts to	As shown in Chapter 3 of this Final EIR, Mitigation Measure BIO-1.2 has been revised to specify that the project applicant should provide Habitat Management (HM) lands to the CDFW based on the ratios include in

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		Swainson's Hawks (CDFG, 1994) recommends the following: • Projects within 1 mile of an active nest tree provide a minimum of one acre of habitat management (HM) land for each acre of development authorized. • Projects within 5 miles of an active nest but greater than 1 mile provide a minimum of 0.75 acres of HM land for each acre of urban development authorized. • Projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree provide a minimum of 0.5 acres of HM land for each acre of urban development authorized. If HM land is included in a mitigation measure for the species, CDFW recommends funding of a sufficient long-term endowment, paid for by the Project sponsors, for the management of the protected properties. In addition to fee title acquisition of grassland habitat, mitigation could occur by the purchase of conservation or suitable agricultural easements. Suitable agricultural easements would include areas limited to production of crops such as alfalfa, dry land and irrigated pasture, and cereal grain crops. Vineyards, orchards, cotton fields, and other dense vegetation do not provide adequate foraging habitat. Additionally, because nest trees are a limited resource, CDFW recommends that lands protected as foraging habitat for SWHA be no more than 1 0 miles from a SWHA nest in order to be beneficial to the species. CDFW recommends fully addressing avoidance, minimization, and mitigation measures for SWHA and that these measures be included as enforceable mitigation in the finalized EIR.	CDFW's *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks* (CDFG, 1994), if feasible.
GOV2-10		**San Joaquin Kit Fox:** The DEIR outlines potential for San Joaquin kit fox (SJKF) to occur in the Specific Plan area and identifies Mitigation Measure BIO-1.3 specifically for the species. Specifically, this measure outlines pre-activity surveys and reporting in accordance with the United States Fish and Wildlife Service's "Standardized recommendations for protection of the SJKF prior to or during ground disturbance" (2011). The measure further specifies contacting the United States Fish and Wildlife Service (USFWS) in the event a natal den is detected within 200 feet of a project boundary. While CDFW agrees with use of this survey methodology, SJKF detection warrants consultation with CDFW, in addition to USFWS, to discuss how to implement tiered projects and avoid take, or if avoidance is not feasible, to acquire an ITP prior to any ground-disturbing activities to comply with CESA. CDFW recommends fully addressing avoidance, minimization, and mitigation measures for SJKF and that these measures be	As shown in Chapter 3 of this Final EIR, Mitigation Measure BIO-1.3 has been revised to specify that both the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife should be notified immediately if a San Joaquin Kit Fox natal/pupping den is discovered within the Plan Area or within 200-feet of the project boundary.

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		included as enforceable mitigation in the finalized EIR.	
GOV2-11		**Bat Species:** The DEIR outlines potential for several bat species, recognized as State Species of Special Concern, to occur in the Specific Plan area. These species include pallid bat (Antrozous pallidus), Townsend's big-eared bat (Corynorhinus townsendii), western mastiff bat (Eumops perotis californicus), and western red bat (Lasiurus blossevillii). The DEIR identifies Mitigation Measure BIO-1.3 specifically for these species and outlines pre-activity surveys and 100- to 300-foot disturbance-free buffers surrounding known roosts. However, the measure does not specify a timeline for when these surveys will occur in relation to initiation of construction activities. CDFW recommends pre-activity surveys occur within two weeks prior to the start of work at each tiered-project location.	The comment expresses concern regarding Mitigation Measure BIO-1.3 in Chapter 4.4, Biological Resources, of the Draft PEIR. However, given that the comment makes reference to pre-construction surveys for special-status bat species, it is assumed that this comment refers to Mitigation Measure BIO-1.4. As shown in Chapter 3 of this Final EIR, Mitigation Measure BIO-1.4 has been revised to specify that pre-construction surveys should be conducted two weeks prior to the onset of any initial ground-disturbing activity or construction associated with each phase of project implementation by a qualified biologist.
GOV2-12		Mitigation Measure BIO-1.3 also includes a provision for replacement habitat and roost removal via passive eviction if avoidance is not possible. However, CDFW recommends that bats not be disturbed without specific notice to and consultation with CDFW. If a bat roost is detected, CDFW advises a minimum 50-foot no-disturbance buffer during activity, or postponing activity until repeat surveying documents that bats no longer use the roost. If avoidance or postponement is not feasible, CDFW recommends submission of a request for a reduced buffer or a Bat Eviction Plan to CDFW for written approval prior to implementation. CDFW advises that a request for a reduced buffer include a rationale describing the adequate protection of the roost. CDFW further advises that a request to evict bats from a roost include details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to the start of activity and are unable to re-enter the roost until activity is completed. CDFW recommends fully addressing avoidance, minimization, and mitigation measures for special-status bat species and that these measures be included as enforceable mitigation in the finalized EIR.	The comment expresses concern regarding Mitigation Measure BIO-1.3 in Chapter 4.4, Biological Resources, of the Draft PEIR. However, given that the comment makes reference to pre-construction surveys for special-status bat species, it is assumed that this comment refers to Mitigation Measure BIO-1.4. As shown in Chapter 3 of this Final EIR, Mitigation Measure BIO-1.4 has been revised to specify that the 100- to 300-foot disturbance-free buffer should be maintained until the qualified bat biologist can determine that bats no longer use the roost. In addition, Mitigation Measure BIO-1.4 has been revised to require a qualified bat biologist to develop a Bat Eviction Plan in consultation with CDFW for written approval prior to implementation. The Bat Eviction Plan should include exclusion methods, roost removal procedures, and monitoring efforts to ensure that all bats have exited the roost prior to all ground-disturbing activities and are unable to re-enter the roost.
GOV2-13		**American Badger:** The DEIR identifies the potential for American badger within the Specific Plan area and identifies Mitigation Measure BIO-1.5 specifically for the species. A component of this measure outlines relocation of American badgers and excavation of dens if avoidance is not feasible. CDFW recommends that if a badger is detected within a project work area during project activities it be allowed to move out of the work area of its own volition. If pre-activity surveys find an American badger is denning on or immediately adjacent to a project work area, consultation with CDFW to determine whether the animal(s) may be evicted from the den is advised.	The comment expresses concern regarding Mitigation Measure BIO-1.5 in Chapter 4.4, Biological Resources, of the Draft PEIR. As shown in Chapter 3 of this Final EIR, Mitigation Measure BIO-1.5 has been revised to specify that the qualified biologist should consult with CDFW to determine whether the badger(s) may be evicted prior to implementing relocation procedures.

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GOV2-14		**Burrowing Owl:** The DEIR identifies the potential for burrowing owl (BUOW) within the Specific Plan area and identifies Mitigation Measure BIO-1.6 specifically for the species. This measure outlines species-specific pre-activity surveys conducted within 15 days of ground disturbance to determine BUOW occupancy. However, CDFW recommends following the California Burrowing Owl Consortium's Survey Protocol and Mitigation Guidelines (CBOC 1997) to determine occupancy. Specifically, CBOC suggests three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.	As shown in Chapter 3 of this Final EIR, Mitigation Measure BIO-1.6 has been revised to specify that a qualified biologist knowledgeable of burrowing owls should conduct a focused, preconstruction survey during the peak breeding season for burrowing owls ((15 April to 15 July) prior to the start of ground-disturbing activities for the project. In addition, the survey should be conducted in substantial compliance with the California Burrowing Owl Consortium's *Survey Protocol and Mitigation Guidelines* , or other survey and mitigation protocols recommended by the CDFW, to the extent feasible
GOV2-15		Although not specifically discussed in Mitigation Measure BIO-1.6, if BUOW are found to occupy a tiered project site and avoidance is not possible, it is important to note that according to CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012), exclusion in and of itself is not a take avoidance, minimization, or mitigation method. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. In addition, CDFW further recommends that burrow closure be employed only where there are adjacent natural burrows and non-impacted sufficient habitat for BUOW to occupy with permanent protection mechanisms in place. In addition, BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance at tiered project sites during project activities, at a rate that is sufficient to detect BUOW if they return. CDFW recommends fully addressing avoidance, minimization, and mitigation measures for BUOW and that these measures be included as enforceable mitigation in the finalized.	As shown in Chapter 3 of this Final EIR, Mitigation Measure BIO-1.6 has been revised to specify that if burrowing owl (s) are found to occupy the site and avoidance is not possible, a qualified biologist knowledgeable of the species should conduct burrow exclusion during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty by site surveillance and/or scoping. Mitigation Measure BIO-1.6 has been further revised to specify that burrow closure should be implemented only where there are adjacent natural burrows and non-impacted sufficient habitat for burrowing owls and ongoing surveillance should be conducted during any initial ground-disturbing activity or construction associated with each phase of project implementation to monitor colonization of the area by burrowing owls.
GOV2-16		**Western pond turtle:** The DEIR identifies the potential for western pond turtle (WPT) within the Specific Plan area and identifies Mitigation Measure BIO-1.7 specifically for the species. This measure outlines focused pre-activity surveys for WPT and relocation of individuals and/or eggs found in a project area. However, CDFW recommends that if any WPT are discovered at a site immediately prior to or during project activities they be allowed to move out of the area on their own volition. If this is not feasible, CDFW recommends that a qualified biologist who holds a Scientific Collecting Permit for the species, capture and relocate the turtle(s) out of harm's way to the nearest suitable . habitat immediately upstream or downstream from a project site. In addition, CDFW recommends that focused surveys for nests occur during the egg-laying season (March	As shown in Chapter 3 of this Final EIR, Mitigation Measure BIO-1.7 has been revised to specify that a qualified biologist, who holds a Scientific Collecting Permit to handle western pond turtles, should conduct focused surveys during the western pond turtle egg-laying season (March through August) to determine if western pond turtles are present. If any pond turtles are detected during these surveys, or during construction in an area where individuals could be affected, they should be allowed to move out on their own volition. If this is not feasible, they should be moved to the nearest suitable habitat immediately upstream or downstream from the project site by a qualified biologist. Further, Mitigation Measure BIO-1.7 has been revised to specify that if any western pond turtle nests with eggs

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		through August) and that any nests discovered remain undisturbed until the eggs have hatched.	are found, the nests should remain undisturbed until the eggs have hatched.
GOV2-17		**Nesting birds:** A variety of land cover types within and in the vicinity of the Specific Plan area likely provide nesting habitat for birds. Although the DEIR identifies preactivity surveys for nesting birds in Mitigation Measure BIO-1 .8, it does not specify a time-line for when these surveys will be conducted relative to initiation of construction activities. CDFW recommends that a qualified wildlife biologist conduct preconstruction surveys for active nests no more than 10 days prior to the start of a tiered project to maximize the probability that nests potentially impacted are detected. CDFW also recommends that surveys cover a sufficient area around the work site to identify nests and determine their status. A sufficient area means any area potentially affected by a tiered project. In addition to direct impacts, such as nest destruction, noise, vibration, odors, and movement of workers or equipment could affect nests. Prior to initiation of construction activities, CDFW recommends a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends a qualified biologist continuously monitor nests to detect behavioral changes resulting from the project. If behavioral changes occur, CDFW recommends the work causing that change cease and CDFW consulted for additional avoidance and minimization measures.	As shown in Chapter 3 of this Final EIR, MEIR Mitigation Measure BIO-1.8 has been revised to specify that pre-construction clearance survey must be conducted by a qualified wildlife biologist no more than 10 days prior to the start of any initial ground-disturbing activity or construction associated with each phase of project implementation. In addition, Mitigation Measure BIO-1.8 has been revised to specify that the biological monitor should periodically monitor nests to detect behavioral changes resulting from project related activities once construction begins. If continuous monitoring is not feasible, a disturbance-free buffer zone of a minimum of 250 feet should be delineated around active nests of non-listed bird species and a disturbance-free buffer zone of a minimum of 500 feet should be delineated around active nests of non-listed raptors, or suitable buffer distance approved by the biological monitor.
GOV2-18		If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.	As shown in Chapter 3 of this Final EIR, Mitigation Measure BIO-1.8 has been revised to specify that if continuous monitoring of nests by a qualified wildlife biologist is not feasible, a disturbance-free buffer zone of a minimum of 250 feet should be delineated around active nests of non-listed bird species and a disturbance-free buffer zone of a minimum of 500 feet should be delineated around active nests of non-listed raptors. These buffers should be maintained until the breeding season has ended or until a qualified wildlife biologist can determine that the bird species or raptors have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these buffers should be considered only after consultation with a qualified wildlife biologist and CDFW.
GOV2-19		Jurisdictional Features, Riparian Habitat, and Wetlands: The DEIR identifies the potential for significant impacts to areas that are jurisdictional (waterbodies and waterways) pursuant to Fish & Game Code, § 1600 et seq. Mitigation Measure BIO-2.1 indicates potential project-related impacts to riparian habitat are possible and identifies compensatory mitigation as a mitigation strategy. Riparian	As shown in Chapter 3 of this Final EIR, Mitigation Measure BIO-2.1a has been revised to specify that impacts to riparian habitat should be avoided by delineating a 200-foot disturbance free buffer from the high water mark of a waterbody or waterway or form the outside edge of the riparian habitat and for areas with no riparian vegetation, a minimum 100-foot

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		habitat and wetlands are of extreme importance to a wide variety of plant and wildlife species. CDFW provides the following recommendations for avoiding impacts to riparian habitat and waterways: (1) for areas with riparian vegetation, a minimum 200-foot no-disturbance buffer delineated from the high water mark of a waterbody or waterway or from the outside edge of the riparian vegetation; (2) for areas with no riparian vegetation, a minimum 100-foot no-disturbance buffer around the high water mark of a waterbody or waterway. In some instances, larger buffers may be necessary to avoid impacts. CDFW has a no-net-loss policy regarding impacts to wetlands and CDFW considers project-related impacts to these resources as significant if they result in the net loss of acreage or habitat value. When impacts to wetland habitats are unavoidable, CDFW recommends compensation include creation of new habitat, preferably on-site, on a minimum of an acre-for-acre basis. CDFW also recommends compensation consider potential impacts to special-status resources posed by wetland creation. Wetlands that have been inadvertently created by leaks, dams or other structures, or failures in man-made water systems are not exempt from this recommendation.	disturbance-free buffer should be delineated around the high water mark of a waterbody or waterway. If avoidance is not possible, a compensatory habitat-based mitigation should be required to reduce project impacts and specific mitigation ratio for habitat based mitigation should be determined on an acre-for-acre basis through consultation with the appropriate agency.
GOV2-20		Mitigation Measures BIO-2.1 b and BIO-3a indicate potential project-related impacts to streambeds and waterways are possible, including significant alteration resulting in fill. If project activities will result in substantial changes to the bed, bank, and channel of a river, lake, or stream, notification pursuant to Fish & G. Code, § 1.600 et seq. is warranted. Fish & Game Code §1600 et seq. requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation): (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial. CDFW is required to comply with CEQA in the issuance of a Lake and Streambed Alteration Agreement. For additional information on notification requirements, please contact our staff in the Lake and Streambed Alteration Program at (559) 243-4593.	As shown in Chapter 3 of this Final EIR, Mitigation Measure BIO-2.1b and BIO-3a have been revised to specify that consultation with CDFW and/or USACE should be initiated to determine the appropriate mitigation strategy and regulatory permitting to reduce impacts prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation) (c) deposit debris, waste or other materials that could pass into any river, stream, or lake in accordance with Fish & Game Code §1600 et seq.
GOV2-21		Mitigation Measure BIO-3a outlines wetland delineation for tiered project activities that will result in alteration or fill of federally protected wetlands. Please note that, while there is overlap, state and federal definitions of wetlands differ. Therefore, it is recommended that delineation identify both state and federal wetlands at tiered project sites. Fish and Game Code Section 2785 (g)	As shown in Chapter 3 of this Final EIR, Mitigation Measure BIO-3a has been revised to specify that the wetland mitigation plan should be approved by the appropriate regulatory agencies (e.g., USACE, Regional Water Quality Control Board (RWQCB) and the CDFW).

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		defines wetlands; further Section 1600 et seq. applies to any area within the bed, channel, or bank of any river, stream, or lake (including riparian vegetation). It is important to note that while accurate delineations by qualified individuals have resulted in more rapid review and response from the ACOE and CDFW, substandard or inaccurate delineations have resulted in unnecessary time delays for applicants due to insufficient, incomplete, or conflicting data. CDFW recommends fully addressing avoidance, minimization, and mitigation measures for jurisdictional features, riparian habitat, and wetlands and that these measures be included as enforceable mitigation in the finalized EIR prepared for this Project.	
GOV2-22		**Editorial Comments and/or Suggestions Federally Listed Species:** CDFW also recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to those listed above. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any ground-disturbing activities.	The comment will be provided to the decision-making bodies as part of the Final EIR for consideration. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft PEIR, nor does the comment raise a new environmental issue.
GOV2-23		**ENVIRONMENTAL DATA** CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.	The comment will be provided to the decision-making bodies as part of the Final EIR for consideration. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft PEIR, nor does the comment raise a new environmental issue.
GOV2-24		**FILING FEES** If it is determined the tiered projects will have an impact on fish and/or wildlife, an assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the	The comment will be provided to the decision-making bodies as part of the Final EIR for consideration. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft PEIR, nor does the comment raise a new environmental issue.

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		underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).	
GOV2-25		CONCLUSION CDFW appreciates the opportunity to comment on the Southwest Fresno Specific Plan to assist the City of Fresno in identifying and mitigating Project impacts on biological resources. More information on survey and monitoring protocols for sensitive species can be found at the CDFW's website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols). Questions regarding this letter or further coordination should be directed to Renee Robison, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014 extension 274, or by electronic mail at Renee.Robison@wildlife.ca.gov.	The comment serves as a closing remark and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft PEIR, nor does the comment raise a new environmental issue.
GOV3	9/25/2017	Michael Navarro, Chief, Transportation Planning - North, California Department of Transportation	
GOV3-01		Thank you for including the California Department of Transportation (Caltrans) in the enviromnental review process for the project referenced above. The project affects the southwestern most limits of the City of Fresno bounded by State Route (SR) 180 to the north and R 41 to the east. Our objective is to work in coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network. With the State's smart mobility goals of supporting vibrant economy and thriving communities with a safe and efficient transportation system, we provide the following comments based on a focused review of the "Transportation" portion of the Draft Southwest Fresno Specific Plan document: Caltrans concurs with the traffic mitigation measures proposed by the City for all the freeway ramps and ramp interchanges in the plan vicinity. It is apparent that development in southwest Fresno will produce significant, yet unavoidable traffic congestion. Therefore, future projects implemented under the proposed plan estimated to generate daily or peak hour traffic volumes in excess of 100 vehicle trips should prepare a site access, circulation, and traffic study as part of their proposal; and we encourage early consultation with Caltrans. Additionally, any amendments to the General Plan, or to the proposed project should include a traffic impact study due to the potentially significant impact that development in the project area is estimated to have on the State Highway System (SHS).	The California Department of Transportation's (Caltrans') reasoning for review of this EIR and interpretation of plan boundaries is noted. Caltrans concurrence with the mitigation measures included in the Draft PEIR is noted. As described in Impact TRANS-1 of Chapter 4.14, development within Southwest Fresno will have a less than significant impact on traffic congestion. As described in Impact TRANS-7.2 and TRANS-7.3 of Chapter 4.14, the proposed Plan will have a significant and unavoidable cumulative impact, as noted by this comment. Future discretionary projects would be required to conduct project-level environmental assessment, which may include traffic analysis. Per Fresno General Plan Policy MT-2-i, a Transportation Impact Study (TIS) will be required when a project includes a General Plan amendment, will substantially change the off-site transportation system, or for all development projected to generate 100 or 200 more peak hour new vehicle trips, depending on the Traffic Impact Zone (TIZ) in which the development is located.

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GOV3-02		Even with mitigation, it is clear the SHS will not continue to function at an acceptable level of service (LOS) within the proposed plan area, as growth occurs. For this reason, Caltrans reinforces the importance of the City's requirement that developers pay into the established City's Traffic Signal Mitigation Impact Fee (TSMI) and the Regional Transportation Mitigation Fee (RTMF) program managed by Fresno Council of Governments. Furthermore, City coordination among the Fresno Council of Governments (COG), the City and Caltrans to improve the interchanges at SR 99/Jensen Avenue (northbound and southbound), SR 99/Fresno Street (northbound and southbound), SR 41/Jensen Avenue (southbound), and SR 41/North Avenue (southbound), as outlined in mitigation measures TRANS-7 .2 and TRANS-7.3 is strongly supported. Due to the extensiveness of the impact, these interchanges should be added to the project list for the City's TSMI fee program.	Caltrans' support for Mitigation Measures TRANS-7.2 and TRANS-7.3, the Traffic Signal Mitigation Impact (TSMI) fee, and Regional Transportation Mitigation Fee (RTMF) is noted. Fresno General Plan Policies MT-2-j and MT-2-l support the use of TSMI and RTMF fees as outlined in Mitigation Measures TRANS-7.2 and TRANS-7.3.
GOV3-03		Traffic congestion may be further mitigated by expanding the multi-modal network into the plan area. The planned bicycle and trail network laid out in the City's General Plan can be enhanced by providing direct safe routes to the schools, retail hubs, and medical facilities in the plan area. Accompanying street lighting, secure bike storage spaces-especially near transit stops, landscaping that incorporates shade elements, and bicycle/pedestrian priority in street operations all increase the likelihood residents will use and benefit from an active transportation network. Additionally, development of park zones beyond open green space to include lighting for safety, playing fields, swimming pools, walking paths, or community gardens-keeping in mind accessibility for all ages and abilities-serve to promote health and wellness in the surrounding neighborhoods. Potentially, community outreach aimed at establishing carpools to popular employment centers could lessen the strain on the SHS. Likewise, the project objective of attracting affordable grocers and other retail to the plan area is pivotal in achieving the City's stated goal of improving quality of life in Southwest Fresno while also improving traffic conditions.	As described in Impact TRANS-6 of Chapter 4.14, the proposed Plan includes goals and policies that promote bicycle and pedestrian travel through a well-connected active transportation network, support use of transit, and reduce single-occupancy vehicle use to reduce traffic congestion, including Goals T-1, T-2, T-3, T-4, T-5, T-6, T-7, T-8, T-11, T-12, and T-14, and the multiple policies contained under each of these goals.
GOV3-04		Fresno COG regional models are best used to answer "big picture" scenarios with regards to general trends in traffic and air quality such as the SW Fresno Specific Plan. However, when it comes to specific types of land use on a project level basis, NCHRP Report 765 states "Model adjustments are frequently made at a small-area or link level because many regional models do not have the requisite accuracy needed for detailed link level traffic forecasts." It also states "Project-level forecasts often require better accuracy than can be obtained from a travel	As described in Chapter 4.14, analysis presented in the Draft PEIR is based on the information available at this programmatic stage for a plan-level analysis. Future discretionary projects would be required to conduct project-level environmental assessment, including a transportation impact study in most cases.

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		model alone." Therefore Caltrans recommends project specific data submittals when new development occurs at spot locations within 2 miles of the SHS, to determine the need for a Traffic Impact Study to better assess traffic impacts.	
GOV3-05		Section 4.14, Transportation and Traffic of the Environmental Impact Report (EIR), please add a new section in the TIS that briefly describes the analysis scenarios and years being analyzed. This section may be appropriate prior to section 4.14.1.2, Existing Conditions. All scenarios/figures/tables should be labeled appropriately as With or Without Proposed Plan and the year being analyzed. Please revise for clarity.	Page 4.14-1 of the Draft PEIR has been revised, as shown in Chapter 3, Revisions to the Draft PEIR, of this Final EIR. Titles on Figures 4.14-3, 4.14-5, 4.14-6, 4.14-7, 4.14-8, 4.14-9, 4.14-10, 4.14-12, 4.14-13, 4.14-14, 4.14-15, 4.14-16, 4.14-17, 4.14-18, and 4.14-19 have been revised as shown in Chapter 3, Revisions to the Draft PEIR, of this Final EIR. Scenario references in Tables 4.14-2, 4.14-3, 4.14-4, 4.14-8, 4.14-9, 4.14-10, 4.14-11, 4.14-12, 4.14-13, 4.14-14, 4.14-15, 4.14-16, 4.14-17, and 4-14-18 have been revised as shown in Chapter 3, Revisions to the Draft PEIR, of this Final EIR.
GOV3-06		Right-of-way should be preserved for the Type L-9 partial cloverleaf interchange for the SR 41/North Avenue interchange. Roundabouts at the ramp intersections should be considered as an interim improvement. The Type L-9 interchange configuration has been changed to a right-angle intersection at the on-ramp intersection to accommodate pedestrian crossing by utilizing traffic signal control. Refer to the current Caltrans Highway Design Manual (HDM) Chapter 500 for these changes.	As described in Mitigation Measure TRANS-7.2, the widening of the SR 41 southbound off-ramp at North Avenue is sufficient to improve traffic operations to an acceptable level under cumulative conditions with the proposed Plan. Further interchange reconstruction, including possible expansion to a Type L-9 partial cloverleaf configuration, is not necessary to mitigate the proposed Plan's cumulative impact nor is it identified as a future project in any currently adopted planning document, including the Caltrans SR 41 Transportation Concept Report, Fresno COG RTP/SCS, or Fresno General Plan. However, separate from the proposed Plan and the Draft PEIR, the City is willing to work with Caltrans in the future to determine if an alternative ultimate concept for the SR 41 / North Avenue interchange, such as a Type L-9 partial cloverleaf interchange, may be mutually desirable in the long-term future, as suggested by Caltrans comment.
GOV3-07		In reference to "Intersection Operations" on Page 4.14-40, it is stated that the adjustments to cycle length and shifting green time phases at the intersection of SR 99 northbound ramps/East/Jensen A venues would result in slightly better operations under existing plus proposed plan. Signal timing modification should not be used as Project mitigation, this is considered routine maintenance.	The study recognizes that the signal timing modifications would occur as part of routine maintenance. As stated on page 4.14-40 of the Draft PEIR, "the results presented in Table 4.14-19 reflect signal timing changes that are anticipated to occur during routine maintenance of the traffic signals by Caltrans." The stated adjustments to cycle length and green time phases is simply included as an example to explain why delay is lower (i.e., slightly better operations) under existing plus proposed Plan than existing conditions at the SR 99 northbound ramps/East Avenue/Jensen Avenue intersection. It is not being proposed as mitigation.
GOV3-08		Table 4.14-10 for SR 99 southbound ramps/East/Jensen Avenues displayed the delay would remain at 61 seconds from the Existing Conditions to Existing plus	The results presented in Table 4.14-10 of the Draft PEIR are consistent with the overall intersection control delay presented in the Synchro worksheets,

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		Project Conditions. There is an increase in traffic volumes by 632 for the Existing plus Project condition. However the Synchro worksheets showed higher delay for the southbound off-ramp approach. The southbound off-ramp would operate poorly in the Existing plus Project condition and excessive queuing on the off-ramp and freeway mainline may occur. Synchro files should be submitted to verify the delay. The first paragraph under Table 4.14-10 may not be necessarily true.	which are calculated according to the 2010 Highway Capacity Manual (HCM) methodology. As shown in Table 4.14-10 and supported by the Synchro worksheets, the overall intersection delay at the State Route (SR) 99 southbound ramps/East Avenue/Jensen Avenue intersection has a negligible change from 60.8 seconds per vehicle under existing conditions to 60.6 seconds per vehicle under existing plus proposed Plan conditions. Therefore, the referenced statement in the first paragraph under Table 4.14-10 is true. While the Synchro worksheets do show a slight increase in delay for the southbound off-ramp approach (from 106.7 seconds per vehicle under existing conditions to 117.5 seconds per vehicle under existing plus proposed Plan conditions), this is balanced out by less delay on the other approaches (e.g., 21.9 seconds per vehicle for the westbound approach and 41.9 seconds per vehicle for the eastbound approach). The result is a negligible change in the weighted average delay for the overall intersection, as noted above (60.8 seconds per vehicle to 60.6 seconds per vehicle). Although the southbound off-ramp approach would operate with higher delay than the other approaches, Table 4.14-11 shows that excessive queuing on the SR 99 Southbound Off-Ramp at Jensen would not occur under existing plus proposed Plan conditions.
GOV3-09		In Table 4.14-10 for the SR 99 northbound ramps/East Avenue/Jensen Avenue indicates the delay decreases from the Existing to Existing plus Project conditions with the same lane configuration and with increased traffic volumes. An explanation should be provided to justify the decrease in delay between conditions.	As stated on page 4.14-40 of the Draft PEIR: "The results presented in Table 4.14-19 reflect signal timing changes that are anticipated to occur during routine maintenance of the traffic signals by Caltrans. This includes adjustments to cycle lengths and shifting green time to phases for movements that experience greater increases in traffic volume. These adjustments in one case (at the intersection of SR-99 Northbound Ramps/East Ave./Jensen Ave.) result in slightly better operations under existing plus proposed Plan conditions than existing conditions due to more efficient use of the traffic signal cycle."
GOV3-10		In reference to Tables 4.14.-4, 4.14-11, 4.14-15, and 4.14-18, deceleration length at the off-ramps prior to stopping at the end of queue is required. Refer to the current Caltrans HDM for deceleration length requirements.	Tables 4.14-4, 4.14-11, 4.14-15, and 4-14-18 have been revised as shown in Chapter 3, Revisions to the Draft PEIR, of this Final EIR.
GOV3-11		Table 4.14-10 - Existing plus Project condition and Table 4.14-14 - Cumulative Conditions are not consistent in regards to delay. An explanation as to the	Delay and LOS results for the Existing Plus Proposed Plan scenario in Table 4.14-14 in Chapter 4.14 of the Draft PEIR has been revised to match Table

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		inconsistency should be explained.	4.14-10 as shown in Chapter 3, Revisions to the Draft PEIR, of this Final EIR.
GOV3-12		Refer to Synchro worksheets for SR 41 northbound ramps/North Avenue, the Cumulative displayed two eastbound-through-lanes and two westbound-through-lanes, and the Existing and Existing plus Project condition displayed one eastbound-through-lane and one westbound through-lane. It is unclear when North Avenue within the interchange area is widened to two lanes before it would be mitigated.	As described on pages 4.14-53 and 4.14-54 of the Draft PEIR, the widening of North Avenue to a four-lane divided arterial east of Elm Avenue is included as a planned improvement to the regional roadway network as identified in the Fresno Council of Governments Regional Transportation Plan/Sustainable Communities Strategy, Fresno Downtown Plans, and/or the Fresno General Plan. According to the project list, this improvement is planned to be open to traffic in 2035.
GOV3-13		Refer to Table 4.14-14 and Synchro worksheets for SR 99 northbound ramps/East Avenue/Jensen Avenue, the traffic volumes would increase from the Existing plus Project to Cumulative condition but the delay would decrease. Synchro files should be submitted to verify this delay.	Please see Response GOV3-11. The delay and LOS results for the Existing Plus Proposed Plan scenario in Table 4.14-14 of the Draft PEIR has been revised to match Table 4.14-10 as shown in Chapter 3, Revisions to the Draft PEIR, of this Final EIR. With these revisions, the delay increases from existing plus proposed Plan conditions to cumulative conditions.
GOV3-14		The queue length on the westbound-left turn lane at the SR 99 southbound ramps/Fresno Street will exceed the available storage.	The comment correctly identifies that the queue for the westbound left-turn on Fresno Street turning onto the SR 99 southbound on-ramp would exceed the available storage of the westbound left-turn pocket. However, this is not a significant impact per the significance criteria on page 4.14-35, Chapter 4.14 of the Draft PEIR.
GOV3-15		Refer to Page 4.14-69 (MM Trans 7.3), the proposed southbound right-tum phase to run concurrently with the eastbound through phase may be conflicting with pedestrian crossing phase. Synchro files should be submitted to verify the proposed mitigation.	The pedestrian crossing phase would run concurrently with the westbound through phase, and would not conflict with the proposed southbound right-turn phase.
GOV3-16		The Synchro analysis and the proposed improvements for each interchange will need to be reevaluated once Synchro files are submitted to Caltrans for review. Additional comments will be provided at the later date.	Synchro analysis files were submitted to Caltrans for review by the City on October 11, 2017.
GOV3-17		Trip generation, trip distribution, and intersection traffic turning movement figures should be provided.	Intersection traffic turning movement figures have been provided in Chapter 3, Revisions to the Draft PEIR, of this Final EIR. As stated on page 4.14-29 in Chapter 4.14 of the Draft PEIR, trip generation for the proposed Plan is estimated by the travel demand forecasting (TDF) model that was developed for the Fresno General Plan MEIR. As stated on page 4.14-36, the proposed Plan's land uses are added to the Fresno General Plan MEIR TDF model, and the TDF model generates trips based on those land uses and locally valid trip generation rates. Since the trip generation step is one of several steps in the TDF modeling process outlined on page 4.14-29, it is not feasible to develop a figure that illustrates the proposed Plan's trip generation.

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			Similarly, the scope and scale of the 3,255-acre Plan Area makes developing an accurate trip distribution figure infeasible. Spanning more than three miles east-to-west and three miles north-to-south with an irregular shape, development in the northwest portion of the Plan Area would have a much different trip distribution pattern from the southeast portion of the Plan Area, which would be different still from areas in the central, western, and southern portions of the Plan Area. In addition, a portion of the trips generated by the proposed Plan would travel within the Plan Area without using regional roadways or the State highway system outside the Plan Area. Given the complexities of the Plan Area's size, scope, and scale, the Fresno General Plan MEIR TDF model was the most appropriate tool to distribute the Plan Area trips, as described on page 4.14-29, Chapter 4.14 of the Draft PEIR.
GOV3-18		SB 375 formalized the connection between land use planning and transportation. Population growth is eminent. The Specific Plan is indicating that the "Vehicle Miles Traveled (VMT)" is projected to increase to approximately 1,470,179 with full build-out. Furthermore, with the funding constraints in transportation that we are compelled to contend with, we are learning that we cannot necessarily afford to build our way out of congestion. While there is still opportunity to expand infrastructure in our region, we will also need to manage our transportation infrastructure more efficiently. This can only be done by working together, maximizing funding opportunities (i.e. all-inclusive Regional fee programs) to develop a well-integrated system that offers various alternative modes for our residents. Should you have any questions or concerns, please feel free to contact David Padilla at (559) 444-2493 or dave.padilla@dot.ca.gov.	The comment affirms the Draft PEIR analysis; however, it does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft PEIR, nor does the comment raise a new environmental issue. The proposed Plan includes goals and policies that promote the efficient management of transportation infrastructure and a well-integrated system that offers various alternative modes for Southwest Fresno residents, including Goals T-4, T-6, T-7, T-8, T-11, T-12, and T-14, and the multiple policies contained under each of these goals. Furthermore, Fresno General Plan policies MT-1-p, MT-2-b, MT-2-g, MT-2-j, MT-2-l, and MT-4-c reaffirm the City's commitment to work together with our partners in the region to address the topics identified in this comment.
GOV4	9/25/2017	Thomas W. Barth, Barth Daly LLP, Washington Unified School District	
GOV4-01		Our firm represents Washington Unified School District ("District"). On behalf of the District, we submit these comments on the Draft Program Environmental Impact Report ("Draft PEIR") prepared for the proposed Southwest Fresno Specific Plan (collectively, the "Project"). As set forth in this letter, the Draft PEIR does not comply with the California Environmental Quality Act ("CEQA," Pub. Resources Code, §§ 21000, et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000, et seq.) for both technical and substantive reasons. The Draft PEIR	The comment serves as an opening remark and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft PEIR. Please see Responses GOV4-02 through GOV4-15.

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		does not include sufficient information to evaluate potential environmental impacts related to schools. The District requests that the City revise the Draft PEIR to address the issues identified in this letter, develop appropriate mitigation measures for any impacts that are identified as significant, and then recirculate the revised Draft PEIR as required by CEQA. (Cal. Code Regs., tit. 14, § 15088.5.) As another public agency serving the population of Fresno, the District prefers to cooperate with the City regarding the proposed Project so as to help ensure that it will benefit the entire community, without undue impacts. The District's primary concern is that the Project not create significant impacts on the student population it serves, their families, District staff and teachers, and the school facilities in which they are housed. The District wishes to emphasize that this Project has the potential to have a profound negative effect on the District's students, their families, and residents who will reside in and near the Project. It remains the District's hope that collaboration between the District and both the City and Project developers can occur to avoid this result.	
GOV4-02		**I. The Draft PEIR does not meet its purpose as an informational document because it fails to provide an adequate description of the environmental setting related to schools.** An environmental impact report is required to include a description of the physical environmental conditions in the vicinity of the project as they exist at the time the notice of preparation is published. This environmental setting constitutes the baseline physical conditions by which the lead agency determines whether an impact is significant. (Cal. Code Regs., tit. 14, § 15125, subd. (a).) In this regard, the Draft PEIR's discussion of the impacts of the Southwest Specific Plan on the District's ability to serve students generated by the eventual development in the Plan area is of particular concern. The Draft PEIR contains no specific information pertaining to the District, and relies almost exclusively on information pertaining to Fresno Unified School District (serving just a portion of the north of the Plan area, and Central Unified School District (serving only a small part along the western edge of the Plan area. [Draft PEIR, p. 4.13-14-17.] The PEIR entirely fails to disclose the existing conditions of schools located within the District. Where the environmental setting in an EIR contains inaccuracies, it fails as an informational document. An EIR cannot properly and accurately assess the impacts of the project or determine appropriate mitigation measures if it does	The comment expresses concern regarding baseline physical conditions and states that the EIR does not contain any specific information about the Washington Unified School District (WUSD). The City attempted to contact the WUSD in July 2017 during the preparation of the Draft PEIR to receive school data and did not receive a response. In addition, the City did not receive a letter in response to the Notice of Preparation (NOP) filed on February 23, 2017, and no information was available on the District's website. Absent this information, the City reasonably used baseline conditions from another local school district, the Fresno Unified School District (FUSD), consistent with the Draft PEIR approach of tiering from the Fresno General Plan Master EIR adopted July 2014. The Draft PEIR evaluates school impacts and mitigation measures based on current State guidelines and requirements; thus, no additional analysis per the commenter's request is required.

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		not include adequate consideration and documentation of the existing environmental conditions. (See, San Joaquin Raptor/Wildlife Rescue Center, et al. v. County of Stanislaus (1994) 27 Cal.App.4th 713.)	
GOV4-03		**II. The Draft PEIR does not meet its purpose as an informational document because it fails to provide an adequate analysis of environmental impacts related to schools.** **A. The Draft PEIR contains an inadequate discussion of impacts on schools.** The Draft PEIR is deficient in its discussion and proposed mitigation of school-related impacts that may result from the Project. The Draft PEIR states that impacts on schools are deemed less than significant with payment of school developer fees. [Draft PEIR, pp. 4.13-18-19.] The Draft PEIR states that in accordance with Senate Bill ("SB") 50, "the City collects Development Impact Fees for the provision of school facilities that would accommodate the projected increase in student population within the Plan Area." [Draft PEIR, p. 4.13-19.] This analysis is based on a misconception and falls short of providing a full and accurate picture of the school-related impacts that will necessarily result from the Project. Further, here and elsewhere, the Draft PEIR contains bare conclusions regarding impacts without a sufficient explanation of the basis for those conclusions, again in violation of CEQA. (Laurel Heights Improvement Ass'n. v. Regents of the University of California (1988) 47 Cal. 3d 376, 397.) In this instance, as the Draft PEIR fails to acknowledge, the statutory school impact fees will not sufficiently fund the necessary new facilities. It is commonly understood that "Level 1" developer fees (Ed. Code,§ 17620; Gov. Code,§ 65995) for schools cover only approximately one-third of the projected cost of school construction, with the other two-thirds expected to come from State and local bond funds. With there now having been no new statewide bond measure for school facilities for many years, State funds are depleted, leaving an even greater shortfall. Similarly, "Level 2" fees reflect only approximately half of the necessary cost, as demonstrated by the fact that when State funding runs out, the possibility of an approximate doubling of the fees to a "Level 3" is permitted to address the full anticipated cost of school construction. (See Go,1. Code §§65995.5 - 65995.7.) Level 3 fees are not currently available due to a pending lawsuit against the State Allocation Board, which is not likely to be resolved in short order. The shortfall of necessary funds is exacerbated by the potential limitations on bonding capacity of land in the Plan Area, should a new school site be needed. Without sufficient space to build on the current elementary school	As indicated in the Draft PEIR, per California Government Code Section 65995(3)(h), the payment of statutory fees is “deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization...on the provision of adequate school facilities.” Thus, because applicants for all future development under implementation of the proposed Plan would be subject to applicable developer impact fees, impacts to the FUSD, WUSD, and Central Unified School District (CUSD) were correctly described as less than significant in the Draft PEIR.

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		site owned by the District in the Plan Area, acquisition of a new site, and more likely multiple sites, is probable, with inadequate available funds for such land purchases. The developer fees cited by the Draft PEIR were never intended to prohibit other mitigation, nor will they adequately mitigate all impacts of this Project. Government Code section 65996(b) mentions only "school facilities mitigation," meaning that mitigation of impacts on issues other than school facilities must still be addressed. (See, Chawanakee Unified School District v. County of Madera, et al. (2011) 196 Cal.App.4th 1016.)	
GOV4-04		The Draft PEIR fails to explore other measures that would alleviate the impact of the increases in student enrollment. Government Code section 65996 also does not preclude a host of available means of addressing a School District's needs as a result of new development. Alternative means of addressing the impacts of new development on schools still allowed under SB 50, and not acknowledged in the Draft PEIR, include: 1. Coordinated Planning for School Sites Government Code sections 65352 and 65352.2 require local cities to coordinate planning of school facilities with school districts. The Legislature confirmed in this statutory scheme that the parties are meant to coordinate "[o]ptions for the siting of new schools and whether or not the local city or counties existing land use element appropriately reflects the demand for public school facilities, and ensures that new planned development reserves location for public schools in the most appropriate locations." (Gov. Code 65352.2(d)(2).) No such coordination has occurred in relation to the Project. The Draft PEIR does not analyze the City's failure to comply with these coordination requirements. The Legislature recognized that new planned development should take into consideration and even "reserve" locations for schools to serve development because schools are as integral a part of planning for new development as is any other public service, such as fire, police, water and sewer. As it relates to this instance, the intent behind sections 65350, et seq., supports the District's position that the City must analyze whether the current size of District schools is adequate to accommodate both its existing population and the new development. The City can help the District provide adequate facilities resulting from the impacts of the Project, which are not addressed by developer fees, by acknowledging the significant impact on schools, and requiring alternative	The comment expresses concern regarding the coordination of planning of school facilities with school districts. As stated on page 4.13-18 of the Draft PEIR, the proposed Plan includes goals and policies related to school facilities, specifically Goal PF-5 and Policy PF-5.1, which are described below. With respect to the commenter's concerns of inadequate mitigation measures to address school siting issues within the Plan Area, the WUSD has its own methodology for managing school population and the determination for a new or physically altered school facility is outside of the jurisdiction of the City. However, as stated on page 4.12-6 of the Draft PEIR, the population within the Plan Area is not projected to increase above the population projected in the Fresno General Plan, adopted in 2014. In addition, as discussed in the Draft PEIR, Goal PF-5 and Policy PF-5.1 ensure that the amount of existing and new schools within the Plan Area adequately support the number of existing and new residents, and school sites are identified, located outside the Plan Area but within the SOI, in the adopted Fresno General Plan. Further, applicants for all future development under implementation of the proposed Plan would be required to undergo separate environmental assessment as required by CEQA to identify appropriate mitigation measures. As a program-level EIR, it would be speculative for this EIR to conduct a site-specific analysis of potential future school sites that have not yet been identified. The City is looking forward to working with the WUSD to designate new sites if needed.

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		mitigation measures to assure that there are adequate sites to accommodate school facilities. The Draft PEIR states that "As future development occurs throughout the Plan Area, the school districts would continually monitor capacities of existing schools and forecast the timing of the construction of new schools or expansion of existing school so that new student populations can be provided with adequate school facilities ... ," but this statement is inadequate as mitigation because it does not commit the City to any action, and does create a condition of approval for developers. [Draft PEIR, p. 4.13-18.] The City has improperly delegated authority for development of adequate mitigation measures to address the school siting issues to future developers of the land within the Plan Area. This is not a permissible delegation of authority under CEQA. (Cal. Code Regs., tit. 14, § 15025, subd. (b)(l).) Per section 15084, subdivision (e), of the CEQA Guidelines, a draft EIR must reflect the independent judgment of the lead agency, and the lead agency is responsible for the adequacy and objectivity of the draft EIR. Leaving developers to come up with mitigation measures to address school-related issues does not comply with this standard. (See also, Pub. Resources Code,§ 21081.6, subd. (b); Cal Code Regs., tit. 14, § 15126.4, subd. (a)(2) [EIR must have mitigation measures that are enforceable through conditions of approval, contracts or other means that are legally binding].)	
GOV4-05		2. Land Dedication One feasible mitigation measure not addressed by the City would be for the City to adopt findings requiring any developer building as part of the development allowed by the Project to dedicate land and/or funding pursuant to Government Code sections 65970, et seq., which permit the City to require a developer to dedicate land to a school district. Section 65974 specifically states that "for the purpose of establishing an interim method of providing classroom facilities where overcrowded conditions exist, ... a city, county, or city and county may, by ordinance, require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for classroom and related facilities for elementary or high schools as a condition to the approval of a residential development." Nothing in SB SO/ Government Code section 65996 precludes this approach. A land dedication requirement would be good public planning benefiting all residents of the community, including future residents of the Project. Land	Please see Response GOV4-04.

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		suitable for a new school site in the vicinity of the Project is already scarce; it will only become more so if the Project is implemented and further development occurs. Under Government Code sections 65352 and 65352.2, the City has a duty to help plan for adequate services to its residents by ensuring that future sites are set aside for schools. Failure to do so leads to inadequate services, future controversies, and the potential need for a school district to exercise its rights under eminent domain, displacing future residents. All of these are impacts potentially stemming from the Project that are not considered in the Draft PEIR, and for which mitigation is and can be made available under existing law. Land dedication is a permissible mitigation measure under Government Code sections 65995, et seq. Section 65995(a) specifically states that "[e]xcept for a fee, charge. dedication, or other requirement authorized under Section 17620 of the Education Code, or pursuant to Chapter 4.7 (commencing with Section 65970), a fee, charge, dedication or other requirement for the construction or reconstruction of school facilities may not be levied .... " (Emphasis added.) Section 65995 expressly excludes Chapter 4.7, inclusive of section 65974, from this limitation, thus permitting a city to address the impacts of development through the dedication of land. Further, the City is authorized by section 66478 of the Subdivision Map Act to require dedication of elementary school sites when needed to address development. Nothing in Government Code sections 65995, et seq., precludes such a requirement. Land dedication is particularly important in the Project's vicinity given the lack of available vacant land for the school facilities that will be needed to serve the Project.	
GOV4-06		3. Phasing Another method by which the City can work cooperatively with the District within all legal constraints to ensure adequate school facilities with regard to new development allowed by the Project is by requiring future development to be phased and not permitted prior to availability of school facilities. Timing development so as to balance the availability of school facilities with new development can significantly aid the District in its attempt to provide for the additional students who will be generated as a result of the Project and development following approval of the Project. The Draft PEIR makes vague	Please see Response GOV4-04.

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		assumptions regarding project build-out by stating that the development of residential units would occur over many years, so the growth in students would be spread across the some unknown future time. The reality is that the District must plan in advance for the arrival of the new students generated by the Project. The City could mitigate the impacts of the Project and allow for available school facilities when needed by requiring phasing of future development. This phasing could require that the timing of the development of the Project be coordinated with the availability of school facilities.	
GOV4-07		**B. The Draft PEIR contains an inadequate discussion of other school related impacts.** In addition to the above discussion of the inadequacy of school impact fees to mitigate the Project's significant impact on schools, the Draft PEIR fails to address other types of impacts related to the inundation of District schools that will be caused by the Project. The case of Chawanakee Unified School District v. County of Madera, et al., (2011) 196 Cal.App.4th 1016 ("Chawanakee") addresses the extent to which a city or county must consider school related impacts in an environmental impact report for new development. The Court determined that SB 50 does not excuse a lead agency from conducting environmental review of school impacts other than an impact "on school facilities." With respect to this terminology from subdivision (a) of section 65996, the Court opined: [T]he use of the term "on" indicates a direct relationship between the object (i.e. school facilities) and the impact and excludes impacts to other parts of the physical environment. Consequently, the phrase "impacts on school facilities" used in SB 50 does not cover all possible environmental impacts that have any type of connection or relationship to schools. (Id., at 1028.)	The comment expresses concern regarding an inadequate discussion of other school-related impacts. As described in Chapter 1, Introduction, the Draft PEIR is a program-level analysis that tiers from the Fresno General Plan Master EIR adopted July 2014. The Draft PEIR evaluates school impacts and mitigation measures based on current State guidelines and requirements. As a program-level EIR, it would be speculative for this EIR to conduct a site-specific analysis of potential future school sites in this Draft PEIR that have not yet been identified;; thus, no additional analysis per the commenter's request is required. Further, as the WUSD did not respond to the Notice of Preparation (NOP) filed on February 23, 2017 and did not respond to a request for information in July 2017, the Draft PEIR assumes WUSD has adequate capacity, without a need to mitigate other school-related impacts through implementation of the proposed Plan. Policy PF-5.1 ensures that the amount of existing and new schools within the Plan Area adequately support the number of existing and new residents. Further, discretionary projects under the proposed Plan would be required to undergo separate environmental analysis as required by CEQA to identify appropriate mitigation measures.
GOV4-08		As a result, the Court of Appeal in Chawanakee concluded that the County would have to set aside the certification of the EIR at issue in that case and approvals of the project and take "action necessary to bring the EIR into compliance with CEQA regarding its analysis of the (a) traffic from private and school bus trips to existing schools outside the project area pending the construction of school with the project area and (b) the potential environmental effects from the construction of additions, either temporary or permanent, to existing schools prior to the construction of schools in the project area." (Id., at 2019.) The Draft	See Response GOV4-07.

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		PEIR does not contain any discussion of these impacts and effects. As in the Chawanakee case, there is no analysis whatsoever in the Draft PEIR of the impact on school children and surrounding neighborhoods as portable classrooms or permanent construction are added to existing schools, or new schools are built, to accommodate development flowing from the approval of the Project. This would include addition of second stories on existing school buildings.	
GOV4-09		1. Traffic and Transportation Though the Draft PEIR generally analyzes the impacts of increased traffic, its analysis is inadequate particularly as related to schools. Traffic in the area of the Project is already impacted. The Specific Plan recognizes that the only high school within the District boundaries, Washington High School, is approximately four (4) miles south of the Plan Area, but the Draft PEIR fails to account for the traffic associated with transporting students from newly developed residential areas within the Plan Area to the existing high school, prior to any construction of a high school within the Plan Area. The Draft PEIR must include greater analysis regarding safety issues affected by traffic, such as reduced pedestrian safety (particularly as pupils walk to and from the schools that will serve the Project area), reduced response times for emergency services and first responders traveling to school sites, and increased gridlock during, before, and after school drop-off and pick-up hours. Since the District does not provide regular bussing for students (an important existing condition not addressed in the Draft PEIR), the Project has the potential to create substantial impacts in terms of traffic. Given these concerns and the lack of mitigation measures to address them adequately, the Draft PEIR must be revised and supplemented to analyze the significant issues of traffic and safety as they relate to existing and proposed schools. The Chawanakee case supports the conclusion that greater traffic analysis that specifically takes the District and its students into consideration is required.	The travel demand forecasting (TDF) model used in this study (originally developed for the Fresno General Plan Master EIR) includes land use and transportation inputs for all of Fresno County. This includes land use inputs that reflect schools in WUSD, including West Fresno Elementary School, West Fresno Middle School, and Washington Union High School, as well as schools in FUSD, CUSD, private schools, and other public school districts in the county. The TDF model's trip generation, trip distribution, mode choice, and trip assignment steps, described on page 4.14-29 of the Draft PEIR, account for school trips that would be generated by newly developed residential areas. This includes trips between the proposed residential development in the Plan Area and existing schools as well as proposed school locations in and around the Plan Area. As shown in Table 4.14-9 and Table 4.14-13, Elm Avenue, Martin Luther King Jr. Boulevard, and North Avenue in the southeastern portion of the Plan Area all show increases in a.m. and p.m. peak hour traffic levels with the proposed Plan, reflecting new trips generated by development in the proposed Plan, including school trips to and from WUSD school sites. Per Fresno General Plan policy MT-2-i, a Transportation Impact Study (TIS) will be required for: • all development projected to generate 100 or more peak hour new vehicle trips if they are located in traffic impact zone (TIZ) III (most of the WUSD portion of the Plan Area); • all development projected to generate 200 or more peak hour new vehicle trips if they are located in TIZ II or TIZ IV (the remaining Washington Unified School District portion of the Plan Area); • a project that includes a General Plan amendment; or • a project that will substantially change the off-site transportation system

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			These transportation studies will evaluate traffic conditions as new development occurs, including traffic generated by school-related trips. Furthermore, future discretionary projects, including new schools, would be required to conduct project-level environmental assessment, including a traffic analysis. The comment expresses concern regarding the findings under Impact TRANS-4. As stated on page 4.14-48 and page 4.14-50 of the Draft PEIR, the proposed Plan includes goals and policies that promote pedestrian and bicycle safety, including the safety of students. This includes Goals T-1, T-3, T-4, T-9, and Policies T-3.5 and T-4.5. The comment expresses concern regarding the findings under Impact TRANS-5 related to response times for emergency services. As stated on page 4.14-50 of the Draft PEIR, the proposed Plan would expand the roadway network to serve forecasted travel demand and improve existing rural or substandard roadways to City standards. This enhanced roadway network that accommodates forecasted travel demand would also provide adequate emergency access. Therefore, the proposed Plan would have a less than significant impact on emergency access.
GOV4-10		As stated in Chawanakee, a project's indirect impacts on parts of the physical environment that are not school facilities are not excused from being considered. For example: [A]n impact on traffic, even if that traffic is near a school facility and related to getting students to and from the facility, is not an impact 'on school facilities' for purposes of Government Code section 65996, subdivision (a). From both a chronological and a molecular view of adverse physical change, the additional students traveling to existing schools will impact the roadways and traffic before they set foot on the school grounds. From a funding perspective, the capped school facilities fee will not be used by a school district to improve intersections affected by the traffic. Thus, it makes little sense to say that the impact on traffic is fully mitigated by the payment of the fee. In summary, ... the impact on traffic is not an impact on school facilities and, as a result, the impact on traffic must be considered in the EIR. (Chawanakee, 196 Cal.App.4th at 1028-29.)	Please see Response GOV4-09.

TABLE 5-1 COMMENTS AND RESPONSE MATRIX

Comment #	Date	Comment	Response
GOV4-11		The Draft PEIR expressly acknowledges that there will be traffic (and other) impacts associated with construction and operation of new or expanded schools, and it states, " . ..there could be significant adverse environmental impacts from the construction and operation of the schools. Typical impacts associated with schools include: noise and traffic for most of the schools and potentially lighting if there are high school stadiums proposed." [Draft PEIR, p. 4.13-18.] In this regard, the Draft PEIR fails to comply with CEQA and the requirements of Chawanakee. Mitigation measures are required to be enforceable through conditions of approval, contracts or other means that are legally binding. (Pub. Resources Code, §21081.6, subd. (b); Cal. Code Regs., tit. 14, § 15126.4, subd. (a)(2).) The measure in the Draft PEIR that defers mitigation of the impacts of future development does not meet this standard, and is therefore inadequate. It does not commit the City to take any action in the future, or refrain from doing so, and it does not impose any obligation on a third party through a condition of approval or contract. The measure also improperly defers formulation of mitigation. While deferral of specifics is acceptable in some circumstances, the lead agency must articulate specific performance criteria and make further approval contingent on finding a way to meet them. In Preserve Wild Santee v. City of Santee (2012) 210 Cal.App.4th 260, an EIR was disapproved by the court based on the fact that it improperly deferred mitigation of impacts to an endangered butterfly and did not include any performance standards or guidelines. Rather, the court found that the anticipated plan for management contained nonspecific actions, and left the timing and other specifics subject to the discretion of the habitat preserve manager on prevailing environmental conditions. Therefore, the activities were not guaranteed to occur at any particular time or in any particular manner. Further, the EIR in Preserve Wild Santee did not indicate that it was in any way impractical or infeasible to specify standards or guidelines. Like the EIR in Preserve Wild Santee, the Draft PEIR improperly defers mitigation of significant impacts related to the foreseeable need to construct schools to serve the expected development within the Plan Area.	This comment expresses concern regarding deferred mitigation. Mitigation measures describe the actions that will be taken to reduce or avoid an impact. It is ordinarily not appropriate to defer the formulation of mitigation measures until some future time (CEQA Guidelines Section 12156.4(a)(1)(B)). The CEQA Guidelines acknowledge an exception, explaining that mitigation measures may specify performance standards for mitigating a significant impact that might be accomplished in various ways. In Sacramento Old City Ass'n v. City Council (1991) 229 Cal.App.3d 1011, the court held that an agency may defer committing to a specific mitigation measure when it approves a project if the measures that will be considered subsequently are described and performance criteria are identified. The court reasoned that when it is known that mitigation is feasible, but it is impractical to devise specific measures during the planning process, the agency can commit itself to devising measures that satisfy performance criteria. If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project, the effects of the mitigation measure are discussed in the Draft PEIR, but in less detail than the significant effects of the project as proposed (Stevens v. City of Glendale (1981) 125 Cal.App.3d 986; CEQA Guidelines Section 15126.4(a)(1)(D)). The Draft PEIR tiers from the Fresno General Plan Master EIR and is consistent with the finding under Impact PS-3. Accordingly, as shown in Chapter 3 of this Final EIR, MEIR Mitigation Measure PS-3 has been included in response to this comment.
GOV4-12		The failure adequately to consider and analyze the constraints on the future need to construct schools contemplated in the Draft PEIR also points to a failure to consider adequate and feasible alternatives, as required by CEQA. (See, e.g.,	As discussed in response to comment GOV4-09, the traffic analysis accounts for school trips that would be generated by newly developed residential areas, and these trips are reflected in the traffic forecasts

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		Pub. Resources Code § 15126.6(a)-(e).) To the extent that the City contends that the traffic analysis "assumes" that there will be school trips associated with residential units, this is not sufficient. There is no specific data or discussion of such school trips, and there is no way to separate those types of trips from other vehicle trips so as to meaningfully review and analyze their impacts. The analysis therefore fails to comply with CEQA. (See, Pub. Resources Code,§ 21003, subd. (b) [EIR must be meaningful and useful to decision-makers and the public]; Cal. Code Regs., tit. 14, §§ 15140, 15147 [maps, charts and other means of presenting information graphically should be used to enhance an EIR's clarity; technical data should be summarized].)	presented in Table 4.14-9 and Table 4.14-13 of the Draft PEIR. As described on pages 4.14-29 and 4.14-30 of the Draft PEIR, the plan-level traffic analysis conducted for this programmatic EIR uses the state-of-the-practice four-step travel modeling process to develop traffic forecasts, and state-of-the-practice traffic operations methodologies contained in the Highway Capacity Manual to evaluate traffic operations. The analysis uses specific traffic significance criteria identified in the City of Fresno Traffic Impact Study Report Guidelines and Caltrans' Guide for the Preparation of Traffic Impact Studies to identify significant impacts, as discussed on pages 4.14-30, 4.14-31, and 4.14-34 of the Draft PEIR. Table 4.14-9 and Table 4.14-13 summarize the a.m. and p.m. peak hour traffic levels for existing conditions, existing plus proposed Plan conditions, and cumulative conditions side-by-side so readers can easily see how traffic changes by segment. Figures 4.14-5, 4.14-13, and 4.14-17 present maps with average daily traffic (ADT) volumes on study roadway segments, while Figures 4.14-6, 4.14-7, 4.14-14, 4.14-15, 4.14-18, and 4.14-19 present maps showing the a.m. and p.m. level of service (LOS) to make the results of the analysis more accessible to readers. Since the analysis presented in Chapter 4.14 of the Draft PEIR uses state-of-the-practice methodologies, relevant traffic significance criteria for the lead and responsible agencies, clearly presents the results of the analysis, and summarizes the potential impacts of the proposed Plan on transportation and traffic, the Draft PEIR sufficiently describes the transportation effects in a meaningful and useful way for decision makers and the public.
GOV4-13		2. Impacts of commercial development The Draft PEIR ignores the impact of commercial development on the generation of students and demand for schools. This oversight apparently results from a flawed assumption with no basis. In fact, the Legislature has expressly recognized that commercial development generates students. Otherwise, it would not have authorized school districts to charge fees against commercial and industrial development, as it did with Education Code section 17620(a)(l)(A). The imposition of fees on commercial and industrial development is based on the premise, recognized by the Legislature, that this type of development will attract new employees with families and therefore will generate new students. (See,	The comment expresses concern regarding student generation rates. The City attempted to contact the WUSD in July 2017 during the preparation of the Draft PEIR. The WUSD did not provide background data on how their student generation rates are established as requested on July 11, 2017. The WUSD is responsible for establishing its student generation rates. Absent this information, the City reasonably used student generation rates from another local school district, the FUSD. These rates are based on residential growth and not commercial growth. The Draft PEIR evaluates school impacts and mitigation measures based on current State guidelines and requirements; thus, no additional analysis per the commenter's

TABLE 5-1 COMMENTS AND RESPONSE MATRIX

Comment #	Date	Comment	Response
		Shapell Industries, Inc. v. Governing Board (1991) 1 Cal.App.4th 218, 246.) Since California law provides for fees to be imposed on both residential and commercial development, it recognizes that the students generated by these types of development do not necessarily overlap. Thus, the impacts of student generation resulting from both types of development must be analyzed.	request is required.
GOV4-14		III. Plan Consistency The Draft PEIR also fails adequately to consider consistency with the City of Fresno General Plan ("General Plan"). The Draft PEIR acknowledges that the General Plan contains the goal of "Appropriate School Locations," and "Park and School Park and School Site Coordination." [Draft PEIR, p. 4.13-14 (quoting Policies POSS-8-b/c).] No analysis is undertaken and no information is provided as to whether the Project will result in such efficient and equitable distribution of quality educational facilities. In fact, the development likely will be underserved by school facilities, and hence educational opportunities, as discussed earlier. Residents of the Project will therefore face inequity with other students in the District, including undersized schools, lack of play space, lack of parking, school overcrowding, and potentially disadvantageous location of facilities near railroad tracks and gas pipelines. This inconsistency and relating impact must be addressed in the Draft PEIR.	The comment expresses concern regarding consistency with the City of Fresno General Plan. As stated on page 4.13-19 of the Draft PEIR, implementation of "Goal PF-8: Locate parks, schools, and other public facilities equitably," among other requirements, would result in less-than-significant impacts to schools; thus, no additional analysis per the commenter's request is required.
GOV4-15		Conclusion The Draft PEIR does not adequately analyze the Specific Plan's potential impacts, particularly as related to schools. The Draft PEIR must address with greater specificity the impacts on school facilities and services, student safety, and more, as addressed in this letter. The District encourages the City to work cooperatively with the District and consider alternative mitigation measures that can assist in adequately mitigating the impacts on the District's schools and the affected surrounding environment. The Draft PEIR is also deficient in the other manners discussed above. The District stands ready to meet and work with the City to address these vital issues.	See Master Response 2. The City is committed to working with the WUSD, as stated in Policy PF-5.1 of the proposed Plan.
GOV5	9/25/2017	Steven White, Director, County of Fresno Department of Public Works & Planning	
GOV5-01		Sophia Pagoulatos, Planning Manager 2600 Fresno Street, Rm. 3065 Fresno, CA 93721 SUBJECT: Notice of Availability of the Draft Program Environmental Impact Report for the	The text on page 4.14-9 of the Draft PEIR notes General Plan policy MT-11-c. These comments do not relate to the adequacy or accuracy of the Draft PEIR or the potential environmental effects of the proposed project. No further response is required.

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		Southwest Fresno Specific Plan Dear Ms. Pagoulatos, The County of Fresno appreciates the opportunity to review and comment on the subject Notice of Availability. In the Transportation and Circulation section of the Technical Appendices, the plan proposes new and modified truck routes on the below County Roadway segments: 1. Central Avenue - SR 41 to West Avenue 2. Church Avenue - West Avenue to Marks Avenue 3. Elm Avenue - Central Avenue to North Avenue 4. West Avenue - Central Avenue to North Avenue 5. Marks Avenue - Church Avenue to Kearney Boulevard Based on data gathered on these roadways in the PMS database, the existing roadway conditions of some of these roads include narrow pavement widths and very low PCI. Even though this is a planning document, the recommended truck routes should be thoroughly discussed and evaluated before designating the proposed routes as future truck routes. The County requests to be included in all discussions regarding truck routes and potential impacts to County Roads. Please contact Tong Xiong from our Design Division ((559) 600-4532 or tonxiong@co.fresno.ca.fresno) and Frank Daniele from our Road Maintenance and Operations Division ((559) 600-4268) or fdaniele@co.fresno.ca.us) regarding this request. We appreciate the opportunity to comment on the project. If you have any questions, you may email me at cmonfette@co.fresno.ca.us or contact me at (559) 600-4245. Sincerely, *ELECTRONIC SIGNATURE* Chrissy Monfette, Planner Development Services Division CMM: G:\4360Devs&Pln\EnvPlan\OAR\City of Fresno\Southwest Fresno Specific Plan\NOA\SWF SP NOA Comment Letter.dotx c: Bernard Jimenez, Deputy Director of Planning	

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Comment #	Date	Comment	Response
		William M. Kettler, Development Services Division Chris Motta, Development Services Division Marianne Mollring, Development Services Division	
GOV6	9/27/2017	Wendull Lum, Master Plan Special Projects Manager, Fresno Metropolitan Flood Control District	
GOV6-01		Ms. Sophia Pagoulatos, Planning Manager City of Fresno, Development and Resource Management Department 2600 Fresno Street, RM 3065 Fresno, CA 93 721 Dear Sophia, **Fresno Metropolitan Flood Control District (District)** **Comments on the Draft Program Environmental Impact Report (DPEIR) for City of Fresno Southwest Specific Plan (Plan) SCH#2017031012** District has reviewed the subject DPEIR for the City of Fresno Southwest Specific Plan and has the following comments.	The comment serves as an opening remark and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft PEIR, nor does the comment raise a new environmental issue. No further response is required.
GOV6-02		1. On page 4.9-15 under Local Surface Waters and Drainage, the storm drainage pipe system (not the basin as called out in the text) has the capacity for a two-year storm and the basin is designed for six-inches (6") of rain over the Master Planned water shed areas . Further in the paragraph it should be noted in older areas of the existing system there may not be available area to expand basin property to allow a 20 percent change in required volume. The same comment is applicable to 4.9-24 and 27.	Text edits to Chapter 4.9 of the Draft PEIR have been made to clarify the capacity of the storm drainage pipe system. These edits are shown in Chapter 3, Revisions to the Draft PEIR, of this Response to Comments Document. These revisions do not affect any conclusions or significance determinations provided in the Draft PEIR.
GOV6-03		2. On pages 4.9-16 and 4.9-25 for their respective tables the column identifying "Acres" needs to provide more clarification. For example it is not the acreage of the drainage area, but perhaps acreage of the area within the area that is affected by the Plan. Also on the table is an identified volume for "GP Required Basin Volume" and "Specific Plan Required Basin Volume". Please provide the documentation for these calculations for review and verification. At this time the District is unable to provide proper comment to these values as presented and will provide comment after receipt of support documentation.	The acreages and volumes are from Blair Church and Flynn Consulting Engineers, who prepared Chapter 7 (Utilities) of the Specific Plan dated 4-24-17. ***No revision pending further comment from FMFCD.***
GOV6-04		3. Figure 4.9-1 FMFCD Urban Flood Control System Area is from 2014 and is out of date I and should be replaced with the current version. The most recently published map is dated 12/9/ 2016 and is included as an attachment for your use.	Figure 4.9-1 in Chapter 4.9 of the Draft PEIR has been revised per the commenter's suggestion. This edit is shown in Chapter 3, Revisions to the Draft PEIR, of this Response to Comments Document. The revision does not affect any conclusions or significance determinations provided in the Draft

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			PEIR.
GOV6-05		4. Figure 4.9-2 Existing Urban Flood Control System In and Near the Plan Area is based on the 2014 FMFCD facilities map and is out of date and should be replaced with the current version. The most recently published map is dated 12/ 9/2016 and is included as an attachment for your use.	Figure 4.9-2 in Chapter 4.9 of the Draft PEIR has been revised per the commenter's suggestion. This edit is shown in Chapter 3, Revisions to the Draft PEIR, of this Response to Comments Document. The revision does not affect any conclusions or significance determinations provided in the Draft PEIR.
GOV6-06		The comments previously provided in the letter dated March 30, 2017 are still applicable for the Fresno Southwest Specific Plan prior to this subsequent request for comment for the DPEIR for the City of Fresno Southwest Specific Plan. Thank you for the opportunity to comment. Please keep our office informed on the development of the project and if you have any further questions, or need any additional information, please contact the District at (559) 456-3292. Very truly yours, *Signature* Wendell Lum Master Plan Special Projects Manager WL/MW/lrl Attachment	The comment serves as a closing remark and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft PEIR, nor does the comment raise a new environmental issue. No further response is required.
GOV7	9/28/2017	Wendell Lum, Master Plan Special Projects Manager, Fresno Metropolitan Flood Control District	
GOV7-01		From: Wendell Lum [mailto:wendelll@fresnofloodcontrol.org] Sent: Thursday, September 28, 2017 11:04 AM To: Sophia Pagoulatos Subject: Southwest Specific Plan - Additional Comment Sophia, The District would like to add an additional comment pertaining to the City's Southwest Specific Plan. On page 4.9-15, please delete sentence "When necessary, FMFCD can move water from a basin in one such drainage area to a second such basin by pumping water into a street and letting water flow in curb and gutter to a storm drain inlet in an adjoining drainage area" and the number 18 citation "Rourke, Daniel, Environmental Resources Manager, Fresno Metropolitan Flood control District. Phone Call with Place Works, April 11, 2014."	Chapter 4.9, Hydrology and Water Quality, includes an analysis of surface water and drainage, which are evaluated using FMFCD data. Text edits to Chapter 4.9 of the Draft PEIR have been made to clarify stormwater detention processes. These edits are shown in Chapter 3, Revisions to the Draft PEIR, of this FEIR. These revisions do not affect any conclusions or significance determinations provided in the Draft PEIR.

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		See the included attachment. Today, this situation is a rare occurrence because the District plans and constructs basin relief pipelines in order to avoid pumping water on the streets. The District's current generation of Storm Drain Master Plans include basin relief pipelines that intertie the adjacent drainage areas together. This is the case for basins that do not have direct access to a canal for relief. Operationally, the District calls this situation a tiered relief system. The upstream basin pumps flow thru the relief pipeline to an adjacent downstream basin. This operation repeats until the water is ultimately moved to a downstream basin that has a permanent relief such as a canal or the river. Or the storm water may be detained at a downstream basin facility for recharge purpose depending on the forecasted weather conditions or maintenance requirements. Wendell Lum Master Plan Special Projects Manager Fresno Metropolitan Flood Control District 5469 E. Olive Avenue Fresno, Ca 93727 (559) 456-3292 Wendelll@fresnofloodcontrol.org www.fresnofloodcontrol.org	
B. Non-Governmental Organizations and Private Companies			
ORG1	8/11/2017	Terance Frazier, TFS Investments, LLC	
ORG1-01		I am the property owner of the three parcels of land located at the southeastern corner of E. Church Avenue and Walnut Avenue. The APN numbers are: APN 479-050-01 APN 479-050-06 APN 479-050-08 In reviewing the Land Use Map of both the Specific Plan and the DPEIR, I'm noticing that only the large 10+ acre parcel is designated Neighborhood Mixed-Use (NMX). In fact, all three parcels should be designated NMX per the fourth amendment that was approved by the City Council on December 8, 2016. As the owner of these three parcels, I respectfully request that the Land Use designations in the final Specific Plan and DPEIR be revised to include all three of the above parcels as being designated NMX, consistent with the intent of the City	The comment pertains to the proposed Plan and does not address the adequacy of the Draft PEIR. Please see Master Response 1.

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Comment #	Date	Comment	Response
		Council action in December 2016.	
ORG2	8/27/2017	Lee Ayres, Tree Fresno	
ORG2-01		Good afternoon – We wish to submit the following comments on the Plan and the program EIR: • Thanks for the thorough detail on conditions and terms. • We recommend that you add language that the Specific Plan policies and plans will be applied to adjacent areas when annexed in order to foster a coordinated plan for SW Fresno. • We applaud the policies on Green Streets to promote bicycle and pedestrian use. • Given that this is a Specific Plan, it would be helpful and appropriate to emphasize specific aims that would give this community a comparative advantage when competing with subdivisions in Fresno, Kerman, Fowler and Selma. These could include: • Green Streets to provide safe routes to schools and connect every neighborhood with the jobs in near the HSR station. • A target tree canopy of 40% • Alternative Subdivision Standards to reduce street widths and increase lot sizes and landscape ratios.	The comment pertains to the proposed Plan and does not address the adequacy of the Draft PEIR. Please see Master Response 1.
ORG2-02		• A Community Landscapes Plan (recently funded by a CDBG grant) to develop tree and plant collections for each major neighborhood, new and existing.	The comment pertains to the proposed Plan and does not address the adequacy of the Draft PEIR. Please see Master Response 1. The redline version of the Plan will include the Community Landscapes Plan as an implementation measure in Chapter 8 Implementation.
ORG2-03		• We question the allocation of an above average amounts of land for commercial uses, given traffic and aesthetic impacts, unless you can demonstrate this would provide job within walking distance for residents.	The Draft PEIR addresses the proposed Plan's impacts related to aesthetics and traffic in Chapters 4.1 and 4.14, respectively. The proposed Plan includes goals and policies that promote commercial uses to be located within walking distance of residents, including Goal LU-3, Policy LU-3.1, Policy LU-3.2, Goal LU-6, and Policy LU-6.1.
ORG2-04		• We challenge the low allocation of land for parks; given our low ParkScore.	The Draft PEIR addresses the proposed Plan's impact on meeting the City's parks and open space standard of 3 acres per 1,000 residents. The Draft PEIR includes Mitigation Measure PS-7, which mandates that "if the ratio is not met, the City should explore additional ways to increase the amount of dedicated parkland in the Plan Area, including but not limited to designating additional lands for parkland development."

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ORG2-05		In fact, it would be in the interest of the future attractiveness of SW Fresno to double the existing park ratio. • Rather than not recognize Hyde Park and the Regional Sports Park as neighborhood assets, it would be better to mitigate the concerns and improve these parks. This will not reduce the need to add more. • A Community Park of 20 or more acres – maintained to a high standard – needs to be called out as a priority in the Edison High-Hinton-Computech-Gaston area. If a Community College Campus is located nearby, it would make sense to master plan the combined Greenspace provided by the school, park and college properties. • We recommend a ¼ mile buffer for pedestrians and bicyclists from major arterials such as North, Jensen, and California/Venture due to the noise, child safety and near-road air pollution. Same for schools and parks.	Please see Master Response 1.
ORG3	9/25/2017	Christopher Hall, Partner, McCormick Barstow LLP	
ORG3-01		This letter is issued on behalf of my client Darling Ingredients Inc., who own interests in properties within the lands encompassed by the Southwest Fresno Specific Plan (the "Project"). This is a comment letter concerning the Draft Environmental Impact Report ("DEIR") for the Project. Please ensure this letter is included in the Record of Proceedings regarding the consideration of the Project by the City of Fresno (the "City"). **I. The EIR Project Description Omits a Significant Feature of the Project - the Goal to Displace All Developed Industrial Land Uses Within the Project Boundaries.** An EIR's Project Description is required to include a clearly written statement of the objectives sought by the proposed project (CEQA Guidelines Section I 5 I 24(b)). A fundamental purpose of this Project is to abolish all zoning and land use districts for all industrial uses within the Project Boundaries, including lands that have been previously developed and which support a significant employment base for the City. (the Southwest Fresno Specific Plan Figure 3-2). However, that purpose and objective of the Project is nowhere disclosed in the Project description.	The proposed Plan requires neither the relocation or cessation of existing uses or businesses, including industrial uses and businesses that have been lawfully sited and are operating within the Plan Area. Therefore, this information is not included in the Project Description. The commenter is correct that the proposed Plan reflects a change in the City's approach for accommodating future industrial development within the city. The proposed Plan envisions a gradual transition of industrial land uses in the Plan Area to land uses such as office, residential, park, public facilities, mixed-use, and commercial. The proposed Plan's Vision chapter addresses the incompatibility of locating industrial uses near residential uses, and includes a set of industrial compatibility guiding principles to improve the quality of life of existing and future residents. These guiding principles, found on page 2-4 of the proposed Plan, include: "monitor and mitigate negative impacts of industrial uses from becoming a nuisance and hazard to residents"; "prohibit new industrial development in the Specific Plan Area through the adoption of proposed Specific Plan land use and zoning provisions and restrict the proximity of and truck routes near residential areas to the maximum extent feasible"; "locate new industrial development away from Southwest Fresno residential neighborhoods"; and "increase transparency and communication between government staff, government and elected officials, residents, and stakeholders regarding proposed industrial uses and/or improvements." The city limit

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			contains adequate land available outside the Plan Area that may accommodate industrial uses. Currently, a total of approximately 7,250 acres citywide are designated for industrial use. Of that land, approximately 2,150 acres are vacant (including parcels identified as partially vacant) per City GIS data. Within the Plan Area, there are a total of 217 acres of existing industrial business properties. While the proposed Plan does not designate land for new industrial development within the Plan Area itself, it provides policy direction to direct new industrial growth in other areas of the city and within the City's Sphere of Influence (SOI). Policy LU-8.2 states: "Prioritize the 'Reverse Triangle,' bounded by Jensen Avenue, Central Avenue, Highway 41, and Highway 99, as the City's targeted area for new industrial development." Policy LU-8.2 is consistent with the City's General Plan in that the "Reverse Triangle" area is located within the General Plan's "South Industrial Area," which is designated for Heavy Industrial land uses. Policy LU-8.3 states: "When 85 percent of the 'Reverse Triangle,' bounded by Jensen Avenue, Central Avenue, Highway 41, and Highway 99, is developed with Heavy Industrial uses designate parcels along the east side of Elm Avenue south of North Avenue for future Light Industrial uses, mixed with the Plan's planned Office uses." These parcels are located directly adjacent to, but outside of, the Plan Area and within the SOI. It is the proposed Plan's intent for future annexation of these parcels within the SOI. Note that even after annexation, these parcels would still be located outside the Plan Area. Policy LU-1.2 states: "Following the Fresno General Plan amendment to approve the Plan Area's proposed land uses, amend the Fresno General Plan to approve the proposed land uses located outside of the Plan Area and in the SOI as shown in the Vision for Southwest Fresno for the purposes of future annexation." Other policies under Goal LU-8 support a long-term transition of assessing and/or improving the compatibility of existing industrial uses, and locating new industrial uses to other areas of the city which are more compatible for industrial uses. Policy LU-8.4 addresses the enforcement and evaluation of performance on the operation of existing industrial activity related to air quality, odor, noise, and vibration. Policy LU-8.5 calls for the completion of the Industrial Land Use Compatibility Study, which would further identify and adopt long-term solutions for industrial land uses in existing neighborhoods. Text on pages 4.10-6 and 4.12-7 of the Draft PEIR has been revised to more accurately reflect that, while the

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			proposed Plan does not directly plan for growth outside of the Plan Area, the proposed Plan reflects the City's citywide approach to accommodating new industrial development. Finally, while the proposed Plan envisions the prohibition of *new* industrial uses, as well as the eventual transition of existing industrial uses to non-industrial uses, the proposed Plan does *not* require the immediate cessation or relocation of existing industrial uses which were lawfully established as defined by the Fresno Municipal Code. Industrial uses which were lawfully established prior to adoption of the proposed Plan will be governed by FMC section 15-402, et. seq. Transition of those sites to non-industrial uses is expected to occur over time, subject to market forces.
ORG3-02		The DEIR Project Description does disclose that the Project results in 1 million square feet of less employment related uses than intended by the recently adopted 2015 General Plan. However, the DEIR claims that this decrease is the result of the change of business park and regional business park uses to other land uses such as residential, park, mixed use, and commercial (DEIR page 3-10). No mention is made of the abolition of all industrial land use designations, including the industrial designations that apply to developed industrial uses that are the source of significant employment.	The comment correctly states that all industrial land use designations would be removed in the Plan Area. The text of the Project Description has been revised to describe this more clearly, as shown in Chapter 3 of this Final EIR. However, the redeisgnation and rezoning of existing industrial land uses will not necessarily result in a corresponding decrease in employment uses because the proposed Plan does not require the abandonment, cessation, or immediate relocation of lawfully sited existing uses and any lawfully established and lawfully operating existing use will be allowed to continue consistent with the provisions of FMC sections 15-402, et. seq. As such, concluding that the redesignation and rezoning of industrial land within the Plan Area would result in a decrease in employment uses is speculative, and subject to market forces. Further, redesignation of existing industrial parcels to non-industrial designations does not require the immediate cessation and relocation of existing industrial uses which were lawfully established prior to adoption of the plan. Such lawfully established industrial uses are expected to transition to non-industrial uses over time, subject to market conditions. In this way, the timing and quantity of potential employment losses related to this transition is unknown. Therefore, quantification of potential employment losses related to the transition the existing lawful industrial uses to non-industrial uses is speculative.
ORG3-03		The City has had a long-standing policy, existing since the early 1970's and reaffirmed by the adoption of the 2015 General Plan, to support the retention of	Please see Responses ORG3-02 and ORG3-05.

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		industrial uses in the Plan Area. These policies were supported by substantial investments of Federal and Redevelopment Agency funding, which the City now intends to discard. The City possesses the land use authorities to make this significant change in long standing policy. However, the City is obligated to comply with CEQA in exercising those authorities. By failing to disclose this intended displacement policy, the City fails to analyze the potential for significant negative environmental impacts that may arise by the implementation of such a policy.	Further, the Fresno General Plan did not specifically prioritize the retention of industrial uses within the Plan Area. Instead, industrial uses were contemplated in the Fresno General Plan to be located in the "South Industrial Area" which is outside the boundaries of the Plan Area. Relative to the acreage of land available for industrial uses within the City and the SOI, the amount of land proposed for redesignation to non-industrial uses is not significant, and substantial land remains available to meet the City's industrial use needs.
ORG3-04		**2. The EIR Analysis of Land Use Impacts Fails to Disclose the Intended Displacement of All Developed and Undeveloped Industrial Land Uses Within the Project Boundaries.** The primary purpose of an EIR is its service as a public informational document. (Public Resources Code Section 21061). If the EIR fails to comply with CEQA's information requirement, the lead agency has abused its discretion and failed to proceed in the manner required by law. (Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova (2007) 40 Cal. 4th 4 12, at page 435). The DEIR confirms that one of its standards of significance requires that it evaluate whether the Project conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project. (DEIR Page 4.10-2). However, the DEIR fails to sufficiently conduct the required evaluation of this important potential environmental impact. As a result, the DEIR fails to provide the public information required to achieve the EIR's required purposes. Specifically, the DEIR at Table 4.10 lists various elements of the City of Fresno's adopted 2015 General Plan, and references that Plan's policy LU-7, which requires that the City "plan and support industrial development to promote job growth". The DEIR then states that the Project is consistent with Policy LU-7 because the Project's Goal LU-8 "supports long term sustainability of industrial uses by directing them outside the plan area, where they will not conflict with existing neighborhoods." Displacing existing industrial development that was recently supported by the 2015 General Plan cannot reasonably be construed as consistent with a pol icy of planning and supporting industrial development.	The proposed Plan is not in conflict with applicable Fresno General Plan objectives and policies related to industrial uses. The commenter has mischaracterized the Fresno General Plan's policy of planning and supporting industrial development to promote job growth as a policy that requires retention of all industrial designations in perpetuity. The Fresno General Plan also states that new development should be consistent with surrounding uses, including residential uses (LU-1-b). In furtherance of the Fresno General Plan vision for compatible uses, the proposed Plan envisions a gradual transition of industrial land uses in the Plan Area to land uses such as office, residential, park, public facilities, mixed-use, and commercial. The proposed Plan's Vision chapter addresses the incompatibility of locating industrial uses near residential uses, and includes a set of industrial compatibility guiding principles to improve the quality of life of existing and future residents. These guiding principles include: "monitor and mitigate negative impacts of industrial uses from becoming a nuisance and hazard to residents"; "prohibit new industrial development in the Specific Plan Area through the adoption of proposed Specific Plan land use and zoning provisions and restrict the proximity of truck routes near residential areas to the maximum extent feasible"; "locate new industrial development away from Southwest Fresno residential neighborhoods"; and "increase transparency and communication between government staff, government and elected officials, residents, and stakeholders regarding proposed industrial uses and/or improvements." The City limit contains adequate land available outside the Plan Area that may accommodate industrial uses. Currently, a total of approximately 7,250 acres citywide are designated for industrial use. Of that land, approximately 2,150 acres are vacant (including parcels identified as partially vacant) per City GIS data. While the proposed Plan

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			does not designate land for new industrial development within the Plan Area itself, it provides policy direction to direct new industrial growth in other areas of the city and within the City's Sphere of Influence (SOI). Policy LU-8.2 states: "Prioritize the 'Reverse Triangle,' bounded by Jensen Avenue, Central Avenue, Highway 41, and Highway 99, as the City's targeted area for new industrial development." Policy LU-8.2 is consistent with the City's General Plan in that the "Reverse Triangle" area is located within the General Plan's "South Industrial Area," which is designated for Heavy Industrial land uses. Policy LU-8.3 states: "When 85 percent of the 'Reverse Triangle,' bounded by Jensen Avenue, Central Avenue, Highway 41, and Highway 99, is developed with Heavy Industrial uses designate parcels along the east side of Elm Avenue south of North Avenue for future Light Industrial uses, mixed with the Plan's planned Office uses." These parcels are located directly adjacent to, but outside of, the Plan Area and within the SOI. It is the proposed Plan's intent that these parcels within the SOI be annexed in the future into the City's limit. Note that even after annexation, these parcels would still be located outside the Plan Area. Policy LU-1.2 states "Following the Fresno General Plan amendment to approve the Plan Area's proposed land uses, amend the Fresno General Plan to approve the proposed land uses located outside of the Plan Area and in the SOI as shown in the Vision for Southwest Fresno for the purposes of future annexation." Other policies under Goal LU-8 support a long-term transition of assessing and/or improving the compatibility of existing industrial uses, and locating new industrial uses to other areas of the city which are more compatible for industrial uses. Policy LU-8.4 addresses the enforcement and evaluation of performance on the operation of existing industrial activity related to air quality, odor, and noise. Policy LU-8.5 calls for the completion of the Industrial Land Use Compatibility Study, which would further identify and adopt long-term solutions for industrial land uses in existing neighborhoods. Text on pages 4.10-6 and 4.12-7 of the Draft PEIR has been revised to more accurately reflect that, while the proposed Plan does not directly plan for growth outside of the Plan Area, the proposed Plan reflects the City's citywide approach to accommodating new industrial development. Further, cessation of lawfully established and lawfully operating existing industrial uses is anticipated to occur over time and subject to market

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			forces. In this way, the proposed Plan is consistent with Fresno General Plan Objective LU-7 and its subsequent policies.
ORG3-05		In addition, the Project's Goal LU-8 does not actually direct industrial uses to areas outside the Plan Area. That is because the Project does not implement any land use policies for any lands outside the Plan Area. (Southwest Specific Plan Page 3-2). Adopting a ban on existing and future industrial land uses within the Plan Area lands does not implement a strategy for directing such uses to other areas. It simply draws a perimeter around an area within which such uses can no longer be conducted. The Specific Plan details a number of negative environmental factors associated with existing industrial uses. The ban that the Specific Plan adopts on such uses with the Plan area will presumably visit such negative impacts to other locations. However, the potential for that environmental impact arising from the Project's relocation of existing industrial uses is nowhere acknowledged or analyzed.	Future development of industrial uses in other areas of the city would occur over time subject to market forces. As a program-level EIR, analysis of such potential future projects would be speculative. Furthermore discretionary projects throughout the city, including within the Plan Area, would undergo environmental assessment, as required under CEQA. Please also see Responses ORG3-01 and ORG3-02, and Master Response 2.
ORG3-06		The Plan includes Policy LU-8.3 which states an intent to focus new industrial growth within a designated "reverse triangle area", and then allowing light industrial growth in a separate targeted area when a percentage of industrial lands in the reverse triangle area have been developed with heavy industrial uses. (Southwest Specific Plan Page 3- 15.) However, there are no new industrial land uses being allocated by this Plan because the Plan only addresses land uses within the Plan's boundaries. Both the "reverse triangle area" and the location where additional light industrial growth might be permitted are outside the Plan area. The DEIR fails to disclose this important fact, even while it claims that the Plan supports long-term sustainability of industrial uses. By failing to disc lose that Policy LU-8.3 is in fact not being implemented, the DEIR fails to provide the public information required to achieve the DEIR's required purposes.	Please see Responses ORG3-01 and ORG3-02.
ORG3-07		The DEIR also includes, at Page 4.12-7, the misleading statement that "New industrial jobs could occur in existing industrial businesses; however, the proposed Plan redirects new industrial uses to locations outside of the Plan Area to remove land use conflicts with nearby residential and other sensitive uses". That statement is misleading. The Plan does more than redirect new industrial uses to locations outside the Plan Area. It also redirects existing industrial users to relocate outside the Plan Area by adopting land use and zoning designations that will denigrate such uses to legal non-conforming zoning status. In addition,	The proposed Plan would guide new development over time within the Plan Area but would not directly result in any new development projects or changes to existing land uses. Further, the proposed Plan does not require the abandonment, cessation, or immediate relocation of lawfully sited existing uses and any lawfully established and lawfully operating existing use will be allowed to continue consistent with the provisions of FMC sections 15-402, et. seq. Therefore it is speculative to conclude that redesignation and rezoning will create blight because it presumes that the

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		the City's Development Code imposes significant legal hurdles that seek to restrain the ability of legal non-conforming uses from expanding their non-conforming activity. (Fresno Municipal Ordinances Section 15-404). Any business activities that increase industrial employment at existing industrial sites will be treated by the City as an expansion of the nonconforming use, which the Development Code is designed to constrain. Therefore, the Project actually seeks to assure that new industrial jobs do not occur in existing industrial businesses, which is inconsistent with the DEIR's description of the Project's impact.	existing industrial uses will be forced to vacate instead of gradually transitioning to non-industrial uses subject to market forces. Changes in business activities or decisions made by existing businesses within the Plan Area would occur over time subject to market forces, and it would be speculative for this program-level EIR to try to determine how businesses will choose to operate in the future. Please see Master Response 3, as well as Responses ORG-3-01 and ORG3-04.
ORG3-08		**3. The DEIR's Analysis of Aesthetic Impacts Fails to Disclose the Blighting Influences that Will Result from its Designation of Developed Industrial Land Uses as Legal Nonconforming Status.** The Project adopts a bold plan to rid the Southwest Fresno community of all existing industrial uses. However, the Project and the DEIR fail to incorporate any measures that reasonably transition the existing uses into the newly adopted land uses. This lack of a strategic approach to the displacement of substantial existing industrial uses will likely result in the existing sites becoming vacated and unable to be effectively developed in accordance with the Plans new land use designations. There is therefore a substantial likelihood that constrained industrial use properties will thereby create blighting influences. Neither the Project nor the DEIR set forth any implementation arrangement for transitioning the newly designated legal nonconforming uses into uses that comply with the Project's designations. The only City policies that would apply for those purposes are the regulatory arrangements that the City's Development Code imposes on legal nonconforming uses, set forth at Article 4 of Chapter 15. However, the provisions of that Code, its effectiveness in attaining the desired transition of land uses on the developed industrial sites, and the potential environmental impacts of the imposition of the Code's standards to such sites, is not disclosed nor analyzed in the DEIR. The Development Code imposes special conditional use permit requirements for any "expansion" of a legal nonconforming use, which requires extraordinary findings, and which requires that the user overcome the Development Code's stated presumption that the legal nonconforming use is creating an adverse impact. (Development Code Section 15-404-B and 15-405-E-2). Therefore, when any existing industrial uses seek an "expansion" of the use, the consequences of the Project is that the Development Code will impose substantial legal	The comment expresses concern regarding the transition of current industrial uses to office land uses. As described in Section 1.3 of Chapter 1, Introduction, the Draft PEIR is a program-level EIR for a long-term policy document that tiers from the City of Fresno General Plan Master EIR with the purpose "to promote construction of needed housing and other development projects by (1) streamlining regulatory procedures, (2) avoiding repetitive discussions of the same issues in successive environmental impact reports, and (3) ensuring that EIRs prepared for later projects which are consistent with a previously approved policy, plan, program, or ordinance concentrate upon environmental effects that may be mitigated or avoided in connection with the decision on each later project." Accordingly, it is infeasible to determine the exact timing and location of future land use transitions that may occur through implementation of the proposed Plan. Furthermore, such transitions will occur subject to market forces; therefore it is speculative for the Draft PEIR to analyze the secondary physical impacts that may occur from such unknown future economic changes. Further the comment asks the City to identify economic issues related to existing businesses; please see also Master Response 2. Further, the proposed Plan does not require the abandonment, cessation, or immediate relocation of lawfully sited existing uses and any lawfully established and lawfully operating existing use will be allowed to continue consistent with the provisions of FMC sections 15-402, et. seq. Therefore it is speculative to conclude that redesignation and rezoning will create blight because it presumes that the existing industrial uses will be forced to vacate instead of gradually transitioning to non-industrial uses subject to market forces. In addition, existing industrial uses only account for 217 acres of the Plan Area. Any site that is vacated by an existing industrial legal

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		impediments. Once an industrial use terminates on a site, that site will likely still be surrounding by existing industrial uses. The transitioning site will then effectively suffer the consequences of a "spot zoning" arrangement, where all properties adjacent to the site are supporting the industrial uses to the extent such uses are allowed by their legal non-conforming status.	nonconforming use can be repurposed to a non-industrial use and to conclude that the relatively small quantity of sites to be redesignated will not be reused is speculative. Also, please see Master Response 2 and response ORG3-01.
ORG3-09		The current industrial uses are being commanded to transition to Office land uses. However, the feasibility of developing a transitioning site to the uses permitted by the Project is not evaluated by the DEIR. The City's General Plan states that the Office land uses are to be focused on as administrative, professional and public offices and is a land use designation designed for office uses on smaller lots generally located on arterial roadways (Fresno General Plan, page 3-40). However, the Project contains. larger sized industrial parcels that are developed on sites whose roadways were specifically designed and developed by the City to establish visual barriers between those uses and adjacent roadways. (See Fruit/Church Industrial Area Plan prepared in 1970 by Design Omnibus for the Fresno West Development Company, Inc., an economic development entity of the City of Fresno created as part of the Fresno Model Cities Program and Tentative Tract Map No. 2573 for the Southgate Industrial Park, submitted by the City of Fresno on September 20, 1973). These sites are now being allocated an Office land use and zoning, which the Fresno General Plan confirms is designed for office uses on smaller lots generally located on arterial roadways. These existing industrial sites are to conduct that transition to office uses on sites with parcel and roadway designs that are not consistent those that the General Plan states are appropriate for such uses. The existing industrial sites are further to conduct such transition in the midst of legal nonconforming industrial uses. Yet, despite such significant hurdles, the potential environmental impact of the blighting influences that will result if the intended land use transactions are not done in an effective manner is nowhere disclosed or analyzed in the DEIR.	Please see Response ORG3-08.
ORG4	9/25/2017	Andy Levine, et al., Leadership Counsel for Justice and Accountability	
ORG2-06		• Recommend a pedestrian/bicycle tunnel under North Avenue at Santa Clara Avenue with North treated as a Green Street west of Elm. The Cargill plant at	The comment pertains to the proposed Plan and does not address the adequacy of the Draft PEIR. Please see Master Response 1.

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		Church and MLK needs to be put in a non-conforming use status and phased out with the trucks re-routed to Central.	The 41 + North Corridor Complete Streets Plan identifies and recommends specific pedestrian crossing improvements along North Avenue, which have been incorporated into the redline version of the proposed Plan as an implementation measure in Chapter 8 Implementation.
ORG2-07		• MLK should treated as a Green Street between Church and California due to the MLK elementary school and the proposal that this section of MLK street become a Green Street to connect SW Fresno neighborhoods with employers near the HSR station. • We sense that the planning team was driving with their foot on the brake to limit the proposed investments on community assets in the neighborhood. Just as we have witnessed with the Parks Master Plan. We need to be bold and set forth what is reasonable and needed and call for measures to fund the O&M costs. • The commercial nodes proposed at Marks and 180 and at Jensen and MLK make sense. Mixed land uses in this low-density suburban setting are not likely to be viable. • The land use plan for a retail center at the SW corner of Church and MLK in not in the community interest with the concentration of school children nearby. • New development is badly needed at Fruit and California to mitigate blight and energize this section of the BRT corridor. This may be a suitable place for a TCC multi-family housing subsidy.	The comment pertains to the proposed Plan and does not address the adequacy of the Draft PEIR. Please see Master Response 1.
ORG4-01		Thank you for the opportunity to comment on the City of Fresno's Southwest Specific Plan ("SWSP") and Draft Environmental Impact Report ("DEIR"). Leadership Counsel for Justice and Accountability works alongside disadvantaged communities across the Central and Coachella Valleys, including in the City of Fresno, to advocate for sound policy and eliminate barriers to opportunity on the basis of wealth, race, income, and place. Throughout the development of the Southwest Specific Plan, we have worked closely with West Fresno residents to identify community priorities for the plan and ensure that the plan reflects and advances those priorities. These comments aim to assist the City in preparing a final SWSP and EIR that realize residents' goals of achieving healthy neighborhoods. To create communities with the resources and amenities necessary for residents to thrive and meaningfully mitigate cumulative and new environmental impacts resulting from the SWSP. 1. Revisions and Additions Required to the Draft Southwest Specific Plan	The comment serves as an opening remark and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft PEIR, nor does the comment raise a new environmental issue. No further response is required.

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		We commend staff for its responsiveness to resident and stakeholder requests that the City host additional Steering Committee meetings to allow further discussion of public comments received on the previous SWSP draft. The Draft SWSP includes many of the recommendations discussed and agreed upon by the Committee, nonetheless, the Draft does not accurately reflect or include all of the revisions voted on. We recommend the following changes to ensure that the Final SWSP fully includes the revisions recommended by the Committee and Southwest Fresno has an enforceable and purposeful plan.	
ORG4-02		**A. Include a Clear & Realistic Timeframe For Completing The Industrial Compatibility Study** The Draft indicates that the City will complete a draft Industrial Land Use Compatibility Study by December 8, 2017. To our knowledge, the City has not initiated development of the draft study and therefore the stated deadline is unrealistic. The Final Draft should include a realistic timeline that will allow for development and adoption of the study with robust community input and also reflects the high priority placed by the community and Steering Committee on improving environmental health and addressing incompatible land uses in West Fresno. Based on these considerations, we recommend a completion deadline of January 2019.	The comment pertains to the proposed Plan and does not address the adequacy of the Draft PEIR. Please see Master Response 1. The redline version of the proposed Plan includes a revised deadline for the completion of a draft Industrial Land Use Compatibility Study of January 2019.
ORG4-03		**B. Add Detail & Cost Estimates to the Actions Identified in the Implementation Chapter** In recognition of the importance of ensuring residents' ability remain in West Fresno and enjoy the benefits of SWSP implementation as well as the extreme vulnerability of existing residents to displacement, the Steering Committee established Policy LU-4.8. As further discussed in Section 2-B below, the SWSP must specify a clear timeframe for the development and adoption of the anti-displacement strategy which includes a robust public process. The City should align the development of the anti-displacement strategy with implementation of Housing Element Program 12A, Downtown Displacement Prevention, which requires the City to convene a committee in 2018 and develop and adopt an anti-displacement strategy within six months thereafter. Like Program 12A, LU 4.8 should specify that the anti-displacement strategy will aim to prevent and mitigate any displacement of both residents and businesses in the Plan Area.	The comment pertains to the proposed Plan and does not address the adequacy of the Draft PEIR. Please see Master Response 1. An anti-displacement strategy is included in the redline version of the proposed Plan as an implementation measure, which includes responsible party and support parties and an implementation time frame, in Chapter 8 Implementation.
ORG4-04		**C. Eliminate Additional Truck Routes That Conflict with Southwest Neighborhood Settings** The SWSP includes important policies long sought by the community to reduce the air pollution, noise, vibration, and aesthetic impacts of truck traffic that	The comment pertains to the proposed Plan and does not address the adequacy of the Draft PEIR. Please see Master Response 1. Figure 5-6 has been revised in the redline version of the proposed Plan to

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		currently runs through the Plan Area. The Final Plan should include two further changes to address concerns regarding incompatible routes raised by residents: (1) elimination of the existing truck route on Elm Avenue north of Jensen, and (2) elimination of the additional route proposed in the Draft on Roeding Drive south of Whites Bridge Avenue. Neither of these routes serve any existing industrial land uses, and thus no reasonable basis for these additions exist.	recommend elimination of the existing truck route along Elm Avenue north of Jensen Avenue.
ORG4-05		**D. Add Detail and a Timeline to Policy PF-7.4** We support the addition of Policy PF-7.4 which calls on the City to establish a policy requiring businesses and City programs in the Plan Area to hire local residents. To ensure timely and effective implementation of the policy, the Final Plan should establish a timeline for implementation (we recommend a deadline of June 2018) and ensure SWSP Oversight Committee and public participation.	The comment pertains to the proposed Plan and does not address the adequacy of the Draft PEIR. Please see Master Response 1. A local hiring policy is included in the redline version of the proposed Plan as an implementation measure, which includes an implementation time frame, in Chapter 8 Implementation.
ORG4-06		**E. Eminent Domain** SWSP Plan Area residents have identified the use of eminent domain as a serious concern for this community, in particular, as it relates to proposals in the Plan to widen streets and support new development. Through eminent domain, the City, State, and Federal Government rezoned residential land for industrial use, wiped out thriving commercial boulevards and residential districts and replaced them with freeways, and cut West Fresno off from the rest of the City, helping to create the community's current reality of chronic disinvestment and nationally-ranked concentrated poverty. The Plan should put safeguards in place to ensure that past is not repeated and that any use of eminent domain is supported by profusive community support, SWSP policies, and the exhaustion or lack of alternatives, especially where residential property, small or local business, or important community landmarks are involved.	The comment pertains to the proposed Plan and does not address the adequacy of the Draft PEIR. Please see Master Response 1.
ORG4-07		**F. Ensure Compliance With the Housing Element & State Housing Element & No Net Loss Laws** The community demonstrated a clear preference for a balanced mix of housing opportunities, including single family home options currently lacking in this community. To accommodate the community's preference of establishing a more balanced mix of housing varieties, the land use map redesignates land currently designated for high density multi-family housing to low and medium residential density which restrict or prohibit multi-family development. Before adopting the Plan, the City must specifically identify any residential zoned sites designated for a reduction in density that are included in the City's 2015-2023 Housing Element to meet the City's need for lower-income housing and make findings that adequate alternative sites exist or identify suitable alternative sites	The comment pertains to the proposed Plan and does not address the adequacy of the Draft PEIR. Please see Master Response 1.

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		as required by Government Code Section 65863 and Housing Element Program 2. In identifying replacement sites, the City must consider the concentration of affordable housing in high poverty areas such as West Fresno pursuant to Program 2 and identify alternative sites in high opportunity neighborhoods that lack affordable housing opportunities consistent with the City's duty to affirmatively further fair housing.	
ORG4-08		**G. Prioritize Zero and Near-Zero Emission Transportation Technology** Transportation is the leading source of toxic and carcinogenic air pollutants in the state, emitting smog-forming ozone, black carbon, fine particulate matter, and nitrous oxides. These pollutants contribute to a host of respiratory and cardiovascular illnesses, including asthma, heart disease, and cancer, and result in thousands of early deaths annually. Southwest Fresno is specifically disadvantaged; according to the CalEnviroScreen tool, census tracts in the Plan Area rank in the 95-98th percentile for diesel, ozone and particulate matter pollution, and in the 98th percentile for both asthma and cardiovascular disease. To ensure reductions in criteria and toxic air pollutants in the Plan Area, the Final Plan should commit Southwest Fresno to a zero-emission transportation future. Specifically, a policy goal should be included within the Plan's Transportation section that directs the city to actively pursue funds to 1) replace both public and private vehicles and fleets with zero-emission technology, and 2) promote electric vehicle charging infrastructure throughout the Plan Area. When zero-emission solutions are not feasible, the city should seek deployment of near-zero emission vehicles. Diesel fleets located or operating within the Plan Area should be prioritized for replacement. To actuate these goals, state, local and corporate funds are available. The Legislature recently appropriated $1 billion from the Greenhouse Gas Reduction Fund to state and local agencies to replace or retrofit dirty diesel engines. Fresno must actively pursue the following funds for the benefit of public health in the Plan Area: • $350M for The California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program, SB 1204 (Lara, 2014). These programs specifically target diesel pollution by incentivizing the purchase of zero-emissions trucks, buses, and freight equipment. The programs have been substantially over-subscribed. • $150M for light-duty equity pilots (especially EFMP Plus Up), agricultural	The comment pertains to the proposed Plan and does not address the adequacy of the Draft PEIR. Please see Master Response 1. A new goal and policies for Vehicles are included in the redline version of the proposed Plan's Chapter 5 Transportation, which address zero-emission technology and electrical vehicle charging infrastructure. A new implementation measure for pursuing funding to implement these policies has also been added to Chapter 8 Implementation of the redline version of the proposed Plan.

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		worker vanpools, and car-sharing under SB 1275 (De Leon, 2014). These programs primarily serve disadvantaged communities, as defined by the CalEnviroScreen, promoting replacement of inefficient and ultra-polluting vehicles with hybrid or zero-emission alternatives, and promoting ridesharing. • $20M for zero emission school buses. Replacing old, dirty, diesel buses would improve health outcomes for students. Existing programs have been rapidly oversubscribed. • $300M for Clean Vehicle Rebate Project (Electric Vehicle Rebates). Public demand is likely to increase given the availability of new electric vehicle models such as the Chevy Bolt and Tesla Model 3. Fresno should maximize the effectiveness of the funding by lowering the income cap and raising the electric-miles requirement for plug-in hybrids. The San Joaquin Valley Air District also has funds available to support a zero-emission future. Grant programs include 1) the School Bus Program, which provides funds to retrofit existing school buses with verified diesel emission control systems, or replace existing high-polluting buses with new, low-emission buses, and 2) the Charge Up! program, which provides funds for businesses and public agencies to purchase and install electric vehicle chargers for public use. Lastly, corporate funds could also be used to leverage state and local incentive programs. For instance, PG&E is currently implementing pilot programs to install infrastructure to support electric vehicle charging at multi-unit dwellings, workplaces, and public interest destinations. The company has also submitted a $211 million proposal to California Public Utilities Commission to build "make-ready" electric infrastructure for medium- to heavy-duty and offroad fleets. Responding to consumer demand for fast-charging stations, PG&E also proposed to complement state and privately funded fast charger deployments with new electric infrastructure	
ORG4-09		**2. The Final DEIR Must Comprehensively Assess Cumulatively Significant Impacts and Identify and Adopt All Feasible Mitigation Measures for Significant Impacts** The California Environmental Quality Act ("CEQA") requires the City consider the cumulative impacts of a Project and determine (A) whether the Project's impact are significant and require mitigation and (B) assess and include all feasible mitigation for significant impacts identified. Several sections of the DEIR -- Air Quality, Public Services and Recreation, and Population and Housing – lack adequate analysis of cumulative impacts and fail to identify and include available	The comment serves as an introduction to the comments that follow. Please see Responses ORG4-09 through ORG4-12.

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		mitigation measures for significant impacts. CEQA prohibits agencies from approving projects with significant environmental impacts if feasible mitigation measures or alternatives exist that would lessen or avoid such impacts. Pub. Res. Code § 21002. The Final DEIR must include a comprehensive assessment of all cumulative impacts of the Project and identify and adopt all feasible mitigation measures for significant impacts identified. Pub. Res. Code § 21081.6(b); C.C.R. §15126.4(a)(2); See Napa Citizens for Honest Gov't v. Napa County Bd. of Sup. (2001) 91 Cal.App.4th 342, 358.	
ORG4-10		**A. The Final DEIR Must Identify & Address the Cumulative Impacts of Mobile & Stationary Pollution Sources** According to CalEnviroScreen ("CES") 3.0, every census tract in the SWSP Area is among the top 5% most pollution burdened communities in the State of California. The census tracts in the Plan Area rank as high as the 98th percentile for asthma and cardiovascular disease and 97th for particulate matter 2.5 (PM 2.5). Numerous studies have directly linked PM 2.5 emissions to an increase in asthma attacks and heart attacks. The Air Quality assessment provided in the DEIR identifies existing policies in the General Plan as mitigation measures. Several of these policies, such as Objective UF-12 and Policy UF-12-a, Policy LU-3-c, and Policy LU-5-f, lack the specifity required to constitute adequate and enforceable mitigation measures. Additionally, Policy LU-2-b, which states that the City will "consider a priority infill incentive program" to promote affordable housing development, could be strengthened and thereby serve as an adequate mitigation measure by including a specific timeline for the development and adoption of the program and inclusion of proven measures to preserve affordability in the area, thus reducing potential displacement. **The incorporation of clear policies to prevent displacement of vulnerable low-income residents from the Plan Area is essential to mitigate potential significant impacts from increased vehicle miles travelled generated by these residents due to forced relocation to areas not served by transit and farther from jobs, education, and other resources and amenities necessary for everyday life.**	The EIR evaluates potential environmental impacts associated with the proposed Plan on the environment in accordance with CEQA and the California Building Industry Association v. Bay Area Air Quality Management District (2015) __Cal.4th__ (Case No. S213478). Air quality in the local area is best described by whether San Joaquin Valley Air Basin (SJVAB) attains the California and National ambient air quality standards (SJVAPCD), per the San Joaquin Valley Air Pollution Control District (SJVAPCD), and not by CalEnviroScreen, which takes into consideration other non-air quality factors when assessing pollution burden. Chapter 4.3, Air Quality, identifies policies in the General Plan under the "Existing Conditions" setting and does not list the City's General Plan policies as mitigation. Chapter 4.12, Population and Housing, identifies that the proposed Plan would not displace a substantial number of people. Therefore, policies that prevent displacement of people as suggested by the Commenter are not warranted.
ORG4-11		The assessment AQ-1 finds that the proposed Plan would increase long-term criteria air pollutants and cumulatively contribute to the nonattainment designations set up by the local air district is significant and unavoidable. Despite the extremely high levels of pollution in West Fresno and the City's obligation to consider all feasible mitigation measures, the DEIR fails to take into account	As shown in Chapter 3, Revisions to the Draft PEIR of this Final EIR, edits have been made to the EIR and some of these address the commenter's concern. Edits have also been made to the proposed Plan. a. The commenter requests physical barriers along corridors, sites, and

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		various mitigation measures that would serve to reduce the impacts of long-term criteria air pollutants and nonattainment designations. Accordingly, we recommend the inclusion of the following policies in the Final DEIR: 'a. Identify high emission corridors, stationary sites, and truck traffic routes, and create physical barriers such as with walls lined with trees or other shrubbery, or trees and shrubbery. Studies have shown that walls lined with trees are the most effective way to reduce emissions from impacting an area. b. Complete the Industrial Compatibility Assessment by January 2019. This study will assess the compatibility of existing sites and zoned land with surrounding neighborhoods considering their air quality, noise, odor, aesthetic, and other impacts. Sites found incompatible will follow recommended steps to mitigate pollution and other significant impacts in the surrounding area, including through amortization and/or greening. Additional funding sources should also be sought out as the current $150,000 in the City's budget for FY 2017-2018 is not enough. The TCC Planning Grant is one example the City of Fresno can seek out. c. To reduce VMT-related emissions from commute trips in and out of the Plan Area, develop and implement a policy, with community input, requiring new employment sources within the community to hire workers from within the Plan Area. d. To reduce VMT-related emissions, work with Plan Area residents and stakeholders to identify measures to increase public and group transit options, including through improving efficiency and reliability of FAX services, implementing Bus Rapid Transit on California Street and Elm Avenue, identifying ride sharing opportunities, and more. e. Enforce laws and regulations prohibiting vehicle idling. f. Actively seek and apply for all available funding to provide electric vehicle infrastructure in the Plan Area. g. Actively seek and apply for all available funding to replace both public and private light, medium, and heavy-duty diesel equipment with zero or near-zero emission technology. Funding sources examples are provided above for the City to begin its search.	truck routes to buffer air pollutants. The proposed Plan prohibits barriers along streets through design standards. Page 4-8 of the proposed Plan states: ""Walls. Walls are not permitted within the required front yard setback nor between residential uses and California Avenue." Also, page 4-9 states: "Buildings and their main entrances will be oriented towards the street." b. The comment requests the completion of the Industrial Compatibility Assessment. Please see Response ORG4-02. c. The proposed Plan includes Policy PF-7.4 which states: "Establish a workforce policy to encourage businesses and City programs in the Plan Area to prioritize hiring Plan Area residents in the 93706 zip code, consistent with applicable laws." d. The proposed Plan includes Policy T-6.2, which states: "Work with FAX and other transit providers to increase transit service, access, and connections throughout Southwest Fresno, connecting existing and future residential areas to key destinations, including schools, retail, employment, and recreation." Policy T-7.1, which states: "Work with FAX to retain transit routes west of Highway 99, and work to enhance transit service along Elm Avenue and Martin Luther King Junior Boulevard to connect to future BRT routes and the FAX and HSR stations in Downtown when there is demand from development along those corridors." The proposed Plan provides for BRT on California, while enhanced transit services are planned on Elm Street. e. The comment requests enforcement of existing laws and regulations prohibiting vehicle idling. As stated on page 4.3-4 of Chapter 4.3, Air Quality in the Draft PEIR, the California Air Resources Board (CARB) has promulgated specific rules to limit toxic air contaminant (TAC) emissions, including motor vehicle idling. Further, Table 4.3-2 on page 4.3-17 presents General Plan objectives and policies relevant to air quality, including Policy HC-3-f: "New Drive-Through Facilities. Include in the Development Code design review to reduce vehicle emissions resulting from queued idling vehicles at drive-through facilities in proximity to residential neighborhoods." f. The comment requests the City actively seek and apply for all available

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			funding to provide electric vehicle infrastructure in the Plan Area. Policy T-9.2 has been added to the redline version of the proposed Plan, which states: "Promote, incentivize, and pursue funding for electrical vehicle (EV) charging infrastructure throughout the Plan Area. Require EV charging infrastructure for new multi-family residential and mixed-use residential development projects." g. The comment requests that the City actively seek and apply for all available funding to replace both public and private light, medium, and heavy-duty diesel equipment with zero or near-zero emission technology. Policy T-9.1 has been added to the redline version of the proposed Plan, which states: "Promote, incentivize, and pursue funding to replace public and private vehicles and fleets with zero-emission (or near-zero emission if zero-emission solutions are not feasible) technology. Diesel fleets, such as transit buses, located or operating within the Plan Area should be prioritized for replacement."
ORG4-12		**B. Prevent Project-Related Physical and Economic Displacement of Residents and Businesses** The CES 3.0 ranks the SWSP Plan Area poverty levels as high as the 99th percentile in the State. A majority of the residents in this community live below the federal poverty line, which for a family of four is $24,600. The City of Fresno in general also experiences high levels of housing cost burden, with the greatest burdens impacting lower-income residents, such as those in West Fresno. Housing cost burden rates make lower residents extremely vulnerable to displacement due to minor increases in housing costs. The DEIR discussion in Population and Housing solely addresses physical displacement through the removal of existing housing units. The DEIR includes no analysis or proposed mitigation for economic displacement of low-income residents and no analysis or proposed mitigation for displacement of small, local and/or minority-owned businesses due to rising property values and rent prices as a result of the implementation of the proposed plan. The Plan proposes to direct significant public and private investment into the community. The Plan identifies a new community college facility site which will employ hundreds of people and attract thousands more to the area; proposes significant new park space; identifies Bus Rapid Transit routes and other	Housing affordability is an economic and social issue that informs policy decisions made by the City, but it is not treated as a significant effect on the environment (CEQA Guidelines Section 15064(e)) and, therefore, does not require analysis under CEQA. It would be speculative to determine the demographics of future residents and employees and their housing needs, affordable or otherwise. Quantifying the number or percentage of existing residents who could be economically displaced if costs continue to increase would be speculative. In accordance with CEQA Guidelines Section 15145, the Draft PEIR is not required to consider issues that are too speculative for evaluation. Furthermore, displacement for CEQA purposes regards the demolition of existing housing that requires the construction of new housing for the persons displaced by the removal of housing. The proposed Plan does not allow for the rezoning of property in a manner that would allow the removal of housing units such that there would be physical displacement. Finally, the City acknowledges that rising housing prices are an important local and regional issue. Under the proposed Plan, the City's Housing Element will continue to apply (and no changes to the Housing Element are proposed as part of the proposed project), and the City will continue to implement its policies and programs that seek to protect residents from displacement and increase the City's stock of affordable housing.

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		improvements; and provides for the remediation of basic infrastructure and service deficiencies. These improvements, coupled with other factors such as the High Speed Rail, the potential investment of up to $70 million in the Plan Area through the Transformative Climate Communities Program, and population growth in the Central Valley, will undoubtedly lead to increase land prices, property values, rent prices, and cost of living. Ultimately, threatening economic displacement of residents and businesses and significant environmental impacts due to their relocation. **Absent clear and enforceable mitigation, displacement, caused by both physical and economic forces resulting from SWSP implementation, will result in significant environmental impacts due to the need for new construction and increased VMT of displaced residents.** Residents forced to move from areas served by transit will have to rely on personal vehicles consequentially having a significant impact on VMTs, traffic, greenhouse gas emissions, and air quality. Cal. Pub. Res. Code § 21083(b)(3) (the Guidelines "shall require a finding that project may have a 'significant effect on the environment' if…[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly."). The Final DEIR must analyze and include all feasible mitigation measures to prevent displacement of residents and businesses. C.C.R. § 15064(e). Anti-displacement measures are essential to reduce impacts associated with increased housing costs pushing residents further away from amenities and public transit. Feasible mitigation measures and policies we recommend include: a. Adoption of a rent stabilization ordinance preventing rent increases of more than 15% over a three-year period. b. Adopt inclusionary zoning requirements wherein new residential construction must include at least 25% of units affordable to extremely-low, very-low and low income residents or developers must pay an in lieu fee. c. Adopt a just cause eviction ordinance. d. Require City-owned land, when sold, include units affordable to lower-income residents, wherever residential construction occurs on those sites. e. Create an Anti-Displacement Advisory Committee in 2018 which will develop antidisplacement strategy for adoption by City Council within six months thereafter.	
ORG4-13		**I. Provide Adequate Park Space for Expected Population Growth** As noted in the SWSP DEIR, West Fresno has 19 acres of existing park space total -- well below Fresno City's goal of 3 acres per 1,000 residents of park space. The	This comment expresses concern regarding park space. As shown in Chapter 3 of this Final EIR, the first paragraph under Impact PS-7 on page 4.13-28 of the Draft PEIR has been revised. Please also see Master

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		proposed plan zones for an additional 70 acres of park space creating a combined total of 89 acres. The DEIR, however, finds a total of 91 acres of existing and new parkland will be designated. The City should include at least an additional two acres of park space in the Final DEIR to ensure that sufficient park space can be provided to meet the City's park space goals. The City can and must also utilize the current Parks Master Planning Process to identify and expand park space opportunities in West Fresno. Furthermore, the draft report results a deficiency of 32 acres (adjusting for the missing 2 acres noted above) for the expected population growth under the Dual Designation Scenario. Mitigation Measure PS-7 states the City will monitor population growth in the Plan Area compared to parklands every 5 years. If the ratio of 3 acres per 1,000 residents is not met the City will explore additional ways to increase park space. Given the City's existing park space conditions in South Fresno where residents south of Shaw Avenue have an average of 1.75 acres of park space per 1,000 residents. And given that the City has not updated its Parks Master Plan since 1989, a plan that was supposed to be updated every five years, we cannot expect to comply with its Mitigation Measure PS-7. Thank you for your considerations of our comments. Our goal is simple and assuredly shared with the City of Fresno to ultimately provide Southwest Fresno with a revolutionary plan to transform the community for years to come. We look forward to continue collaborating with the City of Fresno to address the issues identified in this letter. Please contact Grecia Elenes at (559) 369-2790 to set up a time to meet to discuss these comments in person.	Response 2 in regards to concern regarding Mitigation Measure PS-7.
C. Members of the Public			
PUB1	9/18/2017	Gwendolyn Leffall	
PUB1-01		Please accept the following comments I offer for consideration to the Southwest Fresno Specific Plan and the Draft Program EIR: 1. Plan MODERATE/MIDDLE income levels of housing IN LIEU of low/affordable income levels of housing types. 2. Raise the bar of income housing levels types to attract RETAIL, to be established in this DPEIR SFSP. 3. Build a Fresno City Community College Annex in this DPEIR SFSP. 4. Provide regular service to keep our streets, roads, highways, sidewalks free of	The comment pertains to the proposed Plan and does not address the adequacy of the Draft PEIR. Please see Master Response 1.

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		potholes, cracked pavement, and cracked concrete for the subject planned area, and the IMMEDIATE SURROUNDING AREAS to include south of Jensen, and Jensen, east and west. 5. Regular attention to tree trimming and landscape cleanup for the subject planned area, and, the immediate surrounding areas, to include south of Jensen, and Jensen, east and west.	
PUB2	9/19/2017	Eric Payne	
PUB2-01		Thank you for the opportunity to provide comments on the City of Fresno's West Fresno Specific Plan. I appreciate the collaborative process your office has facilitated with community stakeholders. The City of Fresno presents an incredible opportunity to do something truly transformative in the City of Fresno through its South West Fresno Specific Plan and I am committed to ensuring we have a plan that meets the communities environmental, economic, and equity goals. I commend the City of Fresno staff for developing a comprehensive plan and I recognize that additional revisions may be needed. I am broadly supportive of the plan as stakeholder and member of the committee. I would also appreciate your allowing flexibility in the requirements to the South West Fresno Specific Plan that would be in alignment with better serving the community.	The comment pertains to the proposed Plan and does not address the adequacy of the Draft PEIR. The comment also serves as an introduction to the comments that follow. Please see Responses PUB2-02 through PUB2-11.
PUB2-02		I do request you consider a few outstanding issues and questions in relation to the Biological Resource Section of the South West Fresno Specific Plan: DPEIR The Recovery Plan has defined 6 key elements. 1. What are the elements that pertain to the SW Specific Plan?	This comment expresses concern regarding the elements of the Recovery Plan for Upland Species of the San Joaquin Valley, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft PEIR. Page 4.4-6 of the Draft PEIR states, "If specific projects require consultation with the USFWS, the project would be evaluated in relation to the goals and objectives of the Recovery Plan." It follows that all elements (or goals and objectives) of the Recovery Plan pertain to development that would occur under the proposed Plan.
PUB2-03		2. Although DEIR states SJKF not within a 5 miles radius. What is the nearest radius for SJKF? The SJKF protection range per USFWS is a 10 mile radius. "The purpose of the Endangered Species Act of 1973, as amended, are to provide a means whereby the ecosystem upon which endangered species and threatened species depends may be conserved…and to provide a program for the conservation of such endangered and threatened species." (The Endangered Species Act of 1973, as amended) The language contained in the Endangered Species Act of 1973, as amended (Act), requires the U.S. Fish and Wildlife Service (Service) to not only protect individual animals, but has the further obligation of	This comment expresses concern regarding the nearest radius for San Joaquin Kit Fox (SJKF) habitat to the Plan Area, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft PEIR. The proximity of existing SJKF habitat can be estimated using the California State University (CSU) Stanislaus Endangered Species Recovery Program website: http://esrp.csustan.edu/publications/pubhtml.php?doc=sjvrp&file=chapter

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		providing listed species with functioning ecosystems so protections provided by the Act are no longer necessary. For the Services to achieve this goal and to allow the project applicants to proceed with their project in a timely manner, the Service has developed the U.S. Fish and Wildlife Service San Joaquin Kit Fox Survey Protocol for the Northern Range where foothill grassland, oak savannah, and agricultural lands are the primary kit fox habitats. To avoid unnecessary expenditures and delays for projects located within the northern range of the San Joaquin kit fox, the project applicant, along with a qualified biologist, must conduct an early evaluation with the Service.	02L00.html#distribution. Further, the Draft PEIR assumes that SJKF may be located in the periphery of the Plan Area, stating on page 4.4-25 "San Joaquin kit fox that are dispersing or foraging in the periphery of the Plan Area that have not been fragmented by agricultural-residential or urban development could be subject to injury or mortality from construction-related activities." In addition, the comment expresses concern regarding an early evaluation of SJKF for projects located within the northern range of the SJKF habitat. Mitigation Measure BIO-1.3 on page 4.4-26 of the Draft PEIR states, "No less than 14 days and no more than 30 days prior to commencement of construction activities the project proponent should retain a USFWS- and CDFW-approved biologist to conduct pre-construction surveys in potential habitat periphery of the Plan Area that has not been fragmented by agricultural-residential or urban development."
PUB2-04		SWHA 1. Has a survey been conducted to identify potential suitable nesting locations for SWHA within the project site? If so, it has not been clearly stated in the biological report.	This comment expresses concern regarding whether a survey has been conducted to identify suitable nesting locations for SWHA within the proposed Plan Area. CEQA requires an evaluation and determination of whether the proposed Plan would result in a significant impact with respect to biological resources if it would, among other impacts: 1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or USFWS. As such, the Draft PEIR evaluates the potential for implementation of the proposed Plan to result in mortality of Swainson's hawks, and concludes, on page 4.4-25, that adherence to Mitigation Measure BIO-1.2 ensures impacts to Swainson's hawks would be less than significant, as future development under the proposed Plan would be required to "ensure that if Swainson's hawks nest on or near the Plan Area, their presence would be detected, the risk of mortality would be avoided to the maximum extent feasible, and impacts would be reduced to a less-than-significant level." Please also note that Mitigation Measure BIO-1.2 has been revised, as shown in Chapter 3 of this Final EIR, to reflect comments received from the CDFW. These revisions do not change the conclusions of the Draft PEIR.
PUB2-05		2. What's the proposed plan for trees onsite where SHWA may occur and utilize?	As stated on page 4.4-25 of the Draft PEIR, "Trees in the Plan Area may be removed without adversely affecting nesting Swainson's hawks as long as

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			they are determined not to contain a Swainson's hawk nest or be in close proximity to a tree with a Swainson's hawk nest during the nesting season (March through August)." It follows that future discretionary projects under the proposed Plan would be required to evaluate trees onsite where SHWA may occur and utilize and ensure such trees are preserved, in accordance with the findings of a preconstruction survey for Swainson's hawk nests as required by Mitigation Measure BIO-1.2.
PUB2-06		3. The Mitigation Measure is too vague, BIO-1.2	As described in Chapter 4.4, Mitigation Measure BIO-1.2 is based on the information available at this programmatic stage for a plan-level analysis and the methodology is based on *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee 2000).* Future discretionary projects would be required to conduct project-level environmental assessment, including a site-specific Swainson's hawk survey of the project site and the surrounding 0.5-mile-radius area.
PUB2-07		4. The first SHWA survey period from January 1 to March 20 could provide information on where suitable and potential nesting locations may occur and should not be dismissed nor considered optional.	Page 4.4-25 of the Draft PEIR has been revised, as shown in Chapter 3, Revisions to the Draft PEIR, of this Final EIR.
PUB2-08		SJKF Mitigation Measures too vague.	As described in Chapter 4.4, Mitigation Measure BIO-1.3 is based on the information available at this programmatic stage for a plan-level analysis and the methodology is based on *U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance.* Future discretionary projects would be required to conduct project-level environmental assessment, including pre-construction surveys in potential habitat periphery of the Plan Area that has not been fragmented by agricultural-residential or urban development.
PUB2-09		1. Why is a take authorization/permit being considered but no mention of mitigation bank or conservation habitat?	The Draft PEIR is a program-level analysis of potential environmental impacts that may occur through implementation of the proposed Plan during the planning horizon, through the year 2042. As described in Mitigation Measure BIO-1.1b, future discretionary projects that would require an Incidental Take Permit (ITP) due to significant and unavoidable impacts to SJKF would be required to obtain a permit from the CDFW and undergo subsequent project-level CEQA review. A mitigation bank or habitat conservation area may be considered as adequate mitigation for project-related impacts to SJKF.

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PUB2-10		2. If disruption of any habitat utilized by the SJKF should occur has a mitigation bank or habitat conservation area been identified to offset the SJKF loss?	Please see Response PUB2-09.
PUB2-11		3. Before implementing Project and any ITP activity, the applicant should be required to develop and submit a construction monitoring plan to the City planning department for review and approval. The construction monitoring plan should consist of the following: • Results of planning and preconstruction surveys. • Description of avoidance and minimization measures to be implemented, including a description of project-specific refinements to the measures or additional measures. • Description of monitoring activities, including monitoring frequency and duration, and specific activities to be monitored. • Description of the onsite authority of the construction monitor to modify implementation of the activity. Again thank you for your efforts to develop this plan and for providing an inclusive public process. As mentioned previously, the alignment between the City of Fresno and the "Community" reinforces a collective vision. I forward to working with you on further development and implementation of this document. Thank you for the opportunity to provide comments on this process, I look forward to your response.	The Draft PEIR is a program-level analysis of potential environmental impacts that may occur implementation of the proposed Plan during the planning horizon, through the year 2042. Discretionary projects that would require an ITP would be required to obtain a permit from the CDFW and undergo subsequent project-level CEQA review. CDFW's issuance of an Incidental Take Permit is considered a discretionary action as defined in Title 14 of the California Code of Regulations, link opens in new window Section 15357, under CEQA. Therefore, before CDFW can issue the permit the applicant must have completed the necessary steps under CEQA. Compliance with CEQA is further described in Title 14 of the California Code of Regulations, Section 783.3. https://www.wildlife.ca.gov/Conservation/CESA/Incidental-Take-Permits#50033469-ceqa
PUB3	9/21/2017	Tate Hill	
PUB3-01		I'm beginning to go through the EIR, there are a numbers of the Impact classifications with S/SU designation with no mitigation measures. There a few that just couldn't be accurate with the elements of new development.	The comment serves as an introduction to the comments that follow. Please see Responses PUB3-02 through PUB3-06.
PUB3-02		For example: Population-1 that states will be no population impacts due to the proposed plan. With the proposed housing, there would be a Significant population increase in that neighborhood. With the addition of the proposed 5923 housing units, there would be significant increase to the population with an estimated 50% increase (24,000) to the current population base.	The comment expresses concern regarding the significance finding under Impact POP-1. The Draft PEIR acknowledges the amount of residential growth anticipated under the proposed Plan and considers this growth in the context of the level of growth anticipated under the City's General Plan and regional growth projections. As stated on page 4.12-6 of the Draft PEIR, future development in the Plan Area "would result in approximately 27,775 new residents… The population potential for the Plan Area is within the population growth contemplated by the Fresno General Plan, which anticipates growth of up to 226,000 additional residents…" Page 4.12-7 of the Draft PEIR states, "the General Plan anticipates that the Plan Area would result in 6,723 new housing units as the General Plan is

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			implemented… [The] proposed Plan could result in 7,131 new housing units under the Dual Designation Scenario (based on the dual land use designation), which is greater than the estimated buildout of the General Plan." However, the Draft PEIR finds that, although the number of new residents generated under the proposed Plan could exceed the number analyzed under the General Plan MEIR, cumulative growth with the proposed Plan would be consistent with regional planning targets. In addition, as stated in the Draft PEIR (page 4.12-7), "growth under the proposed Plan would occur incrementally over a period of approximately 25 years and would be guided by a policy framework in the proposed Plan that is generally consistent with many of the principal goals and objectives established in the Fresno General Plan and 2015-2023 Housing Element." Therefore, the Draft PEIR finds on page 4.12-8 that, "this additional growth would be consistent with the citywide planning objectives. As a result, impacts to population growth associated with potential future development under the proposed Plan would be less than significant."
PUB3-03		As it relates to AQ2, AQ4, GHG 1, GHG3, the mitigation measures only apply towards the development of planned uses not the full implementation of the plan which extends beyond the actual construction itself. There is been no mitigation measure to address the impacts of air quality and GHGs from the establishment of new development (housing or commercial) in the plan.	The comment expresses concern regarding mitigation measures to address the impacts of air quality and greenhouse gases (GHGs). The Draft PEIR evaluates both construction and operation impacts as a result of implementation of the proposed Plan. Operational analyses for air quality thresholds are included under Impact AQ-1 (Draft PEIR pages 4.3-29 through 4.3-32), Impact AQ-3 (Draft PEIR pages 4.3-35 through 4.3-36), Impact AQ-4 (Draft PEIR pages 4.3-36 through 4.3-38), Impact AQ-5 (Draft PEIR pages 4.3-38 through 4.3-39), Impact AQ-6 (Draft PEIR page 4.3-40, under the Operation-Related Odors heading), and Impact AQ-7 (Draft PEIR pages 4.3-41 and 4.3-42, under the Operation heading). Operational analyses for greenhouse gas thresholds are located under Impact GHG-1 (Draft PEIR pages 4.7-26 through 4.7-28) and Impact GHG-3 (Draft PEIR pages 4.7-32 through 4.7-36). Impact AQ-3 and GHG-1 address long-term, regional operational impacts of the proposed Plan (i.e., not just construction). As shown in Chapter 3, Revisions to the Draft PEIR, of this Final EIR, edits have been made to the EIR and some of these address the commenter's concern. Edits have also been made to the redline version of the proposed Plan. a. The commenter requests physical barriers along corridors, sites, and truck routes to buffer air pollutants. The proposed Plan prohibits barriers

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			along street through design standards. Page 4-8 of the Plan states: ""Walls. Walls are not permitted within the required front yard setback nor between residential uses and California Avenue." Also, page 4-9 states: "Buildings and their main entrances will be oriented towards the street." b. The comment requests the completion of the Industrial Compatibility Assessment. Please see Response ORG4-02. c. The Plan includes Policy PF-7.4 which states: "Establish a workforce policy to encourage businesses and City programs in the Plan Area to prioritize hiring Plan Area residents in the 93706 zip code, consistent with applicable laws." d. The Plan includes Policy T-6.2, which states: "Work with FAX and other transit providers to increase transit service, access, and connections throughout Southwest Fresno, connecting existing and future residential areas to key destinations, including schools, retail, employment, and recreation." Policy T-7.1, which states: "Work with FAX to not reduce transit routes west of Highway 99, and work to enhance transit service along Elm Avenue and Martin Luther King Junior Boulevard to connect to future BRT routes and the FAX and HSR stations in Downtown when there is demand from development along those corridors." The proposed Plan provides for BRT on California Avenue, while enhanced transit services are planned on Elm Street. e. The comment requests enforcement of existing laws and regulations prohibiting vehicle idling. As stated on page 4.3-4 of Chapter 4.3, Air Quality in the Draft PEIR, CARB has promulgated specific rules to limit TAC emissions, including motor vehicle idling. Further, Table 4.3-2 on page 4.3-17 presents General Plan Objectives and policies relevant to air quality, including Policy HC-3-f: "New Drive-Through Facilities. Include in the Development Code design review to reduce vehicle emissions resulting from queued idling vehicles at drive-through facilities in proximity to residential neighborhoods." f. The comment requests the City actively seek and apply for all available funding to provide electric vehicle infrastructure in the Plan Area. Policy T-9.2 has been added to the redline version of the proposed Plan, which states: "Promote, incentivize, and pursue funding for electrical vehicle (EV)

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			charging infrastructure throughout the Plan Area. Require EV charging infrastructure for new multi-family residential and mixed-use residential development projects." g. The comment requests that the City actively seek and apply for all available funding to replace both public and private light, medium, and heavy-duty diesel equipment with zero or near-zero emission technology. Policy T-9.1 has been added to the redline version of the proposed Plan, which states: "Promote, incentivize, and pursue funding to replace public and private vehicles and fleets with zero-emission (or near-zero emission if zero-emission solutions are not feasible) technology. Diesel fleets, such as transit buses, located or operating within the Plan Area should be prioritized for replacement."
PUB3-04		In Noise-1, its listed as LTS and SU with no mitigation measure.	The comment expresses concern regarding the significance findings for Impact NOISE-1. As explained on pages 4.11-23 through 4.11-27 of the Draft PEIR, traffic noise is considered a significant and unavoidable impact, while stationary noise is considered a less-than-significant impact as a result of implementation of the proposed Plan. No mitigation is required for the less-than-significant stationary noise impact and, as described in Chapter 4.11 of the Draft PEIR, no feasible mitigation measures are available for the significant and unavoidable traffic impact.
PUB3-05		The response in HAZ-9 contradicts with the EnvironScreen 3 that shows that West Fresno neighborhoods are the most impacted by hazardous, toxic and air contaminating effects. The proposed plan's new uses may not increase hazardous impact but there are significant cumulative impacts due to hazardous materials in the plan area because of past projects. How did the EIR address the impact of population densification and increasing proximity of populations to current hazardous sights?	The comment expresses concern regarding the significance finding for Impact HAZ-9 and the evaluation in the Draft PEIR of cumulative impacts related to hazardous materials sites. The Draft PEIR evaluates cumulative impacts consistent with CEQA Guidelines Section 15130 by evaluating the potential cumulative impacts of the proposed Plan along with "other projects causing related impacts" under a projections-based approach as described in Section 15130(b)(1)(B). As discussed in Section 4.8.4 of the Draft PEIR, future cumulative projects will be required to comply with existing federal, State, and local regulations regarding existing hazardous materials. Future discretionary projects in the Plan Area would be subject to CEQA review, which would focus on the impacts of new development on residents in the Plan Area. In addition, Mitigation Measures HAZ-4a through HAZ-4h would require investigation and remediation of hazardous materials prior to the issuance of building permits. These mitigation measures will apply to all projects in the Plan Area as new development occurs. Please also see Response ORG3-01, which explains that the City's

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			long-term land use strategy is to focus new industrial development in areas of the city outside of the Plan Area, in order to improve the quality of life for current and future Plan Area residents.
PUB3-06		There is the introduction of PS which I assume is 'potentially significant' but it's not included in the key.	In response to this comment, this abbreviation has been added to the key in Table 2-1 of this Final EIR.
PUB4	9/25/2017	Lillie	
PUB4-01		I would like to see a college and a walmart in southwest fresno.	The comment pertains to the proposed Plan and does not address the adequacy of the Draft PEIR. Please see Master Response 1.
PUB5	9/19/2017	Rosalyn Warren, et al.	
PUB5-01		99c Store Walmart Grocery store Gas station Walking place - park Taco Bell	The comment pertains to the proposed Plan and does not address the adequacy of the Draft PEIR. Please see Master Response 1.
PUB5-02		Dollars Store Walmart This what we needs	The comment pertains to the proposed Plan and does not address the adequacy of the Draft PEIR. Please see Master Response 1.
PUB5-03		1. We do not want a dollar General. 2. We would like to see a dollar tree. 3. We would like a Wal-Mart. 4. A Starbucks. This is what we would love to have beside the College. 5. We need a safe walking place to walk. 6. A gas station.	The comment pertains to the proposed Plan and does not address the adequacy of the Draft PEIR. Please see Master Response 1.
Comments Received After Close of Public Comment Period			
GOV8	9/29/2017	Brian Clements, Program Manager, San Joaquin Valley Air Pollution Control District	
GOV8-01		Dear Ms. Pagoulatos: The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report for the City of Fresno Southwest Fresno Specific Plan and offers the following comments: 1. Future development within the Southwest Fresno Specific Plan (Project) will contribute to the overall decline in air quality due to increased traffic and	Please see page 4.3-39 of the Draft PEIR. TAC would be controlled by the SJVAPCD through permitting and would be subject to further study and health risk assessment prior to the issuance of any necessary air quality permits.

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		ongoing operational emissions. New development may require further environmental review and mitigation. The District makes the following recommendations regarding future development: A. Toxic Air Contaminants (TACs) are air pollutants identified by the State of California that may cause or contribute to an increase in exposure to the surrounding public (i.e. - nearby schools, residents, and actual or proposed worksites). The location of development projects is a major factor in determining whether a proposed project will result in localized health impacts. The potential for adverse health impacts increase as the distance between the source of emissions and receptors decrease. Accurate quantification of emissions and health impacts requires detailed site specific information (i.e. - type of emission source, proximity of the source to receptors, toxics emitted, and source parameter information). The required level of detail is typically not available until project specific approvals are granted. Therefore, the District recommends that an assessment be required during the project level review. This recommendation includes proposed projects that would otherwise appear to be exempt from CEQA requirements, such as projects that could be categorically exempt or allowed land uses under current zoning.	
GOV8-02		B. Prior to conducting a Health Risk Assessment (HRA), the District recommends conducting a screening analysis that includes all sources of emissions. A screening analysis is used to identify projects which may have a significant health impact. Prioritization - using the California Air Pollution Control Officers Association (CAPCOA) updated methodology is a recommended screening method. A prioritization score of 10 or greater is considered to be significant and an HRA should be performed. The prioritization calculator can be found at: http:www.valleyair.org/busind/p to/emission factors/Criteria/Toxics/Utilities/PRIG RITIZATION%20RMR%202016.XLS. The District recommends a refined HRA for projects that result in a prioritization score of 10 or greater. It is recommended that the project proponent contact the District to review the proposed modeling protocol. The proposed project would be considered to have a significant health risk if the HRA demonstrates that the project related health impacts would exceed the District's significance threshold	Please see Response GOV8-01. Future projects under the proposed Plan that are determined to generate permitted sources of air pollutants would be subject to further environmental review and would be required by SJVAPCD to prepare a Health Risk Assessment (HRA) in accordance with SJVAPCD guidance.

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		of 20 in a million for carcinogenic risk and 1.0 for the Acute and Chronic Hazard Indices. More information on toxic emission factors, prioritizations and HRAs can be obtained by: • E-mailing inquiries to: hramodeler@valleyair.org; or • Visiting the District's website at (modeling information): http://www.valleyair.org/busind/pto/Tox Resources/ AirQualityMonitoring.htm	
GOV8-03		C. Construction Emissions - The Draft PEIR concludes that construction emissions will have a significant and unavoidable impact on air quality. The District recommends additional mitigation of construction exhaust emissions to further lessen the air quality impact. Feasible mitigation of construction exhaust emission includes use of construction equipment powered by engines meeting, at a minimum, Tier II emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. The District recommends incorporating, as a condition of project approval, a requirement that off-road construction equipment used on site achieve fleet average emissions equal to or less than the Tier II emissions standard of 4.8 NOx g/hp-hr. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards.	Mitigation measures required for future discretionary projects under the proposed Plan are identified on pages 4.3-32 through 4.3-34 of the Draft PEIR. Site-specific projects accommodated under the proposed Plan that meet the criteria of Rule 9510 would be required to prepare a detailed air quality impact assessment and would identify appropriate mitigation.
GOV8-04		D. Individual development projects would be subject to District Rule 9510 (Indirect Source Review) if upon full build-out the project would include or exceed any one of the following: • 50 dwelling units • 2,000 square feet of commercial space; • 25,000 square feet of light industrial space; • 100,000 square feet of heavy industrial space; • 20,000 square feet of medical office space; • 39,000 square feet of general office space; or • 9,000 square feet of educational space; or • 10,000 square feet of government space; or • 20,000 square feet of recreational space; or • 9,000 square feet of space not identified above The District recommends that demonstration of compliance with District Rule 9510, before issuance of the first building permit for each project phase including	As stated on page 4.3-37 of the Draft PEIR, "application of SJVAPCD Rule 9510 and Regulation VIII would contribute in reducing operation- and construction-related NOX and particulate matter emissions." As such, future discretionary projects under implementation of the proposed Plan would comply with District Rule 9510.

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		payment of all applicable fees, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: http://www.valleyair.org/lSR/ISRHome.htm. E. Individual development projects may also be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). F. The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.	
GOV8-05		2. The Plan lays out a vision for Southwest Fresno over the Plan's next 25-year horizon as a vibrant community and well-connected to downtown Fresno, strengthening the overall image and livability of the city. The District is currently designated as extreme non-attainment of the federal national ambient air quality standard for ozone and non-attainment for PM2.5. Given the size of the project, it is reasonable to conclude that mobile source emissions resulting from growth and development would have significant impacts on air quality. To reduce the project related impacts on air quality the Plan should include design standards that reduce vehicle miles traveled (VMT). VMT can be reduced through encouragement of mixed-use development, walkable communities, etc. Recommended design elements can be found on the District's website at http://www.valleyair.org/lSR/ISROnSite Measures.htm.	As stated on page 4.3-36 of the Draft PEIR, implementation of General Plan design standards and measures would reduce vehicle miles traveled (VMT). The following General Plan policies would contribute to the reduction of air quality and GHG emissions during implementation of the proposed Plan: MT-1-f, MT-1-g, MT-1-m, MT-2-b, MT-2-c, MT-2-g, MT-4-b, MT-4-d, MT-5-a, MT-5-b, and MT-8-c.
GOV8-06		3. As presented in the Draft PEIR, after implementation of all feasible mitigation, the Project would have a significant and unavoidable impact on air quality. However, the environmental document does not discuss the feasibility of implementing a voluntary emission reduction agreement (VERA). As discussed below, the District believes that mitigation through a VERA is feasible in many cases, and recommends the environmental document be revised to include a discussion of the feasibility of implementing a VERA to mitigate project specific impacts to less than significant levels. A VERA is a mitigation measure by which the project proponent provides pound-	As stated on page 4.3-32 of the Draft PEIR, "no further measures to reduce operation-phase criteria air pollutant emissions are available beyond the applicable SJVAPCD rules and regulations." In compliance with applicable SJVAPCD regulations, the City will provide the ability for future development projects under implementation of the proposed Plan to opt to participate in this voluntary agreement in order to reduce project-specific impacts.

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		for pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's Strategies and Incentive Program (SI). The funds are disbursed by SI in the form of grants for projects that achieve emission reductions. Thus, project specific impacts on air quality can be fully mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of old farm tractors. In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. The initial agreement is generally based on the projected maximum emissions increases as calculated by a District approved air quality impact assessment, and contains the corresponding maximum fiscal obligation. However, because the goal is to mitigate actual emissions, the District has designed flexibility into the VERA such that the final mitigation is based on actual emissions related to the project as determined by actual equipment used, hours of operation, etc., and as calculated by the District. After the project is mitigated, the District certifies to the lead agency that the mitigation is completed, providing the lead agency with an enforceable mitigation measure demonstrating that project specific emissions have been mitigated to less than significant. The District has been developing and implementing VERA contracts with project developers to mitigate project specific emissions since 2005. It is the District's experience that implementation of a VERA is a feasible mitigation measure, and effectively achieves the emission reductions required by a lead agency, by mitigating project related impacts on air quality to a net zero level by supplying real and contemporaneous emissions reductions. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document be amended to include an assessment of the feasibility of implementing a VERA.	

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		Additional information on implementing a VERA can be obtained by contacting District CEQA staff at (559) 230-6000.	
GOV8-07		4. Referral documents for new development projects should include a project summary detailing, at a minimum, the land use designation, project sized, and proximity to sensitive receptors and existing emission sources.	Please see Response GOV8-06.
PUB6	No Date	Jeff Roberts	
PUB6-01	No Date	A. Biological Resources: 1. The EIR contains quite a number of requirements for studies, monitoring, and reporting that add time and cost to the development process. (It's pretty obvious that this section of the report was authored by a biologist) The need for the studies, etc. seems to be based somewhat upon the existing use of the property and the Figure 5-1 (Existing land Use) incorrectly illustrates the use of our land. This inaccuracy could "trigger" a lot of additional work and add a lot of additional cost. The City should make the Exhibit 5-1 accurate, and then create an "New" exhibit of lands that "trigger" the need for preconstruction surveys, monitoring, etc. If a property is not identified on the new exhibit, then it would be exempt from the mitigation measures in this section.	Chapter 4.4, Biological Resources, of the Draft PEIR provides a high-level evaluation of the biological resources within the 3,138-acre Plan Area based on generalized biotic habitat types (see Table 4.4-2. on page 4.4-6 of the Draft PEIR). The evaluation is based on published biological resource data, and not existing land uses. Proposed mitigation measures are intended to provide guidance to future development on what would be required to address potential biological resource impacts on a site-by-site basis. Given the size of the Plan Area, a parcel-by-parcel evaluation of biological resources is not feasible nor necessary to address the biological resource significance criteria. Please also see Master Response 1.
PUB6-02		B. Parks and Recreation: 1. The Draft EIR (provided by the City) contains standards for the amount of parkland required by the City of Fresno. Along with the Draft PEIR, the City also provided a "Memorandum" dated 8-08-17 entitled "Revisions to the Public Review Draft Southwest Fresno Specific Plan" which provides a rationale to reduce the amount of parks that a recounted in the inventory. The result is that the plan area went from having 3.45 acres/ 1000 population down to 1.49 acres/ 1000 population. The first figure was well above the park acreage requirement; the second figure is far below the requirement. The concern is that the development community will now have to fund additional parks to get the ratio back up to 3 acres/ 1000 population. It may be better for the City to accurately reflect that amount of parks and then state that the "Desired Ratio" is 4 acres / 1000 population.	Please see Chapter 3, Revisions to the Draft PEIR, which provides the standard used in the parkland analysis.
PUB6-03		2. Additionally, the DEIR document discusses the ratio of parks within its study area and also mentions a Goal (PF-2) which states: "Increase the overall amount of usable parkland within southwest Fresno allowing varied recreational	Please see Chapter 3, Revisions to the Draft PEIR. The City's parkland standard applies citywide, but the Draft PEIR evaluates the additional parkland that would be needed to accommodate the proposed Plan.

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		opportunities within the entire Southwest Area". This goal applies to All of Southwest Fresno (approximately 5760 acres), not just the plan area of 3255 acres. The authors of the documents seem to want to impose the park ratio on a specific geographic area of 56% of the Southwest area. This issue needs to be reconsidered.	
PUB6-04		C. In the 8-08-17 Memorandum mentioned above, Figure 3-3, "Dual Land Use Designation Map for Plan Area" incorrectly places "CMX" on the southwest corner of Hughes and California. This land is currently planned and zoned for "Medium Low Density Residential" uses and the Specific Plan map and DEIR Exhibit map needs to be corrected to reflect this.	The comment pertains to the proposed Plan and does not address the adequacy of the Draft PEIR. Figure 3-3 as shown in the proposed Plan is correct and intentionally redesignates the dual land use of the parcels at the southwest corner of Hughes and California Avenues to "CMX." Please also see Master Response 1.
PUB6-05		D. On page 4.15 - 27, it states "Recycled water, an important water source for the City of Fresno" is not yet utilized in I the Plan Area. This is a gross overstatement which is not really true. The only place that recycled water is being used in the City of Fresno is at Copper River Ranch.	The comment expresses concern regarding an inaccurate statement of recycled water utilization in the Plan Area. As shown in Chapter 3, Revisions to the Draft PEIR, in this Final EIR, page 4.15-27 of the Draft PEIR has been revised accordingly.
PUB6-06		E. On Page 4.15 - 33, Table 4.15-7 indicates Basin Sizes by acres. These figures cannot be accurate and this table needs to be corrected.	The comment expresses concern regarding the accuracy of Table 4.15-7 of the Draft PEIR. As shown in Chapter 3, Revisions to the Draft PEIR, in this Final EIR, page 4.15-33 has been revised accordingly.
PUB6-07		F. On page 5-3, one of the Project Objectives reads "Provide quality open space and recreational opportunities by improving existing parks and creating new parks within walking distance (½ mile) of all residences". While this may sound like a great "goal", has anyone at the City figured out how many parks (new) would be required to "satisfy'' this statement and how these numerous parks will be maintained?	The comment pertains to the proposed Plan and does not address the adequacy of the Draft PEIR. Please also see Master Response 1.

6. *Mitigation Monitoring and Reporting Program*

This chapter contains the Mitigation Monitoring and Reporting Program (MMRP) for the City of Fresno's Southwest Fresno Specific Plan, herein referred to as "proposed Plan." The MMRP is intended to ensure the implementation of mitigation measures identified as part of the environmental review for the proposed project. The MMRP includes the following information:

- A list of mitigation measures
- The timing for implementation of each mitigation measure
- The agency responsible for monitoring implementation
- The monitoring action and frequency

The City of Fresno must adopt this MMRP, or an equally effective program, if it adopts the proposed Plan with the mitigation measures that were adopted or made conditions of project adoption.

Mitigation Measures that have been incorporated from the Fresno General Plan Master Environmental Impact Report (MEIR) are numbered with "MEIR" as a prefix.

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing of Implementation	Agency/Department Responsible for Verification
AESTHETICS		
MEIR AES-1: Lighting systems for street and parking areas shall include shields to direct light to the roadway surfaces and parking areas. Vertical shields on the light fixtures shall also be used to direct light away from adjacent light sensitive land uses such as residences.	Prior to issuance of electrical permits	City of Fresno Development and Resource Management Department
MEIR AES-2: Lighting systems for public facilities such as active play areas shall provide adequate illumination for the activity; however, low-intensity light fixtures and shields shall be used to minimize spillover light onto adjacent properties.	Prior to issuance of electrical permits	City of Fresno Development and Resource Management Department
MEIR AES-3: Lighting systems for non-residential uses, not including public facilities, shall provide shields on the light fixtures and orient the lighting system away from adjacent properties. Low-intensity light fixtures shall also be used if excessive spillover light onto adjacent properties will occur.	Prior to issuance of electrical permits	City of Fresno Development and Resource Management Department
MEIR AES-4: Lighting systems for freestanding signs shall not exceed 100 foot-Lamberts (FT-L) when adjacent to streets which have an average light intensity of less than 2.0 horizontal footcandles and shall not exceed 500 FT-L when adjacent to streets that have an average light intensity of 2.0 horizontal footcandles or greater.	Prior to issuance of sign permits	City of Fresno Development and Resource Management Department
MEIR AES-5: Materials used on building façades shall be non-reflective.	Prior to issuance of building permits	City of Fresno Development and Resource Management Department
AIR QUALITY		
AQ-1: Prior to the issuance of building permits for new development projects within the Plan Area, the project applicant shall show on the building plans that all major appliances (dishwashers, refrigerators, clothes washers, and dryers) to be provided/installed are Energy Star-certified appliances or appliances of equivalent energy efficiency. Installation of Energy Star-certified or equivalent appliances shall be verified by the City of Fresno Development and Resource Management Department prior to the issuance of a certificate of occupancy.	Prior to issuance of building permits	City of Fresno Development and Resource Management Department
AQ-2a: In order to contribute in minimizing exhaust emission from construction equipment, prior to issuance of grading, demolition or building permits whichever occurs first, the property owner/developer shall provide a list of all construction equipment proposed to be used on the project site for projects that are subject to the California Environmental Quality Act (i.e., non-exempt projects). This list may be provided on the building plans. The construction equipment list shall state the make, model, and equipment identification number of all the equipment.	Prior to issuance of grading, demolition, or building permits, whichever occurs first	City of Fresno Development and Resource Management Department
AQ-2b: During construction activities, for projects that are subject to the California Environmental Quality Act (i.e., non-exempt projects), the construction contractors shall ensure that the equipment	Prior to commencement of and during construction activities	City of Fresno Development and Resource Management

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shall be properly serviced and maintained in accordance with the manufacturer's recommendations; and, that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9.		Department
AQ-2c: In order to reduce VOC emissions from construction activities, prior to issuance of a building permit for projects that are subject to the California Environmental Quality Act (i.e., non-exempt projects), the property owner/developer shall require the construction contractor and provide a note on construction plans indicating that: ▪ All coatings and solvents will have a volatile organic compound (VOC) content lower than required under Rule 4601 (i.e., super compliant paints). ▪ All architectural coatings shall be applied either by (1) using a high-volume, low-pressure spray method operated at an air pressure between 0.1 and 10 pounds per square inch gauge to achieve a 65 percent application efficiency; or (2) manual application using a paintbrush, hand-roller, trowel, spatula, dauber, rag, or sponge, to achieve a 100 percent applicant efficiency. ▪ The construction contractor shall also use precoated/natural colored building materials, where feasible.	Prior to issuance of building permits	City of Fresno Development and Resource Management Department
AQ-3: Implement Mitigation Measure AQ-1.	Prior to issuance of building permits	City of Fresno Development and Resource Management Department
AQ-4a: Implement Mitigation Measures AQ-2a through AQ-2c to further reduce construction-related criteria air pollutant emissions.	Prior to issuance of building permits, commencement of and during construction activities	City of Fresno Development and Resource Management Department
AQ-4b: In order to reduce fugitive dust particulate matter emissions during construction activities, prior to issuance of grading, demolition or building permits, whichever occurs first, for projects subject to the California Environmental Quality Act (i.e., non-exempt projects), but that would be outside the purview of San Joaquin Valley Air Pollution Control District's (SJVAPCD) Regulation VIII, the property owner/developer shall submit a dust control plan consistent with SJVAPCD Regulation VIII requirements that includes, but not limited to the following measures during ground-disturbing activities to further reduce PM_{10} and $PM_{2.5}$ emissions: ▪ Disturbed areas (including storage piles) that are not being actively utilized for construction purposes shall be effectively stabilized using water, chemical stabilizer/suppressant, or covered with a tarp or other suitable cover (e.g., revegetated). ▪ On-site unpaved roads and off-site unpaved access roads shall be effectively stabilized using water or chemical stabilizer/suppressant. ▪ Land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition	Prior to issuance of grading, demolition, or building permits, whichever occurs first	City of Fresno Development and Resource Management Department

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activities shall be effectively controlled utilizing application of water or by presoaking. ▪ Material shall be covered, or effectively wetted to limit visible dust emissions, and at least 6 inches of freeboard space from the top of the container shall be maintained when materials are transported off-site. ▪ Operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.) ▪ Following the addition of materials to or the removal of materials from the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant. ▪ Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday. ▪ Any site with 150 or more vehicle trips per day shall prevent carryout and trackout. ▪ Limit traffic speeds on unpaved roads to 15 mph. ▪ Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent. ▪ Install wheel washers for all exiting trucks or wash off all trucks and equipment leaving the Plan Area. ▪ Adhere to Regulation VIII's 20 percent opacity limitation, as applicable.		
AQ-7: AQ-7: Implement Mitigation Measures AQ-2a through AQ-4b of the Draft EIR.	Prior to issuance of grading, demolition, or building permits, whichever occurs first	City of Fresno Development and Resource Management Department
BIOLOGICAL RESOURCES		
BIO-1.1a: Construction of a proposed project should avoid, where possible, vegetation communities that provide suitable habitat for a special-status species known to occur within the Plan Area. If construction within potentially suitable habitat must occur, a qualified botanist should conduct botanical surveys to confirm the presence/absence of any special-status plant or wildlife species to determine if the habitat supports any special-status species. The surveys should be completed using the reporting and data collection guidelines outlined in the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*[66] and a report of findings should be submitted to the City and the Department of Fish and Wildlife (CDFW) before the onset of any initial ground-disturbing activity or construction associated with each phase of project	Prior to commencement of construction activities	City of Fresno Development and Resource Management Department

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implementation. If a special-status species is determined to occupy any portion of a project site, then any occurrence should be avoided whenever possible by delineating and observing a disturbance-free buffer zone of a minimum of 50 feet from the outer-edge of the special-status plant populations(s) or specific habitat type(s) required by special status plant species. If the buffer zone(s) cannot be maintained, appropriate minimization measures and mitigation measures should be prepared in consultation with CDFW on a case-by-case basis.		
BIO-1.1b: Direct or incidental take of any State- or federally-listed species should be avoided to the greatest extent feasible. If construction of a proposed project will result in the direct or incidental take of a listed species, consultation with the resources agencies and/or additional permitting may be required. Agency consultation through the CDFW 2081 and USFWS Section 7 or Section 10 permitting processes must take place prior to any action that may result in the direct or incidental take of a listed species. Specific mitigation measures for direct or incidental impacts to a listed species will be determined on a case-by-case basis through agency consultation.	Prior to commencement of construction activities	City of Fresno Development and Resource Management Department
BIO-1.1c: Development within the Plan Area should avoid, where possible, special-status natural communities and vegetation communities that provide suitable habitat for special-status species. If a proposed project will result in the loss of a special-status natural community or suitable habitat for special-status species, compensatory habitat-based mitigation is required under CEQA and CESA. Mitigation will consist of preserving on-site habitat, restoring similar habitat, or purchasing off-site credits from an approved mitigation bank. Compensatory mitigation will be determined through consultation with the City and/or resource agencies. An appropriate mitigation strategy and ratio will be agreed upon by the developer and lead agency to reduce project impacts to special-status natural communities to a less than significant level. Agreed-upon mitigation ratios will depend on the quality of the habitat and presence/absence of a special-status species. The specific mitigation for project level impacts will be determined on a case-by-case basis.	Prior to commencement of construction activities	City of Fresno Development and Resource Management Department
BIO-1.2: A qualified biologist knowledgeable of the species should conduct a Swainson's hawk survey of the project site and the surrounding 0.5-mile-radius area, in substantial compliance with the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee 2000) during the normal bird breeding season (1 February through 15 September) prior to the start of any initial ground-disturbing activity or construction associated with each phase of project implementation, to the extent feasible. Additional pre-construction Swainson's hawk surveys should take place no more than 10 days prior to the start of ground-disturbing activities. To mitigate for the loss of Swainson's hawk foraging habitat, the project applicant should provide Habitat Management (HM) lands to the California Department of Fish and Wildlife (CDFW) based on the following ratios, if feasible:	Prior to commencement of and during construction activities	City of Fresno Development and Resource Management Department

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▪ If the project(s) is located within 1 mile of an active nest tree, the applicant should provide a minimum of 1 acre of HM lands for each 1 acre of urban development authorized. ▪ If the project(s) is located within 5 miles of an active nest tree but greater than 1 mile from the nest tree, the applicant should provide a minimum of 0.75 acres of HM lands for each 1 acre of urban development authorized. ▪ If the project(s) is located within 10 miles of an active nest tree but greater than 5 miles from the nest tree, the applicant should provide a minimum of 0.5 acres of HM lands for each 1 acre of urban development authorized. The project applicant should provide for the long-term management of the HM lands by funding a management endowment, the interest of which should be used for managing the HM lands. The rate per HM acre should be established through consultation with CDFW. In addition to fee title acquisition of grassland habitat, mitigation could occur by the purchase of conservation or suitable agricultural easements. Suitable agricultural easements would include areas limited to production of crops such as alfalfa, dry land and irrigated pasture, and cereal grain crops. Vineyards, orchards, cotton fields, and other dense vegetation do not provide adequate foraging habitat.		
BIO -1.3: No less than 14 days and no more than 30 days prior to commencement of construction activities the project proponent should retain a USFWS- and CDFW-approved biologist to conduct pre-construction surveys in potential habitat periphery of the Plan Area that has not been fragmented by agricultural-residential or urban development. The survey, reporting, and activities during construction should be in substantial compliance with the requirements contained in the *U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance.*[66] As described in the standardized recommendations, if a natal/pupping den is discovered within the Plan Area or within 200-feet of the project boundary, the USFWS and CDFW should be immediately notified and under no circumstances should the den be disturbed or destroyed without prior authorization. If the preconstruction/preactivity survey reveals an active natal pupping or new information, the project applicant should contact the USFWS immediately to obtain the necessary take authorization/permit.	Prior to commencement of and during construction activities	City of Fresno Development and Resource Management Department
BIO-1.4: Conduct Preconstruction Surveys for Special-status Bats and Implement Avoidance Measures. Any medium or larger (≥ 12-inch diameter) trees or snags selected for removal should be inspected by a qualified biologist for presence of potential day-roosting habitat (e.g., cavities exfoliating bark, or basal hollows) for special-status bats or a maternity colony. If feasible, cavities should be examined for roosting bats using a portable camera probe or similar technology. No more than two weeks before the onset of any initial ground-disturbing activity or construction	Prior to commencement of and during construction activities	City of Fresno Development and Resource Management Department

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associated with each phase of project implementation, a qualified bat biologist should conduct pre-construction surveys of all buildings with potential for roosting habitat for supporting special-status bats or a maternity colony should be inspected by a qualified biologist for evidence of roosting colonies. If suitable roosting habitat is present and/or bat sign is observed, but no bats are detected, an evening exit count and acoustic survey using a full spectrum acoustic detector should be conducted by a qualified bat biologist to determine if bats are present and what species are present. If present, roosts (including day roosts, winter hibernacula, and maternity colonies) and a 100- to 300-foot disturbance-free buffer surrounding each roost should be flagged and avoided, as determined by a qualified bat biologist. The 100- to 300-foot disturbance-free buffer should be maintained until the qualified bat biologist can determine that bats no longer use the roost. If avoidance is not possible, a qualified bat biologist should develop a Bat Eviction Plan in consultation with CDFW for written approval prior to implementation. The Bat Eviction Plan should include exclusion methods, roost removal procedures, and monitoring efforts to ensure that all bats have exited the roost prior to all ground-disturbing activities and are unable to re-enter the roost. In addition, replacement habitat appropriate for the species' roost requirements should be created prior to the roost removal. The qualified bat biologist, in consultation with CDFW, should facilitate the removal of roosting bats outside of the winter hibernation (1 November to 28 February) and maternity roosting (15 March to 31 August) periods through the following means: 1. Implementing eviction during a period of warm (nighttime low>50°F), dry weather, when bats are expected to be active. 2. Opening the roosting area to allow airflow through the cavity or building (air flow disturbance). 3. Waiting a minimum of three nights of warm weather, as defined above, for roosting bats to respond to air flow disturbance, thereby allowing bats to leave during nighttime hours when predation risk is relatively low and chances of finding a new roost is greater than in the daytime. 4. Conducting a follow-up survey prior to roost removal to ensure that bats have vacated the roost. 5. Disturbing roosts at dusk just prior to roost removal the same evening to allow bats to escape during nighttime hours.		
BIO-1.5: Conduct Focused American Badger Surveys and Avoid or Minimize Impacts to American Badger Dens. No more than 30 days before the start of construction activities, a qualified biologist should conduct pre-construction surveys for American badgers within suitable habitat. If a potentially active den is found in a construction area, the den openings may be monitored with tracking medium or an infrared-beam camera for three consecutive nights to determine current use. Potential (inactive) dens within the limits of disturbance should be blocked with a one-way door or excavated to prevent use during construction. Blocking with one-way doors is preferable to excavation where	Prior to commencement of and during construction activities	City of Fresno Development and Resource Management Department

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feasible; potential dens blocked with doors will be made available to badgers after construction. If American badgers or active dens are detected during these surveys, the following should be implemented: ▪ If present, occupied badger dens should be flagged, and ground-disturbing activities avoided, within 50 feet of the occupied den during the nonbreeding season (1 July through 14 February). Flagging that is highly visible by construction crews should encircle the occupied den at the appropriate buffer distance, and should not prevent access to the den by badgers. Dens determined to be occupied during the breeding season (15 February through 30 June) should be flagged, and ground-disturbing activities avoided, within 200 feet to protect adults and nursing young. Buffers may be modified by the qualified biologist, provided the badgers are protected, and should not be removed until the qualified biologist has determined that the den is no longer in use. ▪ If avoidance of an active non-maternity den is not feasible, the qualified biologist should consult with CDFW to determine whether the badger(s) may be evicted. Relocation methods may be implemented by first incrementally blocking the den over a three-day period, followed by slowly excavating the den (either by hand or with mechanized equipment under the direct supervision of a qualified biologist, removing no more than 4 inches at a time) before or after the rearing season (15 February through 30 June). Any passive relocation of American badgers should occur only under the direction of a qualified biologist.		
BIO-1.6: Conduct a Preconstruction Survey for Burrowing Owl and Implement Avoidance Measures. A qualified biologist(s) knowledgeable of the species should conduct a focused, preconstruction survey during the peak breeding season for burrowing owls (15 April to 15 July) prior to the start of ground-disturbing activities for the project to determine if burrowing owls are present on the project site and within 250 feet where access allows. The survey should be conducted in substantial compliance with the California Burrowing Owl Consortium's *Survey Protocol and Mitigation Guidelines* (CBOC, 1997), or other survey and mitigation protocols recommended by the CDFW, to the extent feasible. All areas of suitable habitat proposed for ground disturbance will be surveyed. If burrowing owls are detected, buffers and mitigation per the *Survey Protocol and Mitigation Guidelines* will be implemented. If burrowing owl(s) are found to occupy the site and avoidance is not possible, a qualified biologist knowledgeable of the species should conduct burrow exclusion during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty by site surveillance and/or scoping. Burrow closure should be implemented only where there are adjacent natural burrows and non-impacted sufficient habitat for burrowing owls to occupy with permanent protection mechanisms in place. Ongoing surveillance should be conducted during any initial ground-	Prior to commencement of and during construction activities	City of Fresno Development and Resource Management Department

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disturbing activity or construction associated with each phase of project implementation to monitor colonization of the area by burrowing owls.		
BIO-1.7: Conduct Pre-construction Surveys for Western Pond Turtle, and Move Individuals to Safety. Prior to construction, a qualified biologist (i.e., a biologist approved by CDFW and that holds a Scientific Collecting Permit to handle western pond turtles) should conduct focused surveys during the western pond turtle egg-laying season (March through August) to determine if western pond turtles are present within 0.25-mile of aquatic and riparian habitat, where accessible. If any pond turtles are detected during these surveys, or during construction in an area where individuals could be affected, they should be allowed to move out on their own volition. If this is not feasible, they should be moved to the nearest suitable habitat immediately upstream or downstream from the project site. The candidate sites for relocation should be identified before construction and should be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range. If any western pond turtle nests with eggs are found, the nests should remain undisturbed until the eggs have hatched.	Prior to commencement of and during construction activities	City of Fresno Development and Resource Management Department
BIO-1.8. Proposed projects within the Plan Area should avoid, if possible, construction within the general nesting season of February through August for avian species protected under Fish and Game Code 3500 and the Migratory Bird Treaty Act (MBTA), if it is determined that suitable nesting habitat occurs on a project site. If construction cannot avoid the nesting season, a pre-construction clearance survey must be conducted by a qualified wildlife biologist no more than 10 days prior to the start of any initial ground-disturbing activity or construction associated with each phase of project implementation to determine if any nesting birds or nesting activity is observed on or within 500 feet of a project site. If an active nest is observed during the survey, a biological monitor must be on site to ensure that no proposed project activities would impact the active nest. A suitable buffer will be established around the active nest until the nestlings have fledged and the nest is no longer active. Project activities may continue in the vicinity of the nest only at the discretion of the biological monitor. Once construction begins, a qualified wildlife biologist should continuously monitor nests to detect behavioral changes resulting from project-related activities. If continuous monitoring of nests by a qualified wildlife biologist is not feasible, a disturbance-free buffer zone of a minimum of 250 feet should be delineated around active nests of non-listed bird species and a disturbance-free buffer zone of a minimum of 500 feet should be delineated around active nests of non-listed raptors, or suitable buffer distance approved by the biological monitor. These buffers should be maintained until the breeding season has ended or until a qualified wildlife biologist can determine that the bird species or raptors have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these buffers should be considered only after	Prior to commencement of and during construction activities	City of Fresno Development and Resource Management Department

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consultation with a qualified wildlife biologist and CDFW.		
BIO-2.1a: Impacts to riparian habitat should be avoided by delineating a 200-foot disturbance free buffer from the high water mark of a waterbody or waterway or form the outside edge of the riparian habitat and for areas with no riparian vegetation, a minimum 100-foot disturbance-free buffer should be delineated around the high water mark of a waterbody or waterway. If avoidance is not possible, a compensatory habitat-based mitigation should be required to reduce project impacts. Compensatory mitigation must involve the preservation or restoration or the purchase of off-site mitigation credits for impacts to riparian habitat and/or a special-status natural community. Mitigation must be conducted in-kind or within an approved mitigation bank in the region. The specific mitigation ratio for habitat based mitigation should be determined on an acre-for-acre basis through consultation with the appropriate agency (i.e., CDFW or USFWS).	Prior to commencement of construction activities	City of Fresno Development and Resource Management Department
BIO-2.1b: Project impacts that occur to riparian habitat may also result in significant impacts to streambeds or waterways protected under Section 1600 of Fish and Wildlife Code and Section 404 of the CWA. In accordance with Fish & Game Code Section 1600 et seq., consultation with CDFW and/or USACE should be initiated to determine the appropriate mitigation strategy and regulatory permitting to reduce impacts prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake.	Prior to commencement of construction activities	City of Fresno Development and Resource Management Department
BIO-2.1c: Project-related impacts to riparian habitat or a special-status natural community may result in direct or incidental impacts to special-status species associated with riparian or wetland habitats. Project impacts to special-status species associated with riparian habitat shall be mitigated through agency consultation, development of a mitigation strategy, and/or issuing incidental take permits for the specific special-status species, as determined by the CDFW and/or USFWS.		
BIO-3a: If a proposed project will result in the significant alteration or fill of a federally protected wetland, in accordance with Fish & Game Code Section 1600 et seq., consultation with CDFW and/or USACE should be initiated to determine the appropriate mitigation strategy and regulatory permitting to reduce impacts prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation) (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. In addition, a formal wetland delineation conducted according to USACE accepted methodology is required for each project to determine the extent of wetlands on a project site. The delineation	Prior to commencement of construction activities	City of Fresno Development and Resource Management Department

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should be used to determine if federal permitting and mitigation strategy are required to reduce project impacts. Acquisition of permits from USACE for the fill of wetlands and approval of wetland mitigation plan would ensure a "no net loss" of wetland habitat within the Plan Area by the appropriate regulatory agencies (e.g., USACE, Regional Water Quality Control Board (RWQCB) and the California Department of Fish and Wildlife (CDFW)). Appropriate wetland mitigation/creation should be implemented in a ratio according to the size of the impacted wetland.		
BIO-3b: In addition to regulatory agency permitting, Best Management Practices identified from a list provided by the USACE shall be incorporated into the design and construction phase of the project to ensure that no pollutants or siltation drain into a federally protected wetland. Project design features such as fencing, appropriate drainage and incorporating detention basins shall assist in ensuring project-related impacts to wetland habitat are minimized to the greatest extent feasible.	Implementation of temporary construction-related BMPs shall occur prior to commencement of and during construction activities; implementation of long-term operational BMPs shall occur prior to issuance of occupancy permits	City of Fresno Development and Resource Management Department
CULTURAL RESOURCES		
MEIR CUL-1: If previously unknown cultural resources are encountered during grading activities, construction shall stop in the immediate vicinity of the find and an archaeologist shall be consulted to determine whether the resource requires further study. The qualified archaeologist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines and the City's Historic Preservation Ordinance. If the resources are determined to be unique historical resources as defined under Section 15064.5 of the CEQA Guidelines, measures shall be identified by the archaeologist and recommended to the Lead Agency. Appropriate measures for significant resources could include avoidance or capping; incorporation of the site in green space, parks, or open space; or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any historical artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.	During construction activities	City of Fresno Development and Resource Management Department
MEIR CUL-2: Subsequent to a preliminary City review of the project grading plans, if there is evidence that a project will include excavation or construction activities within previously undisturbed soils, a field survey and literature search for prehistoric archaeological resources shall be conducted. The following procedures shall be followed.	Subsequent to a preliminary City review of the project grading plans and during construction activities	City of Fresno Development and Resource Management Department

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If prehistoric resources are not found during either the field survey or a literature search, excavation and/or construction activities can commence. In the event that buried prehistoric archaeological resources are discovered during excavation and/or construction activities, construction shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archaeologist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. If the resources are determined to be unique prehistoric archaeological resources as defined under Section 15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any prehistoric archaeological artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study. If prehistoric resources are found during the field survey or literature review, the resources shall be inventoried using appropriate State record forms and submit the forms to the Southern San Joaquin Valley Information Center. The resources shall be evaluated for significance. If the resources are found to be significant, measures shall be identified by the qualified archaeologist. Similar to above, appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. In addition, appropriate mitigation for excavation and construction activities in the vicinity of the resources found during the field survey or literature review shall include an archaeological monitor. The monitoring period shall be determined by the qualified archaeologist. If additional prehistoric archaeological resources are found during excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed.		
MEIR CUL-3: Subsequent to a preliminary City review of the project grading plans, if there is evidence that a project will include excavation or construction activities within previously undisturbed soils, a field survey and literature search for unique paleontological/geological resources shall be conducted. The following procedures shall be followed: If unique paleontological/geological resources are not found during either the field survey or a literature search, excavation and/or construction activities can commence. In the event that unique paleontological/geological resources are discovered during excavation and/or construction activities,	Subsequent to a preliminary City review of the project grading plans and during construction activities	City of Fresno Development and Resource Management Department

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construction shall stop in the immediate vicinity of the find and a qualified paleontologist shall be consulted to determine whether the resource requires further study. The qualified paleontologist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to, excavation of the finds and evaluation of the finds. If the resources are determined to be significant, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate mitigation measures for significant resources could include avoidance or capping; incorporation of the site in green space, parks, or open space; or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any paleontological/geological resources recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study. If unique paleontological/geological resources are found during the field survey or literature review, the resources shall be inventoried and evaluated for significance. If the resources are found to be significant, mitigation measures shall be identified by the qualified paleontologist. Similar to above, appropriate mitigation measures for significant resources could include avoidance or capping; incorporation of the site in green space, parks, or open space; or data recovery excavations of the finds. In addition, appropriate mitigation for excavation and construction activities in the vicinity of the resources found during the field survey or literature review shall include a paleontological monitor. The monitoring period shall be determined by the qualified paleontologist. If additional paleontological/ geological resources are found during excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed.		
MEIR CUL-4: In the event that human remains are unearthed during excavation and grading activities of any future development project, all activity shall cease immediately. Pursuant to Health and Safety Code (HSC) Section 7050.5, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98(a). If the remains are determined to be of Native American descent, the coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the most likely descendent of the deceased Native American, who shall then serve as the consultant on how to proceed with the remains. Pursuant to PRC Section 5097.98(b), upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with	During construction activities	City of Fresno Development and Resource Management Department

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the descendants all reasonable options regarding the descendants' preferences for treatment. Applicable regulations and procedures described above, along with implementation of Mitigation Measure CUL-4, would ensure that any human remains discovered during construction would be handled appropriately.		
CUL-5: Implement Fresno General Plan MEIR Mitigation Measures CUL-1, CUL-2, and CUL-4.	See Mitigation Measures MEIR CUL-1, MEIR CUL-2, and MEIR CUL-4.	
GREENHOUSE GAS (GHG) EMISSIONS		
GHG-1: Implement Mitigation Measure AQ-2b as follows: **Mitigation Measure AQ-2b:** During construction activities, for projects that are subject to the California Environmental Quality Act (i.e., non-exempt projects), the construction contractors shall ensure that the equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations; and, that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9.	See Mitigation Measure AQ-2b.	
HAZARDOUS AND HAZARDOUS MATERIALS		
HAZ-3: Implementation of Mitigation Measures HAZ-4a through HAZ-4h, described later in the section under Impact HAZ-4, would reduce potential impacts to schools. In addition, as stated in the discussions of Impacts HAZ-1 and HAZ-2, compliance with existing federal, State, and local regulations, procedures, and policies would avoid potential impacts associated with hazardous materials handling, use, and storage in the Plan Area. Compliance with these regulations, procedures, and policies would ensure that hazardous materials are properly handled, thereby reducing potential risks to nearby schools.	See Mitigation Measures HAZ-4a through HAZ-4h.	
HAZ-4a: Prior to the issuance of a grading permit, the property owners and/or developers of properties shall ensure that a Phase I ESA (performed in accordance with the current ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process [E 1527]) shall be conducted for each individual property prior to development or redevelopment to ascertain the presence or absence of Recognized Environmental Conditions (RECs), Historical Recognized Environmental Condition (HRECs), and Potential Environmental Concerns (PECs) relevant to the property under consideration. The findings and conclusions of the Phase I ESA shall become the basis for potential recommendations for follow-up investigation, if found to be warranted.	Prior to issuance of grading permit	City of Fresno Development and Resource Management Department
HAZ-4b: In the event that the findings and conclusions of the Phase I ESA for a property result in evidence of RECs, HRECs and/or PECs warranting further investigation, the property owners and/or developers of properties shall ensure that a Phase II ESA shall be conducted to determine the	Prior to issuance of grading permit	City of Fresno Development and Resource Management Department

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presence or absence of a significant impact to the subject site from hazardous materials. The Phase II ESA may include but may not be limited to the following: (1) Collection and laboratory analysis of soils and/or groundwater samples to ascertain the presence or absence of significant concentrations of constituents of concern; (2) Collection and laboratory analysis of soil vapors and/or indoor air to ascertain the presence or absence of significant concentrations of volatile constituents of concern; and/or (3) Geophysical surveys to ascertain the presence or absence of subsurface features of concern such as USTs, drywells, drains, plumbing, and septic systems. The findings and conclusions of the Phase II ESA shall become the basis for potential recommendations for follow-up investigation, site characterization, and/or remedial activities, if found to be warranted.		
HAZ-4c: In the event the findings and conclusions of the Phase II ESA reveal the presence of significant concentrations of hazardous materials warranting further investigation, the property owners and/or developers of properties shall ensure that site characterization shall be conducted in the form of additional Phase II ESAs in order to characterize the source and maximum extent of impacts from constituents of concern. The findings and conclusions of the site characterization shall become the basis for formation of a remedial action plan and/or risk assessment.	Prior to issuance of grading permit	City of Fresno Development and Resource Management Department
HAZ-4d: If the findings and conclusions of the Phase II ESA(s), site characterization and/or risk assessment demonstrate the presence of concentrations of hazardous materials exceeding regulatory threshold levels, prior to the issuance of a grading permit, property owners and/or developers of properties shall complete site remediation and potential risk assessment with oversight from the applicable regulatory agency including, but not limited to, the Cal-EPA Department of Toxic Substances Control (DTSC) or Regional Water Quality Control Board (RWQCB), and Fresno County Environmental Health Division (FCEHD). Potential remediation could include the removal or treatment of water and/or soil. If removal occurs, hazardous materials shall be transported and disposed at a hazardous materials permitted facility.	Prior to issuance of grading permit	City of Fresno Development and Resource Management Department and Fresno County Department of Environmental Health Services
HAZ-4e: Prior to the issuance of a building permit for an individual property within the Plan Area with residual environmental contamination, the agency with primary regulatory oversight of environmental conditions at such property ("Oversight Agency") shall have determined that the proposed land use for that property, including proposed development features and design, does not present an unacceptable risk to human health, if applicable, through the use of an Environmental Site Management Plan (ESMP) that could include institutional controls, site-specific mitigation measures, a risk management plan, and deed restrictions based upon applicable risk-based cleanup standards. Remedial action plans, risk management plans and health and safety plans shall be required as determined by the Oversight Agency for a given property under applicable environmental laws, if not already completed, to prevent an unacceptable risk to human health, including workers during and after construction, from exposure to residual contamination in soil and	Prior to issuance of building permit	City of Fresno Development and Resource Management Department

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groundwater in connection with remediation and site development activities and the proposed land use.		
HAZ-4f: For those sites with potential residual volatile organic compounds (VOCs) in soil, soil gas, or groundwater that are planned for redevelopment with an overlying occupied building, a vapor intrusion assessment shall be performed by a licensed environmental professional. If the results of the vapor intrusion assessment indicate the potential for significant vapor intrusion into the proposed building, the project design shall include vapor controls or source removal, as appropriate, in accordance with Regional Water Quality Control Board (RWQCB), the Department of Toxic Substances Control (DTSC) or the Fresno County Environmental Health Division (FCEHD) requirements. Soil vapor mitigations or controls could include passive venting and/or active venting. The vapor intrusion assessment as associated vapor controls or source removal can be incorporated into the ESMP (Mitigation Measure HAZ4-4e).	Prior to commencement of and during construction activities	City of Fresno Development and Resource Management Department
HAZ-4g: In the event of planned renovation or demolition of residential and/or commercial structures on the subject site, prior to the issuance of demolition permits, asbestos and lead based paint (LBP) surveys shall be conducted in order to determine the presence or absence of asbestos-containing materials (ACM) and/or LBP. Removal of friable ACM, and non-friable ACMs that have the potential to become friable, during demolition and/or renovation shall conform to the standards set forth by the National Emissions Standards for Hazardous Air Pollutants (NESHAPs). The San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) is the responsible agency on the local level to enforce the National Emission Standards for Hazardous Air Pollutants (NESHAPs) and shall be notified by the property owners and/or developers of properties (or their designee(s)) prior to any demolition and/or renovation activities. If asbestos-containing materials are left in place, an Operations and Maintenance Program (O&M Program) shall be developed for the management of asbestos containing materials.	Prior to issuance of demolition permit	City of Fresno Development and Resource Management Department and the San Joaquin Valley Air Pollution Control District
HAZ-4h: Prior to the import of a soil to a particular property within the Plan Area as part of that property's site development, such soils shall be sampled for toxic or hazardous materials to determine if concentrations exceed applicable Environmental Screening Levels for the proposed land use at such a property, in accordance with Regional Water Quality Control Board (RWQCB), the Department of Toxic Substances Control (DTSC) or the Fresno County Environmental Health Division (FCEHD) requirements, prior to importing to such a property.	Prior to soil import	City of Fresno Development and Resource Management Department
NOISE		
NOISE-2a: Prior to issuance of grading and construction permits, applicants for individual development projects that involve vibration-intensive construction activities—such as pile drivers, jack hammers, and vibratory rollers—within 50 feet of off-site structures, shall prepare and submit to	Prior to issuance of grading and construction permits	City of Fresno Development and Resource Management Department

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the City of Fresno an acoustical study to evaluate potential construction-related vibration damage impacts. The vibration assessment shall be prepared by a qualified acoustical engineer and be based on the Federal Transit Administration (FTA) vibration-induced architectural damage criterion. If the acoustical study determines a potential exceedance of the FTA thresholds, measures shall be identified that ensure vibration levels are reduced to below the thresholds. Measures to reduce vibration levels can include use of less-vibration-intensive equipment (e.g., drilled piles and static rollers) and/or construction techniques (e.g., non-explosive rock blasting and use of hand tools) and preparation of a pre-construction survey report to assess the condition of the affected sensitive structure. Identified measures shall be included on all construction and building documents and submitted for verification to the City.		
NOISE-2b: Prior to issuance of grading and construction permits, applicants for individual development projects that involve vibration-intensive construction activities—such as pile drivers, jack hammers, and vibratory rollers—within 100 feet of sensitive receptors (e.g., residences and schools) shall prepare and submit to the City of Fresno an acoustical study to evaluate potential construction-related vibration annoyance impacts. The study shall be prepared by a qualified acoustical engineer and shall identify measures to reduce impacts to habitable structures to below the Federal Transit Administration (FTA) vibration-induced annoyance criterion. If construction-related vibration is determined in the acoustical study to be perceptible at vibration-sensitive uses, additional requirements, such as use of less-vibration-intensive equipment or construction techniques, shall be implemented during construction (e.g., drilled piles, static rollers, and non-explosive rock blasting). Identified measures shall be included on all construction and building documents and submitted for verification to the City.	Prior to issuance of grading and construction permits	City of Fresno Development and Resource Management Department
NOISE-4a: As required by the City of Fresno Municipal Code, construction activity shall be limited to the hours between 7:00 a.m. and 10:00 p.m. on weekdays and Saturdays, and shall require a permit issued by the City.	Prior to issuance of construction permits and during construction activities	City of Fresno Development and Resource Management Department
NOISE-4b: Prior to the issuance of demolition, grading, and/or construction permits, applicants for individual development projects within 500 feet of noise-sensitive receptors (e.g., residences, hospitals, schools) shall conduct a project-level construction noise analysis to evaluate potential impacts on sensitive receptors. The analysis shall be conducted once the final construction equipment list that will be used for demolition and grading activities is determined. The project-level noise analysis shall be prepared, reviewed, and approved by the City of Fresno Development and Resource Management Director. If the analysis determines that demolition and construction activities would result in an impact to identified noise-sensitive receptors, then specific measures to attenuate the noise impact shall be outlined in the analysis and reviewed and approved by the City of Fresno Development and Resource Management Director. Specific measures may include, but are not limited to, the following best management practices:	Prior to issuance of demolition, grading and/or construction permits	City of Fresno Development and Resource Management Department

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Mitigation Measure	Timing of Implementation	Agency/Department Responsible for Verification
▪ Post a construction site notice near the construction site access point or in an area that is clearly visible to the public. The notice shall include the following: job site address; permit number, name, and phone number of the contractor and owner; dates and duration of construction activities; construction hours allowed; and the City of Fresno Community Development Director and construction contractor phone numbers where noise complaints can be reported and logged. ▪ Consider the installation of temporary sound barriers for construction activities immediately adjacent to occupied noise-sensitive structures. ▪ Restrict haul routes and construction-related traffic to the least noise-sensitive times of the day. ▪ Reduce non-essential idling of construction equipment to no more than five minutes. ▪ Ensure that all construction equipment is monitored and properly maintained in accordance with the manufacturer's recommendations to minimize noise. ▪ Fit all construction equipment with properly-operating mufflers, air intake silencers, and engine shrouds, no less effective than as originally equipped by the manufacturer, to minimize noise emissions. ▪ If construction equipment is equipped with back-up alarm shut offs, switch off back-up alarms and replace with human spotters, as feasible. ▪ Stationary equipment (such as generators and air compressors) and equipment maintenance and staging areas shall be located as far from existing noise-sensitive land uses, as feasible. ▪ To the extent feasible, use acoustic enclosures, shields, or shrouds for stationary equipment such as compressors and pumps. ▪ Shut off generators when generators are not needed. ▪ Coordinate deliveries to reduce the potential of trucks waiting to unload and idling for long periods of time. ▪ Grade surface irregularities on construction sites to prevent potholes from causing vehicular noise. ▪ Minimize the use of impact devices such as jackhammers, pavement breakers, and hoe rams. Where possible, use concrete crushers or pavement saws rather than hoe rams for tasks such as concrete or asphalt demolition and removal. The final noise-reduction measures to be implemented and their associated details shall be determined by the construction-level noise analysis. The final noise-reduction measures shall be included on all construction and building documents and/or construction management plans and submitted for verification to the City; implemented by the construction contractor through the duration of the construction phase; and discussed at the pre-demolition, -grade, and/or -construction meetings.		

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing of Implementation	Agency/Department Responsible for Verification
PUBLIC SERVICES AND RECREATION		
MEIR PS-5: As future school facilities are planned, the school districts shall evaluate if specific environmental effects would occur. Typical impacts from school facilities include noise, traffic, and lighting. Typical mitigation to reduce potential impacts includes: ▪ **Noise:** Barriers and setbacks placed on school sites. ▪ **Traffic:** Traffic devices for circulation. ▪ **Lighting:** Provision of hoods and deflectors on lighting fixtures for stadium lights.	Prior to issuance of construction permits	City of Fresno Development and Resource Management Department
PS-7: As new development occurs in the Plan Area, the City shall periodically (every 5 years) monitor residential population growth compared to development of new parklands for the purpose of evaluating the strength of this Plan to meet the ratio of 3 acres of parkland per 1,000 population. If the ratio is not met, the City shall explore additional ways to increase the amount of dedicated parkland in the Plan Area, including but not limited to designating additional lands for parkland development.	At 5-year intervals during implementation of the proposed Plan, through the year 2042	City of Fresno Development and Resource Management Department
PS-8: Implement Mitigation Measure PS-7.	See Mitigation Measure PS-7.	
TRANSPORTATION AND TRAFFIC		
TRANS-7.1: Provide transportation improvements consistent with General Plan Policy MT-1-j in the Plan Area that would encourage non-vehicular transportation and reduce auto traffic levels. These improvements shall be consistent with the goals and policies in the proposed Plan, which require the implementation of complete streets, bikeways, trails, sidewalks, and enhanced transit service to support transit use, biking, and walking as viable modes of travel. By supporting and encouraging these non-auto modes in lieu of auto travel, future traffic levels would be reduced. The City of Fresno shall also apply General Plan Policy MT-1-o, which allows LOS E or F conditions outside of identified multimodal districts if provisions are made to sufficiently improve the overall transportation system and promote non-vehicular transportation. With the application of General Plan policy MT-1-o, the LOS F conditions on Church Avenue and LOS E conditions on North Avenue would be considered acceptable.	Ongoing	City of Fresno Public Works Department
TRANS-7.2: Development within the proposed Plan shall pay its regional transportation mitigation fee (RTMF) towards funding improvements to the regional highways and streets system. The City of Fresno shall coordinate with Caltrans and the Fresno Council of Governments to recommend the following intersection and ramp improvements at the SR-99/Jensen Avenue interchange and SR-41/North Avenue interchange be incorporated into the RTMF program and any applicable future City of Fresno fee update applicable to roadway facilities and/or traffic signals:	Ongoing Note: State Route 99 and State Route 41 are under Caltrans' jurisdiction, and the implementation and timing of Mitigation Measure TRANS-7.2 is not	Caltrans, Fresno Council of Governments, City of Fresno Public Works Department

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing of Implementation	Agency/Department Responsible for Verification
▪ SR-99 Southbound Off-Ramp/Jensen Avenue intersection: – Widen the SR-99 southbound off-ramp to add an additional left-turn pocket. – Restripe the existing shared through-left turn lane on the SR-99 southbound off-ramp as a dedicated through lane. – The resulting lane configuration on the southbound off-ramp is: two left-turn lanes, one through lane, and one right-turn lane. – Add an overlap phase for the northbound right-turn movement. – Prohibit westbound U-turn movement to allow the northbound right-turn overlap. – Widen the eastbound approach to stripe a third through lane; add a third receiving lane on the east leg that traps into the SR-99 southbound on-ramp. ▪ SR-99 Northbound Off-Ramp/Jensen Avenue intersection: – Change the lane configurations on the northbound off-ramp to a dedicated left-turn pocket and shared through-right turn lane. – Add an overlap phase for the southbound right-turn movement. – Prohibit eastbound U-turn movement to allow the southbound right-turn overlap. – Widen the westbound approach to stripe a third through lane; add a third receiving lane on the west leg that traps into the SR-99 northbound on-ramp. – Change the phasing for the northbound and southbound approaches to protected left-turn movements and separate. ▪ SR-41 Southbound Off-Ramp/North Avenue intersection: – Widen the SR-41 southbound off-ramp to add a left-turn pocket. – Change the lane configurations on the southbound off-ramp to convert the existing shared through-left turn lane to a shared right turn-through-left turn lane. – Extend the right-turn pocket on the off-ramp to accommodate right-turn queue length shown in Table 4.14-16. – The resulting lane configuration on the southbound off-ramp is: one left-turn lane, one shared right turn-through-left turn lane, and one right-turn lane. – Widen the eastbound approach to add a third through lane that traps into the eastbound left-turn onto the SR-41 northbound on-ramp. In addition to addressing intersection operations, the changes identified above also address freeway off-ramp queuing impacts identified in Impact TRANS-7.3 below. With the implementation of the changes listed above, the operations at these three intersections would be improved to LOS D or better during both the AM and PM peak hours, as shown in Table 4.14-16 below (refer to Appendix H for calculations).	fully under the City's control.	

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing of Implementation	Agency/Department Responsible for Verification
While these changes would improve traffic operations to an acceptable LOS, these improvements require alterations to signals operated by Caltrans as well as physical expansion of intersections and ramps that are under Caltrans jurisdiction. Since these improvements are not within the City of Fresno's jurisdiction to control, it cannot be guaranteed that these improvements will be implemented. In addition to the three intersections at the SR-99/Jensen Avenue and SR-41/North Avenue interchanges that operate at LOS E or LOS F under cumulative conditions, the following improvements would address unacceptable LOS E operations at the SR-99/Fresno Street interchange: ▪ SR-99 Southbound Ramps/Fresno Street intersection: – Widen the SR-99 southbound frontage road to add an additional right-turn pocket. – Restripe the existing through lane as a shared through-left turn lane on the SR-99 southbound off-ramp. – The resulting lane configuration on the southbound off-ramp is: one left-turn lane, one shared through left-turn lane, and two right-turn lanes. ▪ SR-99 Northbound Ramps/Fresno Street intersection: – Add a through lane to the westbound approach on Fresno Street that traps into the left-turn onto the SR-99 southbound on-ramp. – Adding the third through lane on Fresno Street would require removing the existing raised median and prohibiting eastbound left-turns at the Fresno Street/E Street intersection. With the implementation of the changes listed above, the operations at these two intersections would be improved to LOS D or better during both the AM and PM peak hours, as shown in Table 4.14-17 below (refer to Appendix H for calculations). While the intersection and ramp changes at the SR-99/Fresno Street interchange would improve intersection LOS, physical constraints on the SR-99 southbound frontage road would make the proposed widening of the southbound approach infeasible.		
TRANS-7.3: Development within the proposed Plan shall pay its regional transportation mitigation fee (RTMF) towards funding improvements to the regional highways and streets system. In addition to the recommended improvements listed in Mitigation Measure TRANS-7.2, the City of Fresno shall coordinate with Caltrans and the Fresno Council of Governments to recommend the following intersection and ramp improvements at the SR-41/Jensen Avenue interchange be incorporated into the RTMF program and any applicable future City of Fresno fee update applicable to roadway facilities and/or traffic signals:	Ongoing Note: State Route 41 is under Caltrans' jurisdiction, and the implementation and timing of Mitigation Measure TRANS-7.3 is not fully under the City's control.	Caltrans, Fresno Council of Governments, City of Fresno Public Works Department

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing of Implementation	Agency/Department Responsible for Verification
▪ SR-41 Southbound Off-Ramp/Jensen Avenue intersection: – Change the existing shared left-right turn lane on the SR-41 southbound off-ramp as a dedicated right-turn lane SR-99 southbound off-ramp – The resulting lane configuration on the southbound off-ramp is: one left-turn lane and two right-turn lanes – Add a southbound right-turn phase to run concurrently with the eastbound through phase by taking green time from the westbound through phase The implementation of the changes to the SR-41 southbound off-ramp at Jensen Avenue listed above would reduce queuing on the SR-41 southbound off-ramp. These changes in combination with the improvements to the SR-99/Jensen Avenue, SR-41/North Avenue, and SR-99/Fresno Street interchange listed in Mitigation Measure TRANS-7.2, would reduce freeway off-ramp queuing under cumulative conditions. Table 4.14-18 in Chapter 4.14 presents the estimated freeway off-ramp queues with the improvements presented in Mitigation Measure TRANS-7.2 and TRANS-7.3 (refer to Appendix H for calculations). While these changes would reduce the 95th percentile queues on freeway off-ramps to within the available storage on the off-ramp, these improvements require alterations to signals operated by Caltrans as well as physical expansion of intersections and ramps that are under Caltrans jurisdiction. Since these improvements are not within the City of Fresno's jurisdiction to control, it cannot be guaranteed that these improvements will be implemented.		
UTILITIES AND SERVICE SYSTEMS		
MEIR USS-1: The City shall develop and implement a wastewater master plan update.	Prior to wastewater conveyance and treatment demand exceeding capacity	City of Fresno Public Utilities Department
MEIR USS-2: Prior to exceeding existing wastewater treatment capacity, the City shall evaluate the wastewater system and shall not approve additional development that contributes wastewater to the wastewater treatment facility that could exceed capacity until additional capacity is provided. By approximately the year 2025, the City shall construct the following improvements. ▪ Construct an approximately 70 MGD expansion of the Regional Wastewater Treatment Facility and obtain revised waste discharge permits as the generation of wastewater is increased. ▪ Construct an approximately 0.49 MGD expansion of the North Facility and obtain revised waste discharge permits as the generation of wastewater is increased.	Prior to exceeding existing wastewater treatment capacity	City of Fresno Public Utilities Department
MEIR USS-3: Prior to exceeding existing wastewater treatment capacity, the City shall evaluate the wastewater system and shall not approve additional development that contributes wastewater to the wastewater treatment facility that could exceed capacity until additional capacity is provided. After approximately the year 2025, the City shall construct the following improvements.	Prior to exceeding existing wastewater treatment capacity	City of Fresno Public Utilities Department

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing of Implementation	Agency/Department Responsible for Verification
▪ Construct an approximately 24 MGD Wastewater Treatment Facility within the Southeast Development Area and obtain revised waste discharge permits as the generation of wastewater is increased. ▪ Construct an approximately 9.6 MGD expansion of the Regional Wastewater Treatment Facility and obtain revised waste discharge permits as the generation of wastewater is increased.		
MEIR USS-4: A Traffic Control/Traffic Management Plan to address traffic impacts during construction of water and sewer facilities shall be prepared and implemented subject to approval by the City prior to construction. The plan shall identify hours of construction and for deliveries, include haul routes, identify access and parking restrictions, plan for notifications, identify pavement markings and signage, and plan for coordination with emergency service providers and schools.	Prior to construction of water and sewer facilities	City of Fresno Public Works Department
MEIR USS-5: Prior to exceeding existing water supply capacity, the City shall evaluate the water supply system and shall not approve additional development that demand additional water until additional capacity is provided. By approximately the year 2025, the following capacity improvements shall be provided. ▪ Construct an approximately 80 million gallon per day (MGD) surface water treatment facility near the intersection of Armstrong and Olive Avenues, in accordance with Chapter 9 and Figure 9-1 of the City of Fresno Metropolitan Water Resources Management Plan Update Phase 2 Report, January 2012 (2012 Metro Plan Update). ▪ Construct an approximately 30 MGD expansion of the existing northeast surface water treatment facility for a total capacity of 60 MGD, in accordance with Chapter 9 and Figure 9-1 of the 2012 Metro Plan Update. ▪ Construct an approximately 20 MGD surface water treatment facility in the southwest portion of the City, in accordance with Chapter 9 and Figure 9- 1 of the 2012 Metro Plan Update.	Prior to exceeding existing water supply capacity	City of Fresno Public Utilities Department
MEIR USS-6: Prior to exceeding capacity within the existing wastewater collection system facilities, the City shall evaluate the wastewater collection system and shall not approve additional development that would generate additional wastewater and exceed the capacity of a facility until additional capacity is provided. By approximately the year 2025, the following capacity improvements shall be provided. ▪ Orange Avenue Trunk Sewer: This facility shall be improved between Dakota and Jensen Avenues. Approximately 37,240 feet of new sewer main shall be installed and approximately 5,760 feet of existing sewer main shall be rehabilitated. The size of the new sewer main shall range from 27-inches to 42-inches in diameter. The associated project designations in the 2006 Wastewater Master Plan are RS03A, RL02, C01-REP, C02-REP, C03-REP, C04-REP, C05-REP, C06-REL and C07-REP.	Prior to exceeding capacity within the existing wastewater collection system facilities	City of Fresno Public Utilities Department

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing of Implementation	Agency/Department Responsible for Verification
▪ Marks Avenue Trunk Sewer: This facility shall be improved between Clinton Avenue and Kearney Boulevard. Approximately 12,150 feet of new sewer main shall be installed. The size of the new sewer main shall range from 33 inches to 60 inches in diameter. The associated project designations in the 2006 Wastewater Master Plan are CM1-REP and CM2-REP. ▪ North Avenue Trunk Sewer: This facility shall be improved between Polk and Fruit Avenues and also between Orange and Maple Avenues. Approximately 25,700 feet of new sewer main shall be installed. The size of the new sewer main shall range from 48 inches to 66 inches in diameter. The associated project designations in the 2006 Wastewater Master Plan are CN1-REL1 and CN3-REL1. ▪ Ashlan Avenue Trunk Sewer: This facility shall be improved between Hughes and West Avenues and also between Fruit and Blackstone Avenues. Approximately 9,260 feet of new sewer main shall be installed. The size of the new sewer main shall range from 24 inches to 36 inches in diameter. The associated project designations in the 2006 Wastewater Master Plan are CA1-REL and CA2-REP.		
MEIR USS-7: Prior to exceeding capacity within the existing 28 pipeline segment shown on Figures 1 and 2 in Appendix J-1 of the Fresno General Plan MEIR, the City shall evaluate the wastewater collection system and shall not approve additional development that would generate additional wastewater and exceed the capacity of one of the 28 pipeline segments until additional capacity is provided.	Prior to exceeding capacity within the existing 28 pipeline segments shown on Figures 1 and 2 in Appendix J-1 of the Fresno General Plan MEIR	City of Fresno Public Utilities Department
MEIR USS-8: Prior to exceeding capacity within the existing water conveyance facilities, the City shall evaluate the water conveyance system and shall not approve additional development that would demand additional water and exceed the capacity of a facility until additional capacity is provided. The following capacity improvements shall be provided by approximately 2025. ▪ Construct 65 new groundwater wells, in accordance with Chapter 9 and Figure 9-1 of the 2012 Metro Plan Update. ▪ Construct a 2.0 million gallon potable water reservoir (Reservoir T2) near the intersection of Clovis and California Avenues, in accordance with Chapter 9 and Figure 9-1 of the 2012 Metro Plan Update. ▪ Construct a 3.0 million gallon potable water reservoir (Reservoir T3) near the intersection of Temperance and Dakota Avenues, in accordance with Chapter 9 and Figure 9-1 of the 2012 Metro Plan Update. ▪ Construct a 3.0 million gallon potable water reservoir (Reservoir T4) in the Downtown Planning Area, in accordance with Chapter 9 and Figure 9-1 of the 2012 Metro Plan Update. ▪ Construct a 4.0 million gallon potable water reservoir (Reservoir T5) near the intersection of Ashlan and Chestnut Avenues, in accordance with Chapter 9 and Figure 9-1 of the 2012 Metro	Prior to exceeding capacity within the existing water conveyance facilities	City of Fresno Public Utilities Department

MITIGATION MONITORING AND REPORTING PROGRAM

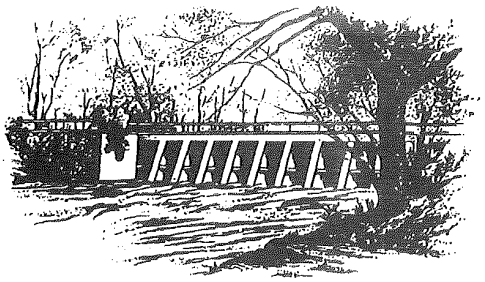
TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing of Implementation	Agency/Department Responsible for Verification
Plan Update. ▪ Construct a 4.0 million gallon potable water reservoir (Reservoir T6) near the intersection of Ashlan Avenue and Highway 99, in accordance with Chapter 9 and Figure 9-1 of the 2012 Metro Plan Update. ▪ Construct 50.3 miles of regional water transmission mains ranging in size from 24-inch to 48-inch, in accordance with Chapter 9 and Figure 9-1 of the 2012 Metro Plan Update. ▪ Construct 95.9 miles of 16-inch transmission grid mains, in accordance with Chapter 9 and Figure 9-1 of the 2012 Metro Plan Update.		
MEIR USS-9: Prior to exceeding capacity within the existing water conveyance facilities, the City shall evaluate the water conveyance system and shall not approve additional development that would demand additional water and exceed the capacity of a facility until additional capacity is provided. The following capacity improvements shall be provided after approximately the year 2025 and additional water conveyance facilities shall be provided prior to exceedance of capacity within the water conveyance facilities to accommodate full buildout of the General Plan Update.	Prior to exceeding capacity within the existing water conveyance facilities	City of Fresno Public Utilities Department
UTIL-3: Implement MEIR Mitigation Measures USS-1 through USS-3.	See Mitigation Measures MEIR USS-1 through MEIR USS-3.	
UTIL-4: Implement MEIR Mitigation Measures USS-1 through USS-9.	See Mitigation Measures MEIR USS-1 through MEIR USS-9.	
MEIR USS-22: Prior to exceeding landfill capacity, the City shall evaluate additional landfill locations and shall not approve additional development that could contribute solid waste to a landfill that is at capacity until additional capacity is provided.	Prior to exceeding landfill capacity	City of Fresno Public Utilities Department

MITIGATION MONITORING AND REPORTING PROGRAM

APPENDIX H

DRAFT PEIR COMMENT LETTERS



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

September 1, 2017

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

RE: City of Fresno's Southwest Fresno Specific Plan Environmental Impact Report
FID Facilities: Teilman No. 79, Lower Dry Creek No. 77, Fanning No. 76, Braly No. 14, Fresno Colony No. 24, and Kearney Ave Basin No. 189.

Dear Ms. Pagoulatos:

The Fresno Irrigation District (FID) has reviewed the Southwest Fresno Specific Plan Environmental Impact Report for the City of Fresno (Project). The Specific Plan Area consists of 3,255 acres in size and lies within the southwestern area of the City of Fresno, within Fresno County. The Specific Plan Area is bounded by Highway 180 in the north and by Highway 41 in the east. It does not include the Downtown Neighborhoods Community Plan Area, nor does it include the land currently in Fresno County that is outside city limits but within the Sphere of Influence (SOI) of the City's General Plan, with one exception. The one area in the SOI that is part of the Specific Plan Area is an approximately 115-acre site bounded by Church Avenue on the north, Jensen Avenue on the south, Knight Avenue on the west, and Martin Luther King, Jr. Boulevard on the east. We appreciate the opportunity to review and comment on the subject documents for the proposed Specific Plan. Your proposed Plan is a significant development and requires thorough and careful consideration of all of the potential impacts. Our comments are as follows: GOV1-01

Impacted Facilities

1. FID has many canals within the Plan Area as shown on the attached FID exhibit map. The major facilities include: Teilman No. 79, Lower Dry Creek No. 77, Fanning No. 76, Braly No. 14, and Fresno Colony No. 24. 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 require 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 Kearney Ave Basin No. 189 is located within the Plan Area. The development of the adjacent parcels must consider the potential impacts and protect the basin and the public so that FID's ability to maintain and operate the basin is not impacted or hindered. GOV1-02

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CHRISTOPHER WOOLF, GEORGE PORTER, GREGORY BEBERIAN, General Manager GARY R. SERRATO

3. FID's facilities that are within the Specific Plan Area carry irrigation water for FID users, recharge water for the City, and flood waters during the winter months. In addition to FID's facilities, private facilities also traverse the Specific Plan Area. **GOV1-03**

Water Supply Impact

4. It appears most of the land within the Specific Plan Area lies within the City Limit and the remainder of the area lies within Growth Area 1 on Exhibit C of the Revised, Amended and Restated Cooperative Agreement Between Fresno Irrigation District and City of Fresno For Water Utilization and Conveyance. **GOV1-04**

5. 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. 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 from 300 to 243. It is assumed that the water users within the City will be 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. **GOV1-05**

6. 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 towards this goal, but FID is concerned with the City's progress in balancing the water usage if the necessary offsets for the increased water demands are not accomplished or development occurs at a rate greater than water conservation goals. **GOV1-06**

7. As noted in the Draft EIR, 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 overdrafted 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 development on the City's ability to comply with the requirements of SGMA. **GOV1-07**

8. The Southwest Fresno Specific Plan (*Irrigation Systems Integration* page 4.15-32) states that "Improvements in the irrigation system will be required with implementation of the proposed Plan" and that "These improvement costs are not controlled nor borne by FID". This is consistent with FID's policy for our facilities to be piped or concrete lined in order to transition from an agricultural setting to an urban setting, mitigate for the effects of new development and increased population, and provide for public safety. **GOV1-08**

9. This same section, *Irrigation Systems Integration on* page 4.15-32, also states that whether a canal is left as-is, improved, or replaced with a pipeline is determined by the developer of the project. This is not true. The City of Fresno Municipal Code Sections 10-905 (b) and 15-3804 N require all irrigation or drainage canals of a capacity which can be accommodated by a pipeline having an inside diameter of fifty-four inches or less will be required to be piped and trash racks be installed at all newly constructed headwalls or pipe inlets. It should also be noted that all work, whether left as canal or piped, must be improved to meet FID's standards and requirements for an urban setting. **GOV1-09**

Agricultural Land Conversion Impact

10. The proposed Southwest Fresno Specific Plan will convert farmland to other land use designations. FID assumes the water allocated to the agricultural land within FID boundary would be converted onto City water rates, assuming the current agreement between the City and FID remains intact. **GOV1-10**

11. Conversion of agricultural land for urban use should be done in a manner to limit the area impacted and minimize the impacts to the agricultural industry and agricultural resources caused by urbanization. **GOV1-11**

Trail Impact

12. According to the Southwest Fresno Specific Plan (Policy PF-3.2), the City is proposing multi-use trail projects that will impact FID's canals right-of-ways. Significant issues remain before FID's canal system can be used for trail purposes, and FID is currently working with the City of Fresno to create a Master Trails Agreement. In areas where development has not yet occurred, the City must reserve its own right-of-way for trails as part of the development and not be planned to be placed within FID's canal right-of-way. **GOV1-12**

Road Improvement Impact

13. 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. **GOV1-13**

14. There will be many FID canals impacted by future road improvements to meet the traffic demands. 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. **GOV1-14**

15. Small/Medium Canal Crossing Requirements – The majority of the proposed crossings will impact existing pipelines and small open channel canals. Transition from an agricultural setting to an urban setting typically requires FID's existing conveyance system to be converted to Rubber Gasket Reinforced Concrete Pipe (RGRCP) installed to FID's specifications. **GOV1-15**

16. Large Canal Crossing Requirements – There are a few large canal crossings that will not be able to be contained within a pipeline. The design shall protect the canal's integrity **GOV1-16**

and FID's ability to maintain and operate the conveyance system in an urban setting. Any 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. FID has requirements for minimum freeboard, span and type of bridge or culvert, trash and debris, and equipment and vehicle access. Each crossing is unique, and specific requirements will be provided at the time of improvement. **GOV1-16 cont.**

17. 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. An average irrigation season lasts 6 months; therefore, the season will typically end around August 31. In very wet years, the irrigation season may go through mid-November. **GOV1-17**

18. Discharges into FID Canals – FID will not allow any discharges into the canals for numerous reasons, including but not limited to: Federal/ State/Local regulations, FID's Rules and Regulations, and the potential negative impact to water quality. All new and existing discharges and runoff must be routed to FMFCD storm drain facilities.

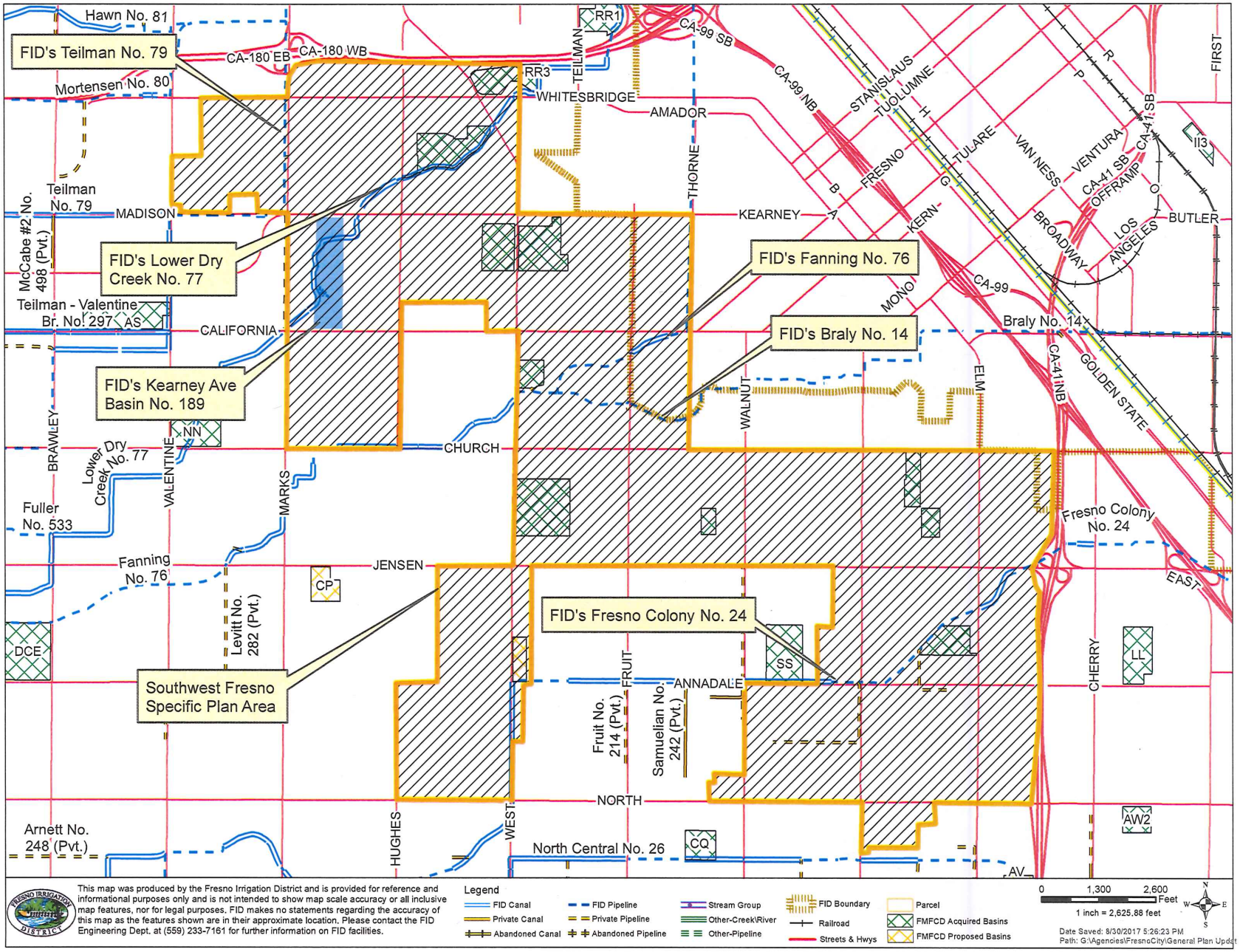
Thank you for making available to us the City of Fresno's Southwest Fresno Specific Plan Environmental Impact Report for our review and allowing us the opportunity to provide comments. We appreciate the opportunity to review and comment on the subject documents for this project. While it is difficult 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 (559) 233-7161 extension 7103 or LKimura@fresnoirrigation.com. **GOV1-18**

Sincerely,

Laurence Kimura, P.E.
Chief Engineer

Attachments

cc: Gary R. Serrato, General Manager, Fresno Irrigation District
Bill Stretch, Assistant General Manager, Fresno Irrigation District


Hawn No. 81
FID's Teilman No. 79
CA-180 EB
CA-180 WB
Mortensen No. 80
RR1
RR3
TEILMAN
WHITESBRIDGE
AMADOR
CA-99 SB
CA-99 NB
STANISLAUS
TUOLUMNE
FRESNO
TULARE
KERN
VAN NESS
VENTURA
CA-41 SB
CA-41 SB OFFRAMP
FIRST
BROADWAY
LOS ANGELES
BUTLER
THORNE
Teilman No. 79
MADISON
KEARNEY
McCabe #2 No. 498 (Pvt.)
FID's Lower Dry Creek No. 77
FID's Fanning No. 76
MONO
CA-99
Teilman - Valentine Br. No. 297
AS
CALIFORNIA
Braly No. 14
FID's Braly No. 14
CA-41 NB
GOLDEN STATE
FID's Kearney Ave Basin No. 189
NN
WALNUT
ELM
BRAWLEY
Lower Dry Creek No. 77
VALENTINE
CHURCH
MARKS
Fuller No. 533
Fresno Colony No. 24
Fanning No. 76
JENSEN
CP
EAST
FID's Fresno Colony No. 24
DCE
Levitt No. 282 (Pvt.)
SS
FRUIT
ANNADALE
CHERRY
FF
Southwest Fresno Specific Plan Area
Fruit No. 214 (Pvt.)
Samuelian No. 242 (Pvt.)
NORTH
AW2
Arnett No. 248 (Pvt.)
HUGHES
WEST
North Central No. 26
CQ
AV
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
1,300
2,600
Feet
1 inch = 2,625.88 feet
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GOV1-19

CITY OF FRESNO
NOTICE OF AVAILABILITY OF THE
DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT
FOR THE
SOUTHWEST FRESNO SPECIFIC PLAN,

NOTICE IS HEREBY GIVEN THAT the Draft Environmental Impact Report for the Southwest Fresno Specific Plan (SWFSP) is available for public review and comment. The City of Fresno (City) has completed an assessment of the possible environmental effects of the project and has determined that the preparation of a Draft Program Environmental Impact Report (DPEIR) is appropriate pursuant to the California Environmental Quality Act Guidelines (CEQA).

Project Location. The area addressed by the Specific Plan is approximately 3,255 acres in size and lies within the southwestern area of the City of Fresno, within Fresno County. The Specific Plan Area is bounded by Highway 180 in the north and by Highway 41 in the east. It does not include the Downtown Neighborhoods Community Plan Area, nor does it include the land currently in Fresno County that is outside city limits but within the Sphere of Influence (SOI) of the City's General Plan, with one exception. The one area in the SOI that is part of the Specific Plan Area is an approximately 115 acre site bounded by Church Avenue on the north, Jensen Avenue on the south, Knight Avenue on the west, and Martin Luther King, Jr. Boulevard on the east (see accompanying Project Location Map).

Project Description. The proposed Plan evaluated in this Draft PEIR is the adoption and implementation of the Southwest Fresno Specific Plan. The proposed Plan lays out a vision for Southwest Fresno over the Plan's 25-year horizon as a vibrant community well-connected to Downtown, strengthening the overall image and livability of the city. The Plan envisions two higher intensity cores near major highway interchanges, each with a primary magnet use. These magnet cores are ringed with smaller complete neighborhoods that support the core. Each complete neighborhood includes housing and a node with community-serving uses. Neighborhoods are linked by well-defined corridors lined with higher intensity uses. The plan calls for a mix of housing types, with an emphasis on single-family housing that is affordable to a range of income levels, is located near community amenities, and compatible with the community character. Adoption of the proposed Plan will include repeal of the Edison Community Plan, amendment of the Fresno General Plan, amendment of the Official Zoning Map, adoption of zoning overlay districts, and a text amendment to the Development Code to implement the zoning overlay districts.

GOV1-20

Impacts. The DPEIR has identified the following significant and unavoidable impacts for the project: Aesthetics, Agriculture, Air Quality, Greenhouse Gasses, Noise, and Traffic. The DPEIR has identified the following impacts that are less than significant with mitigation: Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Utilities and Service Systems.

There are sites within the Plan Area listed pursuant to Government Code Section 65962.5. However, due to the scale and nature of a program-level EIR, it is not feasible to list each site and the corresponding hazards listing within the body of this notice. Please refer to Chapter 4.8 of the DPEIR for a complete listing.

Public Comment. The DPEIR and related plans are available for public review for a 45-day public review period beginning on Wednesday, August 9, 2017 and ending on Monday, September 25, 2017. All interested parties are invited to submit written comments on the SWFSP and DPEIR for consideration by the Planning Commission and City Council. Comments should be submitted to Sophia Pagoulatos, Planning Manager, at 2600 Fresno Street, Rm. 3065, Fresno, CA 93721 or via email at Southwestcomments@fresno.gov no later than 5:00 p.m. on Monday, September 25, 2017.

Agencies should provide the name of a contact person with their response. The Fresno Planning Commission is tentatively scheduled to consider these items on October 18, 2017. The Fresno City Council is tentatively scheduled to consider these items on October 26, 2017.

Copies of the documents are available for review at the Fresno City Hall Development and Resource Management (2600 Fresno Street, Third Floor, Room 3065, Fresno, CA 93721) and at the West Fresno and Central branches of the Fresno County Library. A copy has also been placed at the following locations:

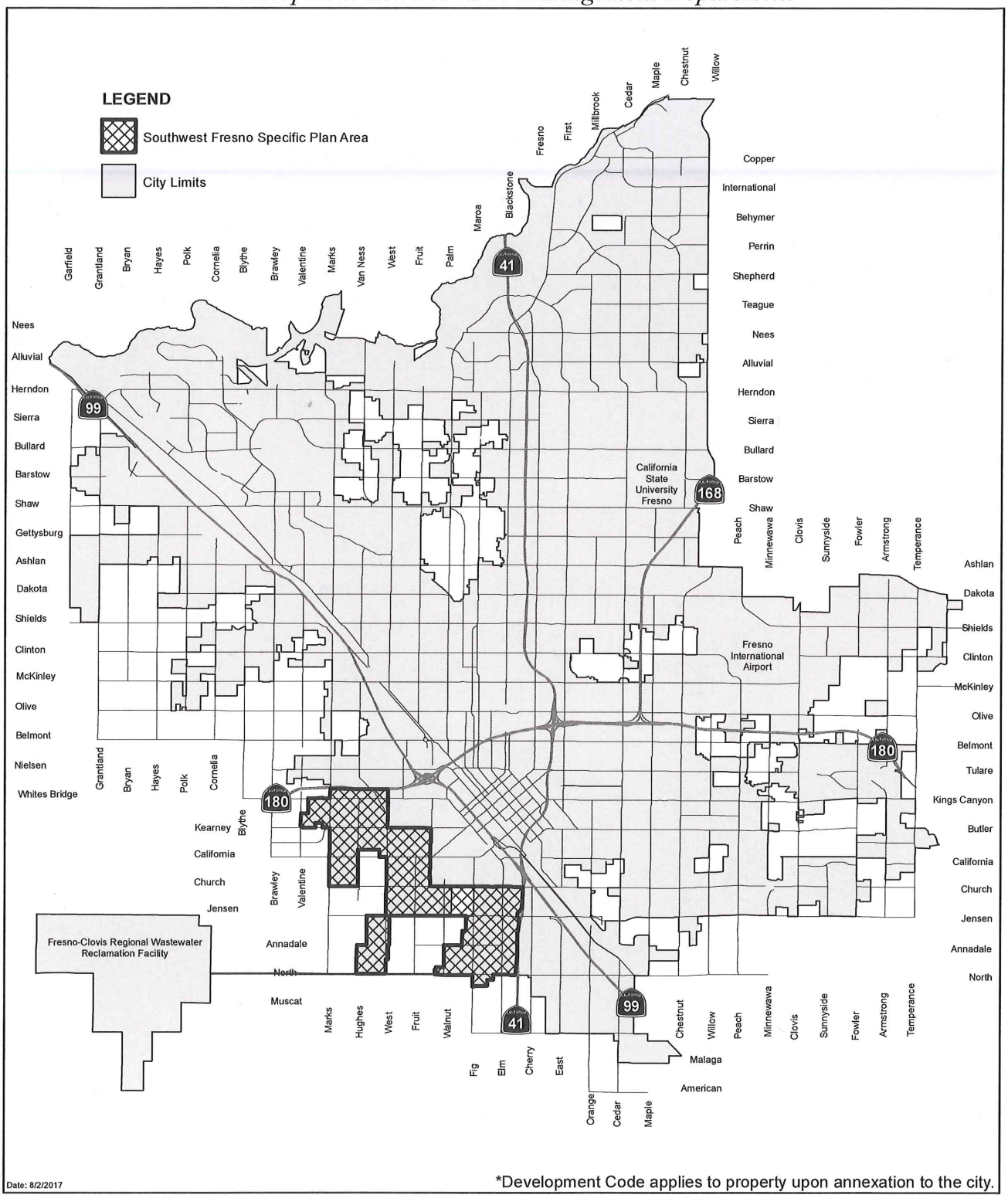
- Mary Ella Brown Community Center, 1350 E. Annadale Avenue, Fresno, CA 93706
- Hinton Community Center, 2385 Fairview Avenue, Fresno, CA 93706
- West Fresno Family Resource Center, 1801 E. California Avenue, Fresno, CA 93706

A copy of the documents can also be accessed online at www.fresno.gov/southwestplan

Questions may be directed to southwestcomments@fresno.gov or (559) 621-8180. *Para información en español, comuníquense con Sophia Pagoulatos al número de teléfono 559-621-8062.*

GOV1-20 cont.

City of Fresno Project Location Map
Southwest Fresno Specific Plan
Development and Resource Management Department



Date: 8/2/2017

*Development Code applies to property upon annexation to the city.

GOV1-21

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

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

September 21, 2017

Sophia Pagoulatos
City of Fresno
2600 Fresno Street
Fresno, California 93721

Subject: Southwest Fresno Specific Plan (Project)
Draft Environmental Impact Report, SCH # 2017031012

Dear Ms. Pagoulatos:

The California Department of Fish and Wildlife (CDFW) received a consultation notice regarding a program-level Draft Environmental Impact Report (DEIR) from the City of Fresno for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

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

CDFW ROLE

GOV2-01

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

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As

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

proposed, for example, tiered projects may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq). Likewise, to the extent implementation of tiered projects as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 15380), CDFW recommends it be fully considered in the environmental analysis for the Plan.

Bird Protection: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). **GOV2-01 cont.**

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

PROJECT DESCRIPTION SUMMARY

Proponent: City of Fresno.

Objective: The City of Fresno seeks to adopt a Specific Plan, which outlines a vision for Southwest Fresno throughout the Plan's 25-year horizon. Adoption of the proposed Plan will include repeal of the Edison Community Plan, amendment of the Fresno General Plan, amendment of the Official Zoning Map, adoption of zoning overlay **GOV2-02**

districts, and a text amendment to the Development Code to implement the zoning overlay districts.

Location: The Southwest Fresno Specific Plan will apply to areas of the City of Fresno bounded by Highway 180 to the north, Highway 41 to the east, and the city limits to the south and west.

Timeframe: Unspecified.

GOV2-02 cont.

CDFW offers the comments and recommendations below to assist the City of Fresno in adequately identifying and/or mitigating the Specific Plan's, and subsequent tiered projects, significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. As requested, CDFW is providing recommendations on the scope and content of the DEIR. Editorial comments or other suggestions may also be included to improve the document.

The DEIR indicates that portions of the Specific Plan area have the potential to support several special-status species and/or sensitive natural communities. Tiered projects therefore have the potential to impact these species. CDFW recognizes that the DEIR outlines mitigation measures to reduce impacts to special-status species and sensitive natural communities. However, CDFW is concerned that, as currently drafted, these measures may not be adequate to reduce impacts to a level that is less than significant. Specifically, CDFW is concerned regarding adequacy of mitigation measures for special-status plant species; the State threatened Swainson's hawk (*Buteo swainsoni*); the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*); special-status bat species; and the State Species of Special Concern American badger (*Taxidea taxus*), burrowing owl (*Athene cunicularia*), and western pond turtle (*Emys marmorata*). In addition, CDFW is concerned regarding potential impacts to riparian areas, wetlands, and waterways.

GOV2-03

COMMENTS AND RECOMMENDATIONS

Special-Status Plants: The DEIR acknowledges the potential presence of four special-status plant species, meeting the definition of rare or endangered under CEQA § 15380, in the Specific Plan area. These species include California jewelflower (*Caulanthus californicus*), California satintail (*Imperata brevifolia*), Sanford's arrowhead (*Sagittaria sanfordii*), and caper-fruited tropidocarpum (*Tropidocarpum capparideum*). Mitigation Measure BIO-1.1a states that presence/absence of a special-status plant or wildlife species will be determined prior to construction of a tiered project. To evaluate presence/absence, CDFW recommends pre-activity surveys be conducted on a project-specific basis by a qualified botanist and in accordance with the "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and

GOV2-04

Natural Communities" (CDFG, 2009). CDFW further recommends that these surveys include identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In addition, CDFW recommends that findings of these surveys be reported to CDFW using the reporting and data collection guidelines outlined in the protocol mentioned above. In the absence of protocol-level surveys being performed, additional surveys may be necessary. **GOV2-04 cont.**

Further, Mitigation Measures BIO-1.1a and BIO-1.1b state that special-status plant species will be avoided through incorporation of avoidance and minimization measures and that take of State listed species will be avoided "to the greatest extent feasible". CDFW recommends special-status plant species be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species. CDFW recommends fully addressing avoidance, minimization, and mitigation measures for special-status plants and that these measures be included as enforceable mitigation in the finalized Environmental Impact Report (EIR). **GOV2-05**

Swainson's Hawk: The DEIR recognizes the potential for the State threatened Swainson's hawk (SWHA) to occur within and in the vicinity of the Specific Plan area and identifies Mitigation Measure BIO-1.2, which outlines species-specific pre-activity surveys. However, this measure refers to pre-activity surveys only if suitable nesting trees will be removed during the SWHA nesting season. While CDFW agrees that pre-activity survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) are appropriate, CDFW advises that these surveys take place prior to initiation of any ground-disturbing or tree removal activities, because in addition to direct mortality, potentially significant impacts that may result from Project-related activities include nest abandonment, loss of foraging habitat, and reduction of nesting success. These impacts may result from Project activities other than tree removal (e.g., construction noise, reduced foraging habitat resulting in loss or reduced vigor of eggs or young). Further, Mitigation Measure BIO-1.2 indicates that surveys conducted during the first survey period (January 1 through March 20) defined by SWHA TAC are optional. In contrast, CDFW recommends that pre-activity surveys take place for SWHA during the normal bird breeding season (February 1 through September 15), which coincides with a portion of the first survey period as defined by SWHA TAC. CDFW further advises that additional pre-construction surveys for SWHA take place no more than 10 days prior to the start of construction. If an active SWHA nest is found, CDFW recommends implementing a ½-mile minimum no-disturbance buffer until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest for parental care for survival. If the ½-mile no-disturbance nest buffer is not feasible, consultation with **GOV2-06** **GOV2-07**

CDFW is warranted and acquisition of an Incidental Take Permit (ITP) for SWHA may be necessary prior to project initiation to comply with CESA. **GOV2-07 cont.**

Nest trees are a limited resource in the southern San Joaquin Valley. CDFW recommends impacts to known SWHA nest trees be avoided at all times of year. CDFW considers removal of known SWHA nest trees, even outside of the nesting season, a potentially significant impact under CEQA because SWHA exhibit high nest-site fidelity year after year and suitable nesting habitat features may be limited in the San Joaquin Valley. CDFW recommends that any potential SWHA nesting trees be replaced with an appropriate native tree species, planted at a ratio of 3:1, in an area that will be protected in perpetuity. This mitigation will offset impacts of the loss of potential SWHA nesting habitat. In addition, the removal of mature trees that provide nesting habitat features is a potentially significant impact to other raptor species and CDFW advises that the EIR consider potential impacts to general raptor nesting habitat. **GOV2-08**

As noted in the DEIR, grassland habitat within the Specific Plan area has the potential to support foraging SWHA. SWHA generally forage within 10 miles of their nest tree. CDFW's Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (CDFG, 1994) recommends the following:

- Projects within 1 mile of an active nest tree provide a minimum of one acre of habitat management (HM) land for each acre of development authorized.
- Projects within 5 miles of an active nest but greater than 1 mile provide a minimum of 0.75 acres of HM land for each acre of urban development authorized.
- Projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree provide a minimum of 0.5 acres of HM land for each acre of urban development authorized. **GOV2-09**

If HM land is included in a mitigation measure for the species, CDFW recommends funding of a sufficient long-term endowment, paid for by the Project sponsors, for the management of the protected properties. In addition to fee title acquisition of grassland habitat, mitigation could occur by the purchase of conservation or suitable agricultural easements. Suitable agricultural easements would include areas limited to production of crops such as alfalfa, dry land and irrigated pasture, and cereal grain crops. Vineyards, orchards, cotton fields, and other dense vegetation do not provide adequate foraging habitat. Additionally, because nest trees are a limited resource, CDFW recommends that lands protected as foraging habitat for SWHA be no more than 10 miles from a SWHA nest in order to be beneficial to the species. CDFW recommends

fully addressing avoidance, minimization, and mitigation measures for SWHA and that these measures be included as enforceable mitigation in the finalized EIR. **GOV2-09 cont.**

San Joaquin Kit Fox: The DEIR outlines potential for San Joaquin kit fox (SJKF) to occur in the Specific Plan area and identifies Mitigation Measure BIO-1.3 specifically for the species. Specifically, this measure outlines pre-activity surveys and reporting in accordance with the United States Fish and Wildlife Service's "Standardized recommendations for protection of the SJKF prior to or during ground disturbance" (2011). The measure further specifies contacting the United States Fish and Wildlife Service (USFWS) in the event a natal den is detected within 200 feet of a project boundary. While CDFW agrees with use of this survey methodology, SJKF detection warrants consultation with CDFW, in addition to USFWS, to discuss how to implement tiered projects and avoid take, or if avoidance is not feasible, to acquire an ITP prior to any ground-disturbing activities to comply with CESA. CDFW recommends fully addressing avoidance, minimization, and mitigation measures for SJKF and that these measures be included as enforceable mitigation in the finalized EIR. **GOV2-10**

Bat Species: The DEIR outlines potential for several bat species, recognized as State Species of Special Concern, to occur in the Specific Plan area. These species include pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), western mastiff bat (*Eumops perotis californicus*), and western red bat (*Lasiurus blossevillii*). The DEIR identifies Mitigation Measure BIO-1.3 specifically for these species and outlines pre-activity surveys and 100- to 300-foot disturbance-free buffers surrounding known roosts. However, the measure does not specify a timeline for when these surveys will occur in relation to initiation of construction activities. CDFW recommends pre-activity surveys occur within two weeks prior to the start of work at each tiered-project location. **GOV2-11**

Mitigation Measure BIO-1.3 also includes a provision for replacement habitat and roost removal via passive eviction if avoidance is not possible. However, CDFW recommends that bats not be disturbed without specific notice to and consultation with CDFW. If a bat roost is detected, CDFW advises a minimum 50-foot no-disturbance buffer during activity, or postponing activity until repeat surveying documents that bats no longer use the roost. If avoidance or postponement is not feasible, CDFW recommends submission of a request for a reduced buffer or a Bat Eviction Plan to CDFW for written approval prior to implementation. CDFW advises that a request for a reduced buffer include a rationale describing the adequate protection of the roost. CDFW further advises that a request to evict bats from a roost include details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to the start of activity and are unable to re-enter the roost until activity is completed. CDFW recommends fully addressing avoidance, minimization, and **GOV2-12**

mitigation measures for special-status bat species and that these measures be included as enforceable mitigation in the finalized EIR. **GOV2-12 cont.**

American Badger: The DEIR identifies the potential for American badger within the Specific Plan area and identifies Mitigation Measure BIO-1.5 specifically for the species. A component of this measure outlines relocation of American badgers and excavation of dens if avoidance is not feasible. CDFW recommends that if a badger is detected within a project work area during project activities it be allowed to move out of the work area of its own volition. If pre-activity surveys find an American badger is denning on or immediately adjacent to a project work area, consultation with CDFW to determine whether the animal(s) may be evicted from the den is advised. **GOV2-13**

Burrowing Owl: The DEIR identifies the potential for burrowing owl (BUOW) within the Specific Plan area and identifies Mitigation Measure BIO-1.6 specifically for the species. This measure outlines species-specific pre-activity surveys conducted within 15 days of ground disturbance to determine BUOW occupancy. However, CDFW recommends following the California Burrowing Owl Consortium's Survey Protocol and Mitigation Guidelines (CBOC 1997) to determine occupancy. Specifically, CBOC suggests three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable. **GOV2-14**

Although not specifically discussed in Mitigation Measure BIO-1.6, if BUOW are found to occupy a tiered project site and avoidance is not possible, it is important to note that according to CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012), exclusion in and of itself is not a take avoidance, minimization, or mitigation method. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. In addition, CDFW further recommends that burrow closure be employed only where there are adjacent natural burrows and non-impacted sufficient habitat for BUOW to occupy with permanent protection mechanisms in place. In addition, BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance at tiered project sites during project activities, at a rate that is sufficient to detect BUOW if they return. CDFW recommends fully addressing avoidance, minimization, and mitigation measures for BUOW and that these measures be included as enforceable mitigation in the finalized. **GOV2-15**

Western pond turtle: The DEIR identifies the potential for western pond turtle (WPT) within the Specific Plan area and identifies Mitigation Measure BIO-1.7 specifically for the species. This measure outlines focused pre-activity surveys for WPT and relocation of individuals and/or eggs found in a project area. However, CDFW recommends that if **GOV2-16**

any WPT are discovered at a site immediately prior to or during project activities they be allowed to move out of the area on their own volition. If this is not feasible, CDFW recommends that a qualified biologist who holds a Scientific Collecting Permit for the species, capture and relocate the turtle(s) out of harm's way to the nearest suitable habitat immediately upstream or downstream from a project site. In addition, CDFW recommends that focused surveys for nests occur during the egg-laying season (March through August) and that any nests discovered remain undisturbed until the eggs have hatched. **GOV2-16 cont.**

Nesting birds: A variety of land cover types within and in the vicinity of the Specific Plan area likely provide nesting habitat for birds. Although the DEIR identifies pre-activity surveys for nesting birds in Mitigation Measure BIO-1.8, it does not specify a time-line for when these surveys will be conducted relative to initiation of construction activities. CDFW recommends that a qualified wildlife biologist conduct preconstruction surveys for active nests no more than 10 days prior to the start of a tiered project to maximize the probability that nests potentially impacted are detected. CDFW also recommends that surveys cover a sufficient area around the work site to identify nests and determine their status. A sufficient area means any area potentially affected by a tiered project. In addition to direct impacts, such as nest destruction, noise, vibration, odors, and movement of workers or equipment could affect nests. Prior to initiation of construction activities, CDFW recommends a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends a qualified biologist continuously monitor nests to detect behavioral changes resulting from the project. If behavioral changes occur, CDFW recommends the work causing that change cease and CDFW consulted for additional avoidance and minimization measures. **GOV2-17**

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance. **GOV2-18**

Jurisdictional Features, Riparian Habitat, and Wetlands: The DEIR identifies the potential for significant impacts to areas that are jurisdictional (waterbodies and waterways) pursuant to Fish & Game Code, § 1600 et seq. Mitigation Measure BIO- **GOV2-19**

2.1a indicates potential project-related impacts to riparian habitat are possible and identifies compensatory mitigation as a mitigation strategy. Riparian habitat and wetlands are of extreme importance to a wide variety of plant and wildlife species. CDFW provides the following recommendations for avoiding impacts to riparian habitat and waterways: (1) for areas with riparian vegetation, a minimum 200-foot no-disturbance buffer delineated from the high water mark of a waterbody or waterway or from the outside edge of the riparian vegetation; (2) for areas with no riparian vegetation, a minimum 100-foot no-disturbance buffer around the high water mark of a waterbody or waterway. In some instances, larger buffers may be necessary to avoid impacts. CDFW has a no-net-loss policy regarding impacts to wetlands and CDFW considers project-related impacts to these resources as significant if they result in the net loss of acreage or habitat value. When impacts to wetland habitats are unavoidable, CDFW recommends compensation include creation of new habitat, preferably on-site, on a minimum of an acre-for-acre basis. CDFW also recommends compensation consider potential impacts to special-status resources posed by wetland creation. Wetlands that have been inadvertently created by leaks, dams or other structures, or failures in man-made water systems are not exempt from this recommendation.

GOV2-19 cont.

Mitigation Measures BIO-2.1b and BIO-3a indicate potential project-related impacts to streambeds and waterways are possible, including significant alteration resulting in fill. If project activities will result in substantial changes to the bed, bank, and channel of a river, lake, or stream, notification pursuant to Fish & G. Code, § 1600 et seq. is warranted. Fish & Game Code §1600 et seq. requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation): (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial. CDFW is required to comply with CEQA in the issuance of a Lake and Streambed Alteration Agreement. For additional information on notification requirements, please contact our staff in the Lake and Streambed Alteration Program at (559) 243-4593.

GOV2-20

Mitigation Measure BIO-3a outlines wetland delineation for tiered project activities that will result in alteration or fill of federally protected wetlands. Please note that, while there is overlap, state and federal definitions of wetlands differ. Therefore, it is recommended that delineation identify both state and federal wetlands at tiered project sites. Fish and Game Code Section 2785 (g) defines wetlands; further Section 1600 et seq. applies to any area within the bed, channel, or bank of any river, stream, or lake (including riparian vegetation). It is important to note that while accurate delineations by qualified individuals have resulted in more rapid review and response from the ACOE

GOV2-21

and CDFW, substandard or inaccurate delineations have resulted in unnecessary time delays for applicants due to insufficient, incomplete, or conflicting data.

CDFW recommends fully addressing avoidance, minimization, and mitigation measures for jurisdictional features, riparian habitat, and wetlands and that these measures be included as enforceable mitigation in the finalized EIR prepared for this Project.

GOV2-21 cont.

Editorial Comments and/or Suggestions

Federally Listed Species: CDFW also recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to those listed above. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any ground-disturbing activities.

GOV2-22

ENVIRONMENTAL DATA

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

GOV2-23

FILING FEES

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

GOV2-24

CONCLUSION

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

More information on survey and monitoring protocols for sensitive species can be found at the CDFW's website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols). Questions regarding this letter or further coordination should be directed to Renée Robison, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014 extension 274, or by electronic mail at Renee.Robison@wildlife.ca.gov.

GOV2-25

Sincerely,

Julie A. Vance
Regional Manager

cc: Holley Kline
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REFERENCES

CBOC, 1997. Burrowing owl survey protocol and mitigation guidelines. Pages 171-177 *in* Lincer, J. L. and K. Steenhof (editors). 1997. The burrowing owl, its biology and management. Raptor Research Report Number 9.

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr., Governor

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Making Conservation a California way of life.

September 25, 2017

FRE-41-Various
SCH # 2017031012
Southwest Fresno Specific Plan
Draft EIR Review

Sophia Pagoulatos
City of Fresno
2600 Fresno Street
Fresno, California 93721

Dear Ms. Pagoulatos:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. The project affects the southwestern most limits of the City of Fresno bounded by State Route (SR) 180 to the north and SR 41 to the east. Our objective is to work in coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network. With the State's smart mobility goals of supporting vibrant economy and thriving communities with a safe and efficient transportation system, we provide the following comments based on a focused review of the "Transportation" portion of the Draft Southwest Fresno Specific Plan document:

Caltrans concurs with the traffic mitigation measures proposed by the City for all the freeway ramps and ramp interchanges in the plan vicinity. It is apparent that development in southwest Fresno will produce significant, yet unavoidable traffic congestion. Therefore, future projects implemented under the proposed plan estimated to generate daily or peak hour traffic volumes in excess of 100 vehicle trips should prepare a site access, circulation, and traffic study as part of their proposal; and we encourage early consultation with Caltrans. Additionally, any amendments to the General Plan, or to the proposed project should include a traffic impact study due to the potentially significant impact that development in the project area is estimated to have on the State Highway System (SHS). GOV3-01

Even with mitigation, it is clear the SHS will not continue to function at an acceptable level of service (LOS) within the proposed plan area, as growth occurs. For this reason, Caltrans reinforces the importance of the City's requirement that developers pay into the established City's Traffic Signal Mitigation Impact Fee (TSMI) and the Regional Transportation Mitigation Fee (RTMF) program managed by Fresno Council of Governments. Furthermore, City coordination among the Fresno Council of Governments (COG), the City and Caltrans to improve the interchanges at SR 99/Jensen Avenue (northbound and southbound), SR 99/Fresno Street (northbound and southbound), SR 41/Jensen Avenue (southbound), and SR 41/North Avenue (southbound), as outlined in mitigation measures TRANS-7.2 and TRANS-7.3 is strongly supported. Due to the extensiveness of the impact, these interchanges should be added to the project list for the City's TSMI fee program. GOV3-02

Traffic congestion may be further mitigated by expanding the multi-modal network into the plan area. The planned bicycle and trail network laid out in the City's General Plan can be enhanced by providing direct safe routes to the schools, retail hubs, and medical facilities in the plan area. Accompanying street lighting, secure bike storage spaces—especially near transit stops, landscaping that incorporates shade elements, and bicycle/pedestrian priority in street operations all increase the likelihood residents will use and benefit from an active transportation network. Additionally, development of park zones beyond open green space to include lighting for safety, playing fields, swimming pools, walking paths, or community gardens—keeping in mind accessibility for all ages and abilities—serve to promote health and wellness in the surrounding neighborhoods. Potentially, community outreach aimed at establishing carpools to popular employment centers could lessen the strain on the SHS. Likewise, the project objective of attracting affordable grocers and other retail to the plan area is pivotal in achieving the City's stated goal of improving quality of life in Southwest Fresno while also improving traffic conditions. **GOV3-03**

Fresno COG regional models are best used to answer "big picture" scenarios with regards to general trends in traffic and air quality such as the SW Fresno Specific Plan. However, when it comes to specific types of land use on a project level basis, NCHRP Report 765 states "Model adjustments are frequently made at a small-area or link level because many regional models do not have the requisite accuracy needed for detailed link level traffic forecasts." It also states "Project-level forecasts often require better accuracy than can be obtained from a travel model alone." Therefore Caltrans recommends project specific data submittals when new development occurs at spot locations within 2 miles of the SHS, to determine the need for a Traffic Impact Study to better assess traffic impacts. **GOV3-04**

Section 4.14, Transportation and Traffic of the Environmental Impact Report (EIR), please add a new section in the TIS that briefly describes the analysis scenarios and years being analyzed. This section may be appropriate prior to section 4.14.1.2, Existing Conditions. All scenarios/figures/tables should be labeled appropriately as With or Without Proposed Plan and the year being analyzed. Please revise for clarity. **GOV3-05**

Right-of-way should be preserved for the Type L-9 partial cloverleaf interchange for the SR 41/North Avenue interchange. Roundabouts at the ramp intersections should be considered as an interim improvement. The Type L-9 interchange configuration has been changed to a right-angle intersection at the on-ramp intersection to accommodate pedestrian crossing by utilizing traffic signal control. Refer to the current Caltrans Highway Design Manual (HDM) Chapter 500 for these changes. **GOV3-06**

In reference to "Intersection Operations" on Page 4.14-40, it is stated that the adjustments to cycle length and shifting green time phases at the intersection of SR 99 northbound ramps/East/Jensen Avenues would result in slightly better operations under existing plus proposed plan. Signal timing modification should not be used as Project mitigation, this is considered routine maintenance. **GOV3-07**

Table 4.14-10 for SR 99 southbound ramps/East/Jensen Avenues displayed the delay would remain at 61 seconds from the Existing Conditions to Existing plus Project Conditions. There is an increase in traffic volumes by 632 for the Existing plus Project condition. However the Synchro worksheets showed higher delay for the southbound off-ramp approach. The **GOV3-08**

southbound off-ramp would operate poorly in the Existing plus Project condition and excessive queuing on the off-ramp and freeway mainline may occur. Synchro files should be submitted to verify the delay. The first paragraph under Table 4.14-10 may not be necessarily true. **GOV3-08 cont.**

In Table 4.14-10 for the SR 99 northbound ramps/East Avenue/Jensen Avenue indicates the delay decreases from the Existing to Existing plus Project conditions with the same lane configuration and with increased traffic volumes. An explanation should be provided to justify the decrease in delay between conditions. **GOV3-09**

In reference to Tables 4.14.-4, 4.14-11, 4.14-15, and 4.14-18, deceleration length at the off-ramps prior to stopping at the end of queue is required. Refer to the current Caltrans HDM for deceleration length requirements. **GOV3-10**

Table 4.14-10 – Existing plus Project condition and Table 4.14-14 – Cumulative Conditions are not consistent in regards to delay. In explanation as to the inconsistency should be explained. **GOV3-11**

Refer to Synchro worksheets for SR 41 northbound ramps/North Avenue, the Cumulative displayed two eastbound-through-lanes and two westbound-through-lanes, and the Existing and Existing plus Project condition displayed one eastbound-through-lane and one westbound-through-lane. It is unclear when North Avenue within the interchange area is widened to two lanes before it would be mitigated. **GOV3-12**

Refer to Table 4.14-14 and Synchro worksheets for SR 99 northbound ramps/East Avenue/Jensen Avenue, the traffic volumes would increase from the Existing plus Project to Cumulative condition but the delay would decrease. Synchro files should be submitted to verify this delay. **GOV3-13**

The queue length on the westbound-left turn lane at the SR 99 southbound ramps/Fresno Street will exceed the available storage. **GOV3-14**

Refer to Page 4.14-69 (MM Trans 7.3), the proposed southbound right-turn phase to run concurrently with the eastbound through phase may be conflicting with pedestrian crossing phase. Synchro files should be submitted to verify the proposed mitigation. **GOV3-15**

The Synchro analysis and the proposed improvements for each interchange will need to be reevaluated once Synchro files are submitted to Caltrans for review. Additional comments will be provided at the later date. **GOV3-16**

Trip generation, trip distribution, and intersection traffic turning movement figures should be provided. **GOV3-17**

SB 375 formalized the connection between land use planning and transportation. Population growth is eminent. The Specific Plan is indicating that the "Vehicle Miles Traveled (VMT)" is projected to increase to approximately 1,470,179 with full build-out. Furthermore, with the funding constraints in transportation that we are compelled to contend with, we are learning that we cannot necessarily afford to build our way out of congestion. While there is still opportunity to expand infrastructure in our region, we will also need to manage our transportation infrastructure more efficiently. This can only be done by working together, maximizing funding opportunities (i.e. all-inclusive Regional fee programs) to develop a well-integrated system that offers various alternative modes for our residents. **GOV3-18**

Should you have any questions or concerns, please feel free to contact David Padilla at (559) 444-2493 or dave.padilla@dot.ca.gov.

GOV3-18 cont.

Sincerely,

MICHAEL NAVARRO, Chief
Transportation Planning-North

COMMENT LETTER # GOV4

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September 25, 2017

Sophia Pagoulatos, Planning Manager
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2600 Fresno Street, Rm. 3065
Fresno, CA 93721

Re: Comments of Washington Unified School District on Draft Program Environmental Impact Report for the Southwest Fresno Specific Plan

Dear Ms. Pagoulatos:

Our firm represents Washington Unified School District ("District"). On behalf of the District, we submit these comments on the Draft Program Environmental Impact Report ("Draft PEIR") prepared for the proposed Southwest Fresno Specific Plan (collectively, the "Project"). As set forth in this letter, the Draft PEIR does not comply with the California Environmental Quality Act ("CEQA," Pub. Resources Code, §§ 21000, *et seq.*) and the CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000, *et seq.*) for both technical and substantive reasons. The Draft PEIR does not include sufficient information to evaluate potential environmental impacts related to schools. The District requests that the City revise the Draft PEIR to address the issues identified in this letter, develop appropriate mitigation measures for any impacts that are identified as significant, and then recirculate the revised Draft PEIR as required by CEQA. (Cal. Code Regs., tit. 14, § 15088.5.)

GOV4-01

As another public agency serving the population of Fresno, the District prefers to cooperate with the City regarding the proposed Project so as to help ensure that it will benefit the entire community, without undue impacts. The District's primary concern is that the Project not create significant impacts on the student population it serves, their families, District staff and teachers, and the school facilities in which they are housed. The District wishes to emphasize that this Project has the potential to have a profound negative effect on the District's students, their families, and residents who will reside in and near the Project. It remains the District's hope that collaboration between the District and both the City and Project developers can occur to avoid this result.

I. The Draft PEIR does not meet its purpose as an informational document because it fails to provide an adequate description of the environmental setting related to schools.

An environmental impact report is required to include a description of the physical environmental conditions in the vicinity of the project *as they exist* at the time the notice of preparation is published. This environmental setting constitutes the baseline physical conditions by which the lead agency determines whether an impact is significant. (Cal. Code Regs., tit. 14, § 15125, subd. (a).) In this regard, the Draft PEIR's discussion of the impacts of the Southwest Specific Plan on the District's ability to serve students generated by the eventual development in the Plan area is of particular concern. The Draft PEIR contains no specific information pertaining to the District, and relies almost exclusively on information pertaining to Fresno Unified School District (serving just a portion of the north of the Plan area, and Central Unified School District (serving only a small part along the western edge of the Plan area. [Draft PEIR, p. 4.13-14-17.] The PEIR entirely fails to disclose the existing conditions of schools located within the District.

GOV4-02

Where the environmental setting in an EIR contains inaccuracies, it fails as an informational document. An EIR cannot properly and accurately assess the impacts of the project or determine appropriate mitigation measures if it does not include adequate consideration and documentation of the existing environmental conditions. (See, *San Joaquin Raptor/Wildlife Rescue Center, et al. v. County of Stanislaus* (1994) 27 Cal.App.4th 713.)

II. The Draft PEIR does not meet its purpose as an informational document because it fails to provide an adequate analysis of environmental impacts related to schools.

GOV4-03

A. The Draft PEIR contains an inadequate discussion of impacts on schools.

The Draft PEIR is deficient in its discussion and proposed mitigation of school-related impacts that may result from the Project. The Draft PEIR states that impacts on schools are deemed less than significant with payment of school developer fees. [Draft PEIR, pp. 4.13-18-19.] The Draft PEIR states that in accordance with Senate Bill ("SB") 50, "the City collects Development Impact Fees for the provision of school facilities that would accommodate the projected increase in student population within the Plan Area." [Draft PEIR, p.4.13-19.] This analysis is based on a misconception and falls short of providing a

full and accurate picture of the school-related impacts that will necessarily result from the Project. Further, here and elsewhere, the Draft PEIR contains bare conclusions regarding impacts without a sufficient explanation of the basis for those conclusions, again in violation of CEQA. (*Laurel Heights Improvement Ass'n. v. Regents of the University of California* (1988) 47Cal.3d 376, 397.)

In this instance, as the Draft PEIR fails to acknowledge, the statutory school impact fees will not sufficiently fund the necessary new facilities. It is commonly understood that "Level 1" developer fees (Ed. Code, § 17620; Gov. Code, § 65995) for schools cover only approximately one-third of the projected cost of school construction, with the other two-thirds expected to come from State and local bond funds. With there now having been no new statewide bond measure for school facilities for many years, State funds are depleted, leaving an even greater shortfall. Similarly, "Level 2" fees reflect only approximately half of the necessary cost, as demonstrated by the fact that when State funding runs out, the possibility of an approximate doubling of the fees to a "Level 3" is permitted to address the full anticipated cost of school construction. (See Govt. Code §§65995.5 – 65995.7.) Level 3 fees are not currently available due to a pending lawsuit against the State Allocation Board, which is not likely to be resolved in short order. The shortfall of necessary funds is exacerbated by the potential limitations on bonding capacity of land in the Plan Area, should a new school site be needed. Without sufficient space to build on the current elementary school site owned by the District in the Plan Area, acquisition of a new site, and more likely multiple sites, is probable, with inadequate available funds for such land purchases.

GOV4-03 cont.

The developer fees cited by the Draft PEIR were never intended to prohibit other mitigation, nor will they adequately mitigate all impacts of this Project. Government Code section 65996(b) mentions only "school facilities mitigation," meaning that mitigation of impacts on issues other than school facilities must still be addressed. (See, *Chawanakee Unified School District v. County of Madera, et al.* (2011) 196 Cal.App.4th 1016.)

The Draft PEIR fails to explore other measures that would alleviate the impact of the increases in student enrollment. Government Code section 65996 also does not preclude a host of available means of addressing a School District's needs as a result of new development. Alternative means of addressing the impacts of new development on schools still allowed under SB 50, and not acknowledged in the Draft PEIR, include:

GOV4-04

1. Coordinated Planning for School Sites

Government Code sections 65352 and 65352.2 require local cities to coordinate planning of school facilities with school districts. The Legislature confirmed in this statutory scheme that the parties are meant to coordinate "[o]ptions for the siting of new schools and whether or not the local city or counties existing land use element appropriately reflects the demand for public school facilities, and ensures that new planned development reserves location for public schools in the most appropriate locations." (Gov. Code 65352.2(d)(2).) No such coordination has occurred in relation to the Project. The Draft PEIR does not analyze the City's failure to comply with these coordination requirements.

The Legislature recognized that new planned development should take into consideration and even "reserve" locations for schools to serve development because schools are as integral a part of planning for new development as is any other public service, such as fire, police, water and sewer. As it relates to this instance, the intent behind sections 65350, *et seq.*, supports the District's position that the City must analyze whether the current size of District schools is adequate to accommodate both its existing population and the new development. The City can help the District provide adequate facilities resulting from the impacts of the Project, which are not addressed by developer fees, by acknowledging the significant impact on schools, and requiring alternative mitigation measures to assure that there are adequate sites to accommodate school facilities.

GOV4-04 cont.

The Draft PEIR states that "As future development occurs throughout the Plan Area, the school districts would continually monitor capacities of existing schools and forecast the timing of the construction of new schools or expansion of existing school so that new student populations can be provided with adequate school facilities...," but this statement is inadequate as mitigation because it does not commit the City to any action, and does create a condition of approval for developers. [Draft PEIR, p. 4.13-18.] The City has improperly delegated authority for development of adequate mitigation measures to address the school siting issues to future developers of the land within the Plan Area. This is not a permissible delegation of authority under CEQA. (Cal. Code Regs., tit. 14, § 15025, subd. (b)(1).) Per section 15084, subdivision (e), of the CEQA Guidelines, a draft EIR must reflect the independent judgment of the lead agency, and the lead agency is responsible for the adequacy and objectivity of the draft EIR. Leaving developers to come up with mitigation measures to address school-related issues does not comply with this standard. (See also, Pub. Resources Code, § 21081.6, subd. (b); Cal Code Regs., tit. 14, § 15126.4, subd. (a)(2) [EIR must have mitigation measures that are enforceable through conditions of approval, contracts or other means that are legally binding].)

2. Land Dedication

One feasible mitigation measure not addressed by the City would be for the City to adopt findings requiring any developer building as part of the development allowed by the Project to dedicate land and/or funding pursuant to Government Code sections 65970, *et seq.*, which permit the City to require a developer to dedicate land to a school district. Section 65974 specifically states that "for the purpose of establishing an interim method of providing classroom facilities where overcrowded conditions exist, . . . a city, county, or city and county may, by ordinance, require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for classroom and related facilities for elementary or high schools as a condition to the approval of a residential development." Nothing in SB 50/Government Code section 65996 precludes this approach.

A land dedication requirement would be good public planning benefiting all residents of the community, including future residents of the Project. Land suitable for a new school site in the vicinity of the Project is already scarce; it will only become more so if the Project is implemented and further development occurs. Under Government Code sections 65352 and 65352.2, the City has a duty to help plan for adequate services to its residents by ensuring that future sites are set aside for schools. Failure to do so leads to inadequate services, future controversies, and the potential need for a school district to exercise its rights under eminent domain, displacing future residents. **GOV4-05**

All of these are impacts potentially stemming from the Project that are not considered in the Draft PEIR, and for which mitigation is and can be made available under existing law. Land dedication is a permissible mitigation measure under Government Code sections 65995, *et seq*. Section 65995(a) specifically states that "[e]xcept for a fee, charge, dedication, or other requirement authorized under Section 17620 of the Education Code, **or pursuant to Chapter 4.7 (commencing with Section 65970)**, a fee, charge, dedication or other requirement for the construction or reconstruction of school facilities may not be levied. . . ." (Emphasis added.) Section 65995 expressly excludes Chapter 4.7, inclusive of section 65974, from this limitation, thus permitting a city to address the impacts of development through the dedication of land.

Further, the City is authorized by section 66478 of the Subdivision Map Act to require dedication of elementary school sites when needed to address development. Nothing in Government Code sections 65995, *et seq.*, precludes such a requirement.

Land dedication is particularly important in the Project's vicinity given the lack of available vacant land for the school facilities that will be needed to serve the Project.

3. Phasing

Another method by which the City can work cooperatively with the District within all legal constraints to ensure adequate school facilities with regard to new development allowed by the Project is by requiring future development to be phased and not permitted prior to availability of school facilities. Timing development so as to balance the availability of school facilities with new development can significantly aid the District in its attempt to provide for the additional students who will be generated as a result of the Project and development following approval of the Project. The Draft PEIR makes vague assumptions regarding project build-out by stating that the development of residential units would occur over many years, so the growth in students would be spread across the some unknown future time. The reality is that the District must plan in advance for the arrival of the new students generated by the Project. The City could mitigate the impacts of the Project and allow for available school facilities when needed by requiring phasing of future development. This phasing could require that the timing of the development of the Project be coordinated with the availability of school facilities. GOV4-06

B. The Draft PEIR contains an inadequate discussion of other school-related impacts.

In addition to the above discussion of the inadequacy of school impact fees to mitigate the Project's significant impact on schools, the Draft PEIR fails to address other types of impacts related to the inundation of District schools that will be caused by the Project.

The case of *Chawanakee Unified School District v. County of Madera, et al.*, (2011) 196 Cal.App.4th 1016 ("*Chawanakee*") addresses the extent to which a city or county must consider school related impacts in an environmental impact report for new development. The Court determined that SB 50 does **not** excuse a lead agency from conducting environmental review of school impacts other than an impact "on school facilities." With respect to this terminology from subdivision (a) of section 65996, the Court opined: GOV4-07

> [T]he use of the term "on" indicates a direct relationship between the object (i.e. school facilities) and the impact and excludes impacts to other parts of the physical environment. Consequently, the phrase "impacts on school facilities" used in SB 50 does not cover all possible environmental impacts that have any type of connection or relationship to schools.

(*Id.*, at 1028.)

As a result, the Court of Appeal in *Chawanakee* concluded that the County would have to set aside the certification of the EIR at issue in that case and approvals of the project and take "action necessary to bring the EIR into compliance with CEQA regarding its analysis of the (a) traffic from private and school bus trips to existing schools outside the project area pending the construction of school with the project area and (b) the potential environmental effects from the construction of additions, either temporary or permanent, to existing schools prior to the construction of schools in the project area." (*Id.*, at 2019.) The Draft PEIR does not contain any discussion of these impacts and effects. GOV4-08

As in the *Chawanakee* case, there is no analysis whatsoever in the Draft PEIR of the impact on school children and surrounding neighborhoods as portable classrooms or permanent construction are added to existing schools, or new schools are built, to accommodate development flowing from the approval of the Project. This would include addition of second stories on existing school buildings.

1. Traffic and Transportation

Though the Draft PEIR generally analyzes the impacts of increased traffic, its analysis is inadequate particularly as related to schools. Traffic in the area of the Project is already impacted. The Specific Plan recognizes that the only high school within the District boundaries, Washington High School, is approximately four (4) miles south of the Plan Area, but the Draft PEIR fails to account for the traffic associated with transporting students from newly developed residential areas within the Plan Area to the existing high school, prior to any construction of a high school within the Plan Area. The Draft PEIR must include greater analysis regarding safety issues affected by traffic, such as reduced pedestrian safety (particularly as pupils walk to and from the schools that will serve the Project area), reduced response times for emergency services and first responders traveling to school sites, and increased gridlock during, before, and after school drop-off and pick-up hours. Since the District does not provide regular bussing for students (an important existing condition not addressed in the Draft PEIR), the Project has the potential to create substantial impacts in terms of traffic. GOV4-09

Given these concerns and the lack of mitigation measures to address them adequately, the Draft PEIR must be revised and supplemented to analyze the significant issues of traffic and safety as they relate to existing and proposed schools. The *Chawanakee* case supports the conclusion that greater traffic analysis that **specifically takes the District and its students into consideration** is required.

As stated in *Chawanakee*, a project's indirect impacts on parts of the physical environment that are not school facilities are not excused from being considered. For example:

> [A]n impact on traffic, even if that traffic is near a school facility and related to getting students to and from the facility, is not an impact 'on school facilities' for purposes of Government Code section 65996, subdivision (a). From both a chronological and a molecular view of adverse physical change, the additional students traveling to existing schools will impact the roadways and traffic before they set foot on the school grounds. From a funding perspective, the capped school facilities fee will not be used by a school district to improve intersections affected by the traffic. Thus, it makes little sense to say that the impact on traffic is fully mitigated by the payment of the fee. In summary, … the impact on traffic is not an impact on school facilities and, as a result, the impact on traffic must be considered in the EIR.

(*Chawanakee*, 196 Cal.App.4th at 1028-29.)

GOV4-10

The Draft PEIR expressly acknowledges that there will be traffic (and other) impacts associated with construction and operation of new or expanded schools, and it states, "… there could be significant adverse environmental impacts from the construction and operation of the schools. Typical impacts associated with schools include: noise and traffic for most of the schools and potentially lighting if there are high school stadiums proposed." [Draft PEIR, p. 4.13-18.] In this regard, the Draft PEIR fails to comply with CEQA and the requirements of *Chawanakee*.

Mitigation measures are required to be enforceable through conditions of approval, contracts or other means that are legally binding. (Pub. Resources Code, §21081.6, subd. (b); Cal. Code Regs., tit. 14, § 15126.4, subd. (a)(2).) The measure in the Draft PEIR that defers mitigation of the impacts of future development does not meet this standard, and is therefore inadequate. It does not commit the City to take any action in the future, or refrain from doing so, and it does not impose any obligation on a third party through a condition of approval or contract. The measure also improperly defers formulation of mitigation. While deferral of *specifics* is acceptable in some circumstances, the lead agency must articulate specific performance criteria and make further approval contingent on finding a way to meet them. In *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, an EIR was disapproved by the court based on the fact that it improperly deferred mitigation of impacts to an endangered butterfly and did not

GOV4-11

include any performance standards or guidelines. Rather, the court found that the anticipated plan for management contained nonspecific actions, and left the timing and other specifics subject to the discretion of the habitat preserve manager on prevailing environmental conditions. Therefore, the activities were not guaranteed to occur at any particular time or in any particular manner. Further, the EIR in *Preserve Wild Santee* did not indicate that it was in any way impractical or infeasible to specify standards or guidelines.

GOV4-11 cont.

Like the EIR in *Preserve Wild Santee*, the Draft PEIR improperly defers mitigation of significant impacts related to the foreseeable need to construct schools to serve the expected development within the Plan Area.

The failure adequately to consider and analyze the constraints on the future need to construct schools contemplated in the Draft PEIR also points to a failure to consider adequate and feasible alternatives, as required by CEQA. (See, e.g., Pub. Resources Code § 15126.6(a)-(e).)

To the extent that the City contends that the traffic analysis "assumes" that there will be school trips associated with residential units, this is not sufficient. There is no specific data or discussion of such school trips, and there is no way to separate those types of trips from other vehicle trips so as to meaningfully review and analyze their impacts. The analysis therefore fails to comply with CEQA. (See, Pub. Resources Code, § 21003, subd. (b) [EIR must be meaningful and useful to decision-makers and the public]; Cal. Code Regs., tit. 14, §§ 15140, 15147 [maps, charts and other means of presenting information graphically should be used to enhance an EIR's clarity; technical data should be summarized].)

GOV4-12

2. Impacts of commercial development

The Draft PEIR ignores the impact of commercial development on the generation of students and demand for schools. This oversight apparently results from a flawed assumption with no basis. In fact, the Legislature has expressly recognized that commercial development generates students. Otherwise, it would not have authorized school districts to charge fees against commercial and industrial development, as it did with Education Code section 17620(a)(1)(A). The imposition of fees on commercial and industrial development is based on the premise, recognized by the Legislature, that this type of development will attract new employees with families and therefore will generate new students. (See, *Shapell Industries, Inc. v. Governing Board* (1991) 1 Cal.App.4th 218, 246.) Since California law provides for fees to be imposed on both residential and commercial development, it recognizes that the students generated by these types of

GOV4-13

development do not necessarily overlap. Thus, the impacts of student generation resulting from both types of development must be analyzed.

GOV4-13 cont.

III. Plan Consistency

The Draft PEIR also fails adequately to consider consistency with the City of Fresno General Plan ("General Plan"). The Draft PEIR acknowledges that the General Plan contains the goal of "Appropriate School Locations," and "Park and School Park and School Site Coordination." [Draft PEIR, p. 4.13-14 (quoting Policies POSS-8-b/c).] No analysis is undertaken and no information is provided as to whether the Project will result in such efficient and equitable distribution of quality educational facilities. In fact, the development likely will be underserved by school facilities, and hence educational opportunities, as discussed earlier. Residents of the Project will therefore face inequity with other students in the District, including undersized schools, lack of play space, lack of parking, school overcrowding, and potentially disadvantageous location of facilities near railroad tracks and gas pipelines. This inconsistency and relating impact must be addressed in the Draft PEIR.

GOV4-14

Conclusion

The Draft PEIR does not adequately analyze the Specific Plan's potential impacts, particularly as related to schools. The Draft PEIR must address with greater specificity the impacts on school facilities and services, student safety, and more, as addressed in this letter. The District encourages the City to work cooperatively with the District and consider alternative mitigation measures that can assist in adequately mitigating the impacts on the District's schools and the affected surrounding environment. The Draft PEIR is also deficient in the other manners discussed above. The District stands ready to meet and work with the City to address these vital issues.

GOV4-15

Very truly yours,

BARTH DALY LLP

THOMAS W. BARTH

County of Fresno

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

September 25, 2017

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2600 Fresno Street, Rm. 3065
Fresno, CA 93721

SUBJECT: Notice of Availability of the Draft Program Environmental Impact Report for the Southwest Fresno Specific Plan

Dear Ms. Pagoulatos,

The County of Fresno appreciates the opportunity to review and comment on the subject Notice of Availability. In the Transportation and Circulation section of the Technical Appendices, the plan proposes new and modified truck routes on the below County Roadway segments:

1. Central Avenue – SR 41 to West Avenue
2. Church Avenue – West Avenue to Marks Avenue
3. Elm Avenue – Central Avenue to North Avenue
4. West Avenue – Central Avenue to North Avenue
5. Marks Avenue – Church Avenue to Kearney Boulevard

Based on data gathered on these roadways in the PMS database, the existing roadway conditions of some of these roads include narrow pavement widths and very low PCI. Even though this is a planning document, the recommended truck routes should be thoroughly discussed and evaluated before designating the proposed routes as future truck routes. The County requests to be included in all discussions regarding truck routes and potential impacts to County Roads. Please contact Tong Xiong from our Design Division ((559) 600-4532 or tonxiong@co.fresno.ca.fresno) and Frank Daniele from our Road Maintenance and Operations Division ((559) 600-4268) or fdaniele@co.fresno.ca.us) regarding this request.

GOV5-01

We appreciate the opportunity to comment on the project. If you have any questions, you may e-mail me at cmonfette@co.fresno.ca.us or contact me at (559) 600-4245.

Sincerely,

Chrissy Monfette, Planner
Development Services Division

CMM:
G:\4360Devs&Pln\EnvPlan\OAR\City of Fresno\Southwest Fresno Specific Plan\NOA\SWF SP NOA Comment Letter.dotx

c: Bernard Jimenez, Deputy Director of Planning
William M. Kettler, Development Services Division
Chris Motta, Development Services Division
Marianne Mollring, Development Services Division

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 420.213

September 27, 2017

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

Dear Sophia,

GOV6-01

Fresno Metropolitan Flood Control District (District)
Comments on the Draft Program Environmental Impact Report (DPEIR) for
City of Fresno Southwest Specific Plan (Plan) SCH#2017031012

District has reviewed the subject DPEIR for the City of Fresno Southwest Specific Plan and has the following comments.

1. On page 4.9-15 under Local Surface Waters and Drainage, the storm drainage pipe system (not the basin as called out in the text) has the capacity for a two-year storm and the basin is designed for six-inches (6") of rain over the Master Planned water shed areas. Further in the paragraph it should be noted in older areas of the existing system there may not be available area to expand basin property to allow a 20 percent change in required volume. The same comment is applicable to 4.9-24 and 27. GOV6-02
2. On pages 4.9-16 and 4.9-25 for their respective tables the column identifying "Acres" needs to provide more clarification. For example it is not the acreage of the drainage area, but perhaps acreage of the area within the area that is affected by the Plan. Also on the table is an identified volume for "GP Required Basin Volume" and "Specific Plan Required Basin Volume". Please provide the documentation for these calculations for review and verification. At this time the District is unable to provide proper comment to these values as presented and will provide comment after receipt of support documentation. GOV6-03
3. Figure 4.9-1 FMFCD Urban Flood Control System Area is from 2014 and is out of date and should be replaced with the current version. The most recently published map is dated 12/9/2016 and is included as an attachment for your use. GOV6-04
4. Figure 4.9-2 Existing Urban Flood Control System In and Near the Plan Area is based on the 2014 FMFCD facilities map and is out of date and should be replaced with the current version. The most recently published map is dated 12/9/2016 and is included as an attachment for your use. GOV6-05

k:\letters\environmental impact report letters\dpeir southwest specific plan(sch2017031012)(mw-wl).docx

The comments previously provided in the letter dated March 30, 2017 are still applicable for the Fresno Southwest Specific Plan prior to this subsequent request for comment for the DPEIR for the City of Fresno Southwest Specific Plan.

Thank you for the opportunity to comment. Please keep our office informed on the development of the project and if you have any further questions, or need any additional information, please contact the District at (559) 456-3292.

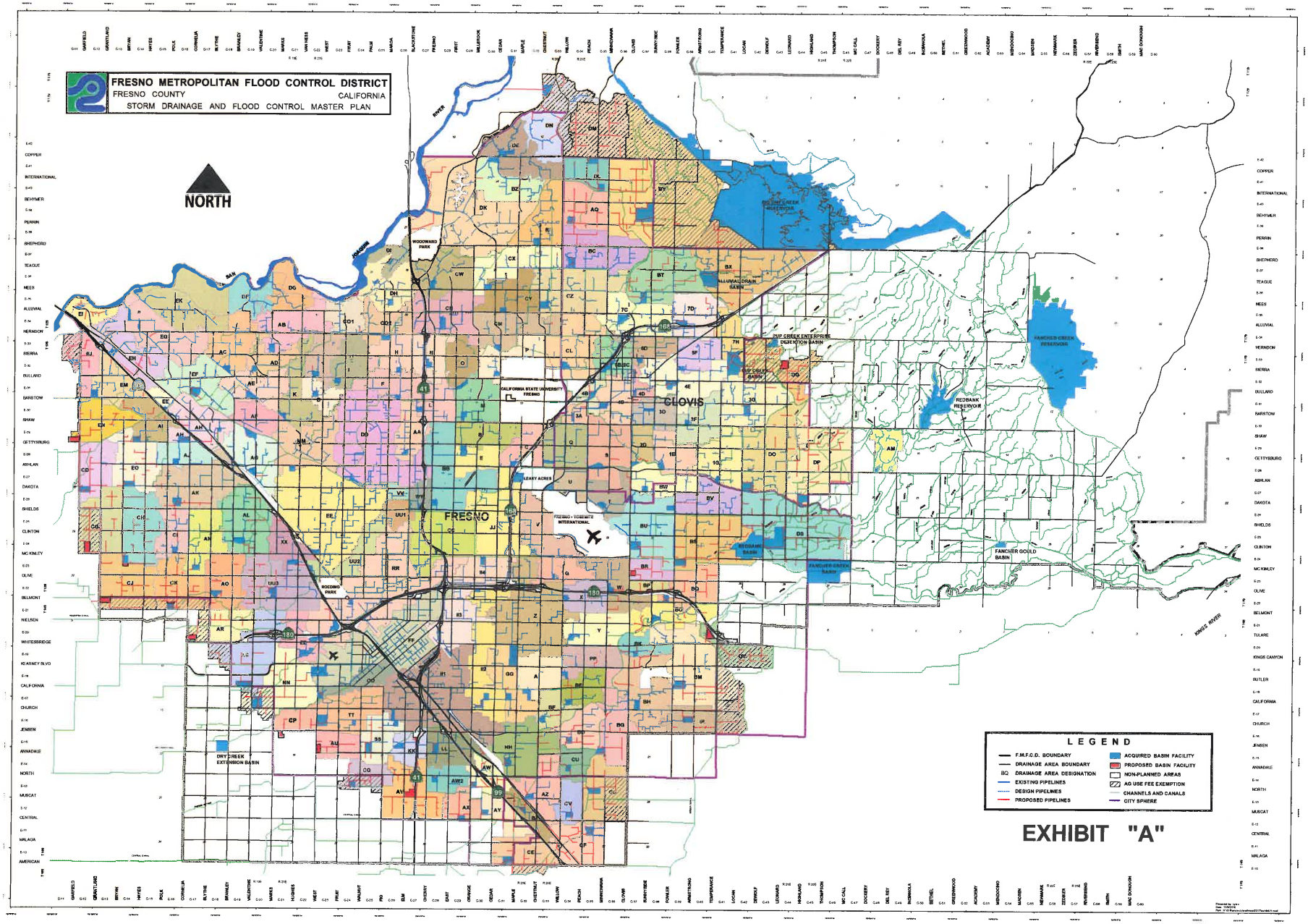
Very truly yours,

GOV6-06

Wendell Lum
Master Plan Special Projects Manager

WL/MW/lrl

Attachment


FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
FRESNO COUNTY
CALIFORNIA
STORM DRAINAGE AND FLOOD CONTROL MASTER PLAN
NORTH
FRESNO
CLOVIS
LEGEND
F.M.F.C.D. BOUNDARY
DRAINAGE AREA BOUNDARY
DRAINAGE AREA DESIGNATION
EXISTING PIPELINES
DESIGN PIPELINES
PROPOSED PIPELINES
ACQUIRED BASIN FACILITY
PROPOSED BASIN FACILITY
NON-PLANNED AREAS
AG USE FEE EXEMPTION
CHANNELS AND CANALS
CITY SPHERE
EXHIBIT "A"

Sophia,

The District would like to add an additional comment pertaining to the City's Southwest Specific Plan. On page 4.9-15, please delete sentence "When necessary, FMFCD can move water from a basin in one such drainage area to a second such basin by pumping water into a street and letting water flow in curb and gutter to a storm drain inlet in an adjoining drainage area" and the number 18 citation "Rourke, Daniel, Environmental Resources Manager, Fresno Metropolitan Flood control District. Phone Call with Place Works, April 11, 2014." See the included attachment. Today, this situation is a rare occurrence because the District plans and constructs basin relief pipelines in order to avoid pumping water on the streets. The District's current generation of Storm Drain Master Plans include basin relief pipelines that intertie the adjacent drainage areas together. This is the case for basins that do not have direct access to a canal for relief. Operationally, the District calls this situation a tiered relief system. The upstream basin pumps flow thru the relief pipeline to an adjacent downstream basin. This operation repeats until the water is ultimately moved to a downstream basin that has a permanent relief such as a canal or the river. Or the storm water may be detained at a downstream basin facility for recharge purpose depending on the forecasted weather conditions or maintenance requirements.

GOV7-01

Wendell Lum
Master Plan Special Projects Manager
Fresno Metropolitian Flood Control District
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COMMENT LETTER # GOV8

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

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DARM - DEVELOPMENT SERVICES
CITY OF FRESNO

September 25, 2017

Sophia Pagoulatos
City of Fresno
Development and Resource Management Department
2600 Fresno Street, Third Floor
Fresno, California 93721

Project: Draft Environmental Impact Report for the City of Fresno Southwest Fresno Specific Plan

District CEQA Reference No: 20170918

Dear Ms. Pagoulatos:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report for the City of Fresno Southwest Fresno Specific Plan and offers the following comments:

1. Future development within the Southwest Fresno Specific Plan (Project) will contribute to the overall decline in air quality due to increased traffic and ongoing operational emissions. New development may require further environmental review and mitigation. The District makes the following recommendations regarding future development:

   A. Toxic Air Contaminants (TACs) are air pollutants identified by the State of California that may cause or contribute to an increase in exposure to the surrounding public (i.e. – nearby schools, residents, and actual or proposed worksites). The location of development projects is a major factor in determining whether a proposed project will result in localized health impacts. The potential for adverse health impacts increase as the distance between the source of emissions and receptors decrease.

   Accurate quantification of emissions and health impacts requires detailed site specific information (i.e. – type of emission source, proximity of the source to receptors, toxics emitted, and source parameter information).

GOV8-01

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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Central Region (Main Office)
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Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

www.valleyair.org www.healthyairliving.com

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The required level of detail is typically not available until project specific approvals are granted. Therefore, the District recommends that an assessment be required during the project level review. This recommendation includes proposed projects that would otherwise appear to be exempt from CEQA requirements, such as projects that could be categorically exempt or allowed land uses under current zoning. **GOV8-01 cont.**

B. Prior to conducing a Health Risk Assessment (HRA), the District recommends conducting a screening analysis that includes all sources of emissions. A screening analysis is used to identify projects which may have a significant health impact. Prioritization – using the California Air Pollution Control Officers Association (CAPCOA) updated methodology is a recommended screening method. A prioritization score of 10 or greater is considered to be significant and an HRA should be performed. The prioritization calculator can be found at: http:www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS.

The District recommends a refined HRA for projects that result in a prioritization score of 10 or greater. It is recommended that the project proponent contact the District to review the proposed modeling protocol. The proposed project would be considered to have a significant health risk if the HRA demonstrates that the project related health impacts would exceed the District's significance threshold of 20 in a million for carcinogenic risk and 1.0 for the Acute and Chronic Hazard Indices. More information on toxic emission factors, prioritizations and HRAs can be obtained by: **GOV8-02**

- E-mailing inquiries to: hramodeler@valleyair.org; or
- Visiting the District's website at (modeling information):

  http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm

C. Construction Emissions – The Draft EIR concludes that construction emissions will have a significant and unavoidable impact on air quality. The District recommends additional mitigation of construction exhaust emissions to further lessen the air quality impact. Feasible mitigation of construction exhaust emission includes use of construction equipment powered by engines meeting, at a minimum, Tier II emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. The District recommends incorporating, as a condition of project approval, a requirement that off-road construction equipment used on site achieve fleet average emissions equal to or less than the Tier II emissions standard of 4.8 NOx g/hp-hr. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards. **GOV8-03**

D. Individual development projects would be subject to District Rule 9510 (Indirect Source Review) if upon full build-out the project would include or exceed any one of the following:

- 50 dwelling units
- 2,000 square feet of commercial space;
- 25,000 square feet of light industrial space;
- 100,000 square feet of heavy industrial space;
- 20,000 square feet of medical office space;
- 39,000 square feet of general office space; or
- 9,000 square feet of educational space; or
- 10,000 square feet of government space; or
- 20,000 square feet of recreational space; or
- 9,000 square feet of space not identified above

The District recommends that demonstration of compliance with District Rule 9510, before issuance of the first building permit for each project phase including payment of all applicable fees, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: http://www.valleyair.org/ISR/ISRHome.htm. **GOV8-04**

E. Individual development projects may also be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

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

2. The Plan lays out a vision for Southwest Fresno over the Plan's next 25-year horizon as a vibrant community and well-connected to downtown Fresno, strengthening the overall image and livability of the city. The District is currently designated as extreme non-attainment of the federal national ambient air quality standard for ozone and non-attainment for PM2.5. Given the size of the project, it is reasonable to conclude that mobile source emissions resulting from growth and development would have significant impacts on air quality. To reduce the project related impacts on air quality the Plan should include design standards that reduce vehicle miles traveled (VMT). VMT can be reduced through encouragement of mixed-use development, walkable communities, etc. Recommended design elements can be **GOV8-05**

found on the District's website at http://www.valleyair.org/ISR/ISROnSiteMeasures.htm.

GOV8-05 cont.

3. As presented in the Draft EIR, after implementation of all feasible mitigation, the Project would have a significant and unavoidable impact on air quality. However, the environmental document does not discuss the feasibility of implementing a voluntary emission reduction agreement (VERA). As discussed below, the District believes that mitigation through a VERA is feasible in many cases, and recommends the environmental document be revised to include a discussion of the feasibility of implementing a VERA to mitigate project specific impacts to less than significant levels.

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

GOV8-06

   In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. The initial agreement is generally based on the projected maximum emissions increases as calculated by a District approved air quality impact assessment, and contains the corresponding maximum fiscal obligation. However, because the goal is to mitigate actual emissions, the District has designed flexibility into the VERA such that the final mitigation is based on actual emissions related to the project as determined by actual equipment used, hours of operation, etc., and as calculated by the District. After the project is mitigated, the District certifies to the lead agency that the mitigation is completed, providing the lead agency with an enforceable mitigation measure demonstrating that project specific emissions have been mitigated to less than significant.

   The District has been developing and implementing VERA contracts with project developers to mitigate project specific emissions since 2005. It is the District's experience that implementation of a VERA is a feasible mitigation measure, and effectively achieves the emission reductions required by a lead agency, by mitigating project related impacts on air quality to a net zero level by supplying real and contemporaneous emissions reductions. To assist the Lead Agency and project

proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document be amended to include an assessment of the feasibility of implementing a VERA. **GOV8-06 cont.**

Additional information on implementing a VERA can be obtained by contacting District CEQA staff at (559) 230-6000.

4. Referral documents for new development projects should include a project summary detailing, at a minimum, the land use designation, project size, and proximity to sensitive receptors and existing emission sources. **GOV8-07**

If you have any questions or require further information, please call Mark Montelongo at (559) 230-5905.

Sincerely,

Arnaud Marjollet
Director of Permit Services



Brian Clements
Program Manager

AM: mm

TFS INVESTMENTS LLC

August 11, 2017

Sophia Pagoulatos
Planning Manager
City of Fresno
Development and Resource Management Department

RE: NMX zoning comment on the Draft Program Environmental Impact Report for the Southwest Fresno Specific Plan

Dear Ms. Pagoulatos:

I am the property owner of the three parcels of land located at the southeastern corner of E. Church Avenue and Walnut Avenue. The APN numbers are:

APN 479-050-01
APN 479-050-06
APN 479-050-08

In reviewing the Land Use Map of both the Specific Plan and the DPEIR, I'm noticing that only the large 10+ acre parcel is designated Neighborhood Mixed-Use (NMX). In fact, all three parcels should be designated NMX per the fourth amendment that was approved by the City Council on December 8, 2016.

ORG1-01

As the owner of these three parcels, I respectfully request that the Land Use designations in the final Specific Plan and DPEIR be revised to include all three of the above parcels as being designated NMX, consistent with the intent of the City Council action in December 2016.

Sincerely,

Terance Frazier

TFS INVESTMENTS

1411 L St #M
Fresno, CA 93721

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COMMENT LETTER # ORG2

From: Lee Ayres [mailto:lee@treefresno.org]
Sent: Sunday, August 27, 2017 4:24 PM
To: Sophia Pagoulatos; Southwestcomments
Subject: RE: Southwest Fresno Specific Plan & EIR - comments

Good afternoon – We wish to submit the following comments on the Plan and the program EIR:

- Thanks for the thorough detail on conditions and terms.
- We recommend that you add language that the Specific Plan policies and plans will be applied to adjacent areas when annexed in order to foster a coordinated plan for SW Fresno.
- We applaud the policies on Green Streets to promote bicycle and pedestrian use.
- Given that this is a Specific Plan, it would be helpful and appropriate to emphasize specific aims that would give this community a comparative advantage when competing with subdivisions in Fresno, Kerman, Fowler and Selma. These could include: **ORG2-01**
    - Green Streets to provide safe routes to schools and connect every neighborhood with the jobs in near the HSR station.
    - A target tree canopy of 40%
    - Alternative Subdivision Standards to reduce street widths and increase lot sizes and landscape ratios.
    - A Community Landscapes Plan (recently funded by a CDBG grant) to develop tree and plant collections for each major neighborhood, new and existing. **ORG2-02**
- We question the allocation of an above average amounts of land for commercial uses, given traffic and aesthetic impacts, unless you can demonstrate this would provide job within walking distance for residents. **ORG2-03**
- We challenge the low allocation of land for parks; given our low ParkScore. In fact, it would be in the interest of the future attractiveness of SW Fresno to double the existing park ratio. **ORG2-04**
- Rather than not recognize Hyde Park and the Regional Sports Park as neighborhood assets, it would be better to mitigate the concerns and improve these parks. This will not reduce the need to add more.
- A Community Park of 20 or more acres – maintained to a high standard – needs to be called out as a priority in the Edison High-Hinton-Computech-Gaston area. If a Community College Campus is located nearby, it would make sense to master plan the combined Greenspace provided by the school, park and college properties. **ORG2-05**
- We recommend a ¼ mile buffer for pedestrians and bicyclists from major arterials such as North, Jensen, and California/Venture due to the noise, child safety and near-road air pollution. Same for schools and parks.
- Recommend a pedestrian/bicycle tunnel under North Avenue at Santa Clara Avenue with North treated as a Green Street west of Elm. The Cargill plant at Church and MLK needs to be put in a non-conforming use status and phased out with the trucks re-routed to Central. **ORG2-06**
- MLK should treated as a Green Street between Church and California due to the MLK elementary school and the proposal that this section of MLK street become a Green Street to connect SW Fresno neighborhoods with employers near the HSR station. **ORG2-07**

- We sense that the planning team was driving with their foot on the brake to limit the proposed investments on community assets in the neighborhood. Just as we have witnessed with the Parks Master Plan. We need to be bold and set forth what is reasonable and needed and call for measures to fund the O&M costs.
- The commercial nodes proposed at Marks and 180 and at Jensen and MLK make sense. Mixed land uses in this low-density suburban setting are not likely to be viable.
- The land use plan for a retail center at the SW corner of Church and MLK in not in the community interest with the concentration of school children nearby.
- New development is badly needed at Fruit and California to mitigate blight and energize this section of the BRT corridor. This may be a suitable place for a TCC multi-family housing subsidy.

ORG2-07 cont.

Thank you for your consideration. Lee

Lee Ayres
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(O) 559-221-5556 (M) 559-285-3906 lee@treefresno.org

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September 25, 2017

Email to Southwestcomments@fresno.gov

Ms. Sophia Pagoulatos
Planning Manager
2600 Fresno Street, Rm. 3065
Fresno, CA 93721

Re: SOUTHWEST FRESNO SPECIFIC PLAN
DRAFT ENVIRONMENTAL IMPACT REPORT
State Clearing House # 2017031012201406101 7

Dear Ms. Pagoulatos:

This letter is issued on behalf of my client Darling Ingredients Inc., who own interests in properties within the lands encompassed by the Southwest Fresno Specific Plan (the "Project"). This is a comment letter concerning the Draft Environmental Impact Report ("DEIR") for the Project. Please ensure this letter is included in the Record of Proceedings regarding the consideration of the Project by the City of Fresno (the "City").

1. The EIR Project Description Omits a Significant Feature of the Project – the Goal to Displace All Developed Industrial Land Uses Within the Project Boundaries.

ORG3-01

An EIR's Project Description is required to include a clearly written statement of the objectives sought by the proposed project (CEQA Guidelines Section 15124(b)). A fundamental purpose of this Project is to abolish all zoning and land use districts for all industrial uses within the Project Boundaries, including lands that have been previously developed and which support a significant employment base for the City. (the Southwest Fresno Specific Plan Figure 3-2). However, that purpose and objective of the Project is nowhere disclosed in the Project description.

The DEIR Project Description does disclose that the Project results in 1 million square feet of less employment related uses than intended by the recently adopted 2015 General Plan. However, the DEIR claims that this decrease is the result of the change of business park and regional business park uses to other land uses such as residential, park, mixed use, and commercial (DEIR page 3-10). No mention is made of the abolition of all industrial land use designations, including the industrial designations that apply to developed industrial uses that are the source of significant employment.

ORG3-02

The City has had a long-standing policy, existing since the early 1970's and reaffirmed by the adoption of the 2015 General Plan, to support the retention of industrial uses in the Plan Area. These policies were supported by substantial investments of Federal and Redevelopment Agency funding, which the City now intends to discard.

The City possesses the land use authorities to make this significant change in long standing policy. However, the City is obligated to comply with CEQA in exercising those authorities. By failing to disclose this intended displacement policy, the City fails to analyze the potential for significant negative environmental impacts that may arise by the implementation of such a policy.

ORG3-03

2. The EIR Analysis of Land Use Impacts Fails to Disclose the Intended Displacement of All Developed and Undeveloped Industrial Land Uses Within the Project Boundaries.

The primary purpose of an EIR is its service as a public informational document. (Public Resources Code Section 21061). If the EIR fails to comply with CEQA's information requirement, the lead agency has abused its discretion and failed to proceed in the manner required by law. (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, at page 435).

The DEIR confirms that one of its standards of significance requires that it evaluate whether the Project conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project. (DEIR Page 4.10-2). However, the DEIR fails to sufficiently conduct the required evaluation of this important potential environmental impact. As a result, the DEIR fails to provide the public information required to achieve the EIR's required purposes. **ORG3-04**

Specifically, the DEIR at Table 4.10 lists various elements of the City of Fresno's adopted 2015 General Plan, and references that Plan's policy LU-7, which requires that the City "plan and support industrial development to promote job growth". The DEIR then states that the Project is consistent with Policy LU-7 because the Project's Goal LU-8 "supports long term sustainability of industrial uses by directing them outside the plan area, where they will not conflict with existing neighborhoods." Displacing existing industrial development that was recently supported by the 2015 General Plan cannot reasonably be construed as consistent with a policy of planning and supporting industrial development.

In addition, the Project's Goal LU-8 does not actually direct industrial uses to areas outside the Plan Area. That is because the Project does not implement any land use policies for any lands outside the Plan Area. (Southwest Specific Plan Page 3-2). Adopting a ban on existing and future industrial land uses within the Plan Area lands does not implement a strategy for directing such uses to other areas. It simply draws a perimeter around an area within which such uses can no longer be conducted. **ORG3-05**

The Specific Plan details a number of negative environmental factors associated with existing industrial uses. The ban that the Specific Plan adopts on such uses with the Plan area will presumably visit such negative impacts to other locations. However, the potential for that environmental impact arising from the Project's relocation of existing industrial uses is nowhere acknowledged or analyzed.

The Plan includes Policy LU-8.3 which states an intent to focus new industrial growth within a designated "reverse triangle area", and then allowing light industrial growth in a separate targeted area when a percentage of industrial lands in the reverse triangle area have been developed with heavy industrial uses. (Southwest Specific Plan Page 3-15.) However, there are no new industrial land uses being allocated by this Plan because the Plan only addresses land uses within the Plan's boundaries. Both the "reverse triangle area" and the location where additional light industrial growth might be permitted are outside the Plan area. The DEIR fails to disclose this important fact, even while it claims that the Plan supports long-term sustainability of industrial uses. By failing to disclose that Policy LU-8.3 is in fact not **ORG3-06**

being implemented, the DEIR fails to provide the public information required to achieve the DEIR's required purposes. **ORG3-06 cont.**

The DEIR also includes, at Page 4.12-7, the misleading statement that "New industrial jobs could occur in existing industrial businesses; however, the proposed Plan redirects new industrial uses to locations outside of the Plan Area to remove land use conflicts with nearby residential and other sensitive uses". That statement is misleading. The Plan does more than redirect new industrial uses to locations outside the Plan Area. It also redirects existing industrial users to relocate outside the Plan Area by adopting land use and zoning designations that will denigrate such uses to legal non-conforming zoning status. In addition, the City's Development Code imposes significant legal hurdles that seek to restrain the ability of legal non-conforming uses from expanding their non-conforming activity. (Fresno Municipal Ordinances Section 15-404). Any business activities that increase industrial employment at existing industrial sites will be treated by the City as an expansion of the nonconforming use, which the Development Code is designed to constrain. Therefore, the Project actually seeks to assure that new industrial jobs do not occur in existing industrial businesses, which is inconsistent with the DEIR's description of the Project's impact. **ORG3-07**

3. The DEIR's Analysis of Aesthetic Impacts Fails to Disclose the Blighting Influences that Will Result from its Designation of Developed Industrial Land Uses as Legal Nonconforming Status.

The Project adopts a bold plan to rid the Southwest Fresno community of all existing industrial uses. However, the Project and the DEIR fail to incorporate any measures that reasonably transition the existing uses into the newly adopted land uses. This lack of a strategic approach to the displacement of substantial existing industrial uses will likely result in the existing sites becoming vacated and unable to be effectively developed in accordance with the Plans new land use designations. There is therefore a substantial likelihood that constrained industrial use properties will thereby create blighting influences.

Neither the Project nor the DEIR set forth any implementation arrangement for transitioning the newly designated legal nonconforming uses into uses that comply with the Project's designations. The only City policies that would apply for those purposes are the regulatory arrangements that the City's Development Code imposes on legal nonconforming uses, set forth at Article 4 of Chapter 15. However, the provisions of that Code, its effectiveness in attaining the desired transition of land uses on the developed industrial sites, and the potential environmental impacts of the imposition of the Code's standards to such sites, is not disclosed nor analyzed in the DEIR. **ORG3-08**

The Development Code imposes special conditional use permit requirements for any "expansion" of a legal nonconforming use, which requires extraordinary findings, and which requires that the user overcome the Development Code's stated presumption that the legal nonconforming use is creating an adverse impact. (Development Code Section 15-404-B and 15-405-E-2). Therefore, when any existing industrial uses seek an "expansion" of the use, the consequences of the Project is that the Development Code will impose substantial legal impediments.

McCORMICK
BARSTOW LLP
ATTORNEYS AT LAW

Once an industrial use terminates on a site, that site will likely still be surrounding by existing industrial uses. The transitioning site will then effectively suffer the consequences of a "spot zoning" arrangement, where all properties adjacent to the site are supporting the industrial uses to the extent such uses are allowed by their legal non-conforming status.

ORG3-08

The current industrial uses are being commanded to transition to Office land uses. However, the feasibility of developing a transitioning site to the uses permitted by the Project is not evaluated by the DEIR.

The City's General Plan states that the Office land uses are to be focused on as administrative, professional and public offices and is a land use designation designed for office uses on smaller lots generally located on arterial roadways (Fresno General Plan, page 3-40). However, the Project contains larger sized industrial parcels that are developed on sites whose roadways were specifically designed and developed by the City to establish visual barriers between those uses and adjacent roadways. (See Fruit/Church Industrial Area Plan prepared in 1970 by Design Omnibus for the Fresno West Development Company, Inc., an economic development entity of the City of Fresno created as part of the Fresno Model Cities Program and Tentative Tract Map No. 2573 for the Southgate Industrial Park, submitted by the City of Fresno on September 20, 1973). These sites are now being allocated an Office land use and zoning, which the Fresno General Plan confirms is designed for office uses on smaller lots generally located on arterial roadways.

ORG3-09

These existing industrial sites are to conduct that transition to office uses on sites with parcel and roadway designs that are not consistent those that the General Plan states are appropriate for such uses. The existing industrial sites are further to conduct such transition in the midst of legal nonconforming industrial uses. Yet, despite such significant hurdles, the potential environmental impact of the blighting influences that will result if the intended land use transactions are not done in an effective manner is nowhere disclosed or analyzed in the DEIR.

Sincerely,
McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

Christopher S. Hall

LEADERSHIP COUNSEL FOR JUSTICE & ACCOUNTABILITY

A Tides Center Project

CENTRAL CALIFORNIA ASTHMA COLLABORATIVE

FAITH IN THE VALLEY

CVAQ

CENTRAL VALLEY AIR QUALITY COALITION • COALICIÓN DE CALIDAD DEL AIRE DEL VALLE CENTRAL

Sophia Pagoulatos, Planning Manager

Southwestcomments@fresno.gov

2600 Fresno Street, Rm. 3065

Fresno, CA 93721

RE: Draft Southwest Specific Plan & Environmental Impact Report

Dear Ms. Pagoulatos,

Thank you for the opportunity to comment on the City of Fresno's Southwest Specific Plan ("SWSP") and Draft Environmental Impact Report ("DEIR"). Leadership Counsel for Justice and Accountability works alongside disadvantaged communities across the Central and Coachella Valleys, including in the City of Fresno, to advocate for sound policy and eliminate barriers to opportunity on the basis of wealth, race, income, and place. Throughout the development of the Southwest Specific Plan, we have worked closely with West Fresno residents to identify community priorities for the plan and ensure that the plan reflects and advances those priorities. These comments aim to assist the City in preparing a final SWSP and EIR that realize residents' goals of achieving healthy neighborhoods. To create communities with the resources and amenities necessary for residents to thrive and meaningfully mitigate cumulative and new environmental impacts resulting from the SWSP.

ORG4-01

1. **Revisions and Additions Required to the Draft Southwest Specific Plan**

We commend staff for its responsiveness to resident and stakeholder requests that the City host additional Steering Committee meetings to allow further discussion of public comments received on the previous SWSP draft. The Draft SWSP includes many of the recommendations discussed and agreed upon by the Committee, nonetheless, the Draft does not accurately reflect or include all of the revisions voted on. We recommend the following changes to ensure that the Final SWSP fully includes the revisions recommended by the Committee and Southwest Fresno has an enforceable and purposeful plan.

ORG4-01 cont.

A. Include a Clear & Realistic Timeframe For Completing The Industrial Compatibility Study

The Draft indicates that the City will complete a draft Industrial Land Use Compatibility Study by December 8, 2017. To our knowledge, the City has not initiated development of the draft study and therefore the stated deadline is unrealistic. The Final Draft should include a realistic timeline that will allow for development and adoption of the study with robust community input and also reflects the high priority placed by the community and Steering Committee on improving environmental health and addressing incompatible land uses in West Fresno. Based on these considerations, we recommend a completion deadline of January 2019.

ORG4-02

B. Add Detail & Cost Estimates to the Actions Identified in the Implementation Chapter

In recognition of the importance of ensuring residents' ability remain in West Fresno and enjoy the benefits of SWSP implementation as well as the extreme vulnerability of existing residents to displacement, the Steering Committee established Policy LU-4.8. As further discussed in Section 2-B below, the SWSP must specify a clear timeframe for the development and adoption of the anti-displacement strategy which includes a robust public process. The City should align the development of the anti-displacement strategy with implementation of Housing Element Program 12A, Downtown Displacement Prevention, which requires the City to convene a committee in 2018 and develop and adopt an anti-displacement strategy within six months thereafter. Like Program 12A, LU 4.8 should specify that the anti-displacement strategy will aim to prevent and mitigate any displacement of both residents and businesses in the Plan Area.

ORG4-03

C. Eliminate Additional Truck Routes That Conflict with Southwest Neighborhood Settings

ORG4-04

The SWSP includes important policies long sought by the community to reduce the air pollution, noise, vibration, and aesthetic impacts of truck traffic that currently runs through the Plan Area. The Final Plan should include two further changes to address concerns regarding incompatible routes raised by residents: (1) elimination of the existing truck route on Elm Avenue north of Jensen, and (2) elimination of the additional route proposed in the Draft on Roeding Drive south of Whites Bridge Avenue. Neither of these routes serve any existing industrial land uses, and thus no reasonable basis for these additions exist. ORG4-04 cont.

D. Add Detail and a Timeline to Policy PF-7.4

We support the addition of Policy PF-7.4 which calls on the City to establish a policy requiring businesses and City programs in the Plan Area to hire local residents. To ensure timely and effective implementation of the policy, the Final Plan should establish a timeline for implementation (we recommend a deadline of June 2018) and ensure SWSP Oversight Committee and public participation. ORG4-05

E. Eminent Domain

SWSP Plan Area residents have identified the use of eminent domain as a serious concern for this community, in particular, as it relates to proposals in the Plan to widen streets and support new development. Through eminent domain, the City, State, and Federal Government rezoned residential land for industrial use, wiped out thriving commercial boulevards and residential districts and replaced them with freeways, and cut West Fresno off from the rest of the City, helping to create the community's current reality of chronic disinvestment and nationally-ranked concentrated poverty. The Plan should put safeguards in place to ensure that past is not repeated and that any use of eminent domain is supported by profusive community support, SWSP policies, and the exhaustion or lack of alternatives, especially where residential property, small or local business, or important community landmarks are involved. ORG4-06

F. Ensure Compliance With the Housing Element & State Housing Element & No Net Loss Laws

The community demonstrated a clear preference for a balanced mix of housing opportunities, including single family home options currently lacking in this community. To accommodate the community's preference of establishing a more balanced mix of housing varieties, the land use map redesignates land currently designated for high density multi-family housing to low and medium residential density which restrict or prohibit multi-family development. Before adopting the Plan, the City must specifically identify any residential zoned sites designated for a reduction in density that are included in the City's 2015-2023 Housing Element to meet the City's need for ORG4-07

lower-income housing and make findings that adequate alternative sites exist or identify suitable alternative sites as required by Government Code Section 65863 and Housing Element Program 2. In identifying replacement sites, the City must consider the concentration of affordable housing in high poverty areas such as West Fresno pursuant to Program 2 and identify alternative sites in high opportunity neighborhoods that lack affordable housing opportunities consistent with the City's duty to affirmatively further fair housing.

ORG4-07 cont.

G. Prioritize Zero and Near-Zero Emission Transportation Technology

Transportation is the leading source of toxic and carcinogenic air pollutants in the state, emitting smog-forming ozone, black carbon, fine particulate matter, and nitrous oxides. These pollutants contribute to a host of respiratory and cardiovascular illnesses, including asthma, heart disease, and cancer, and result in thousands of early deaths annually. Southwest Fresno is specifically disadvantaged; according to the CalEnviroScreen tool, census tracts in the Plan Area rank in the 95-98th percentile for diesel, ozone and particulate matter pollution, and in the 98th percentile for both asthma and cardiovascular disease.

To ensure reductions in criteria and toxic air pollutants in the Plan Area, the Final Plan should commit Southwest Fresno to a zero-emission transportation future. Specifically, a policy goal should be included within the Plan's Transportation section that directs the city to actively pursue funds to 1) replace both public and private vehicles and fleets with zero-emission technology, and 2) promote electric vehicle charging infrastructure throughout the Plan Area. When zero-emission solutions are not feasible, the city should seek deployment of near-zero emission vehicles. Diesel fleets located or operating within the Plan Area should be prioritized for replacement.

To actuate these goals, state, local and corporate funds are available. The Legislature recently appropriated $1 billion from the Greenhouse Gas Reduction Fund to state and local agencies to replace or retrofit dirty diesel engines. Fresno must actively pursue the following funds for the benefit of public health in the Plan Area:

ORG4-08

- **$350M** for The California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program, SB 1204 (Lara, 2014). These programs specifically target diesel pollution by incentivizing the purchase of zero-emissions trucks, buses, and freight equipment. The programs have been substantially over-subscribed.
- **$150M** for light-duty equity pilots (especially EFMP Plus Up), agricultural worker vanpools, and car-sharing under SB 1275 (De Leon, 2014). These programs primarily serve disadvantaged communities, as defined by the CalEnviroScreen, promoting replacement of inefficient and ultra-polluting vehicles with hybrid or zero-emission alternatives, and promoting ridesharing.
- **$20M** for zero emission school buses. Replacing old, dirty, diesel buses would improve health outcomes for students. Existing programs have been rapidly oversubscribed.
- **$300M** for Clean Vehicle Rebate Project (Electric Vehicle Rebates). Public demand is likely to increase given the availability of new electric vehicle models such as the Chevy

Bolt and Tesla Model 3. Fresno should maximize the effectiveness of the funding by lowering the income cap and raising the electric-miles requirement for plug-in hybrids.

The San Joaquin Valley Air District also has funds available to support a zero-emission future. Grant programs include 1) the *School Bus Program*, which provides funds to retrofit existing school buses with verified diesel emission control systems, or replace existing high-polluting buses with new, low-emission buses, and 2) the *Charge Up!* program, which provides funds for businesses and public agencies to purchase and install electric vehicle chargers for public use.

Lastly, corporate funds could also be used to leverage state and local incentive programs. For instance, PG&E is currently implementing pilot programs to install infrastructure to support electric vehicle charging at multi-unit dwellings, workplaces, and public interest destinations. The company has also submitted a $211 million proposal to California Public Utilities Commission to build "make-ready" electric infrastructure for medium- to heavy-duty and off-road fleets. Responding to consumer demand for fast-charging stations, PG&E also proposed to complement state and privately funded fast charger deployments with new electric infrastructure.

ORG4-08 cont.

2. The Final DEIR Must Comprehensively Assess Cumulatively Significant Impacts and Identify and Adopt All Feasible Mitigation Measures for Significant Impacts

The California Environmental Quality Act ("CEQA") requires the City consider the cumulative impacts of a Project and determine (A) whether the Project's impact are significant and require mitigation and (B) assess and include all feasible mitigation for significant impacts identified. Several sections of the DEIR -- Air Quality, Public Services and Recreation, and Population and Housing – lack adequate analysis of cumulative impacts and fail to identify and include available mitigation measures for significant impacts. CEQA prohibits agencies from approving projects with significant environmental impacts if feasible mitigation measures or alternatives exist that would lessen or avoid such impacts. Pub. Res. Code § 21002. The Final DEIR must include a comprehensive assessment of all cumulative impacts of the Project and identify and adopt all feasible mitigation measures for significant impacts identified. Pub. Res. Code § 21081.6(b); C.C.R. § 15126.4(a)(2); *See Napa Citizens for Honest Gov't v. Napa County Bd. Of Sup.* (2001) 91 Cal.App.4th 342, 358.

ORG4-09

A. The Final DEIR Must Identify & Address the Cumulative Impacts of Mobile & Stationary Pollution Sources

According to CalEnviroScreen ("CES") 3.0, every census tract in the SWSP Area is among the top 5% most pollution burdened communities in the State of California. The census tracts in the Plan Area rank as high as the 98th percentile for asthma and cardiovascular disease and 97th for

ORG4-10

particulate matter 2.5 (PM 2.5). Numerous studies have directly linked PM 2.5 emissions to an increase in asthma attacks and heart attacks.

The Air Quality assessment provided in the DEIR identifies existing policies in the General Plan as mitigation measures. Several of these policies, such as Objective UF-12 and Policy UF-12-a, Policy LU-3-c, and Policy LU-5-f, lack the specifity required to constitute adequate and enforceable mitigation measures. Additionally, Policy LU-2-b, which states that the City will "consider a priority infill incentive program" to promote affordable housing development, could be strengthened and thereby serve as an adequate mitigation measure by including a specific timeline for the development and adoption of the program and inclusion of proven measures to preserve affordability in the area, thus reducing potential displacement. **The incorporation of clear policies to prevent displacement of vulnerable low-income residents from the Plan Area is essential to mitigate potential significant impacts from increased vehicle miles travelled generated by these residents due to forced relocation to areas not served by transit and farther from jobs, education, and other resources and amenities necessary for everyday life.**

ORG4-10 cont.

The assessment AQ-1 finds that the proposed Plan would increase long-term criteria air pollutants and cumulatively contribute to the nonattainment designations set up by the local air district is significant and unavoidable. Despite the extremely high levels of pollution in West Fresno and the City's obligation to consider *all* feasible mitigation measures, the DEIR fails to take into account various mitigation measures that would serve to reduce the impacts of long-term criteria air pollutants and nonattainment designations. Accordingly, we recommend the inclusion of the following policies in the Final DEIR:

a. Identify high emission corridors, stationary sites, and truck traffic routes, and create physical barriers such as with walls lined with trees or other shrubbery, or trees and shrubbery. Studies have shown that walls lined with trees are the most effective way to reduce emissions from impacting an area.
b. Complete the Industrial Compatibility Assessment by January 2019. This study will assess the compatibility of existing sites and zoned land with surrounding neighborhoods considering their air quality, noise, odor, aesthetic, and other impacts. Sites found incompatible will follow recommended steps to mitigate pollution and other significant impacts in the surrounding area, including through amortization and/or greening. Additional funding sources should also be sought out as the current $150,000 in the City's budget for FY 2017-2018 is not enough. The TCC Planning Grant is one example the City of Fresno can seek out.
c. To reduce VMT-related emissions from commute trips in and out of the Plan Area, develop and implement a policy, with community input, requiring new employment sources within the community to hire workers from within the Plan Area.

ORG4-11

d. To reduce VMT-related emissions, work with Plan Area residents and stakeholders to identify measures to increase public and group transit options, including through improving efficiency and reliability of FAX services, implementing Bus Rapid Transit on California Street and Elm Avenue, identifying ride sharing opportunities, and more.
e. Enforce laws and regulations prohibiting vehicle idling.
f. Actively seek and apply for all available funding to provide electric vehicle infrastructure in the Plan Area.
g. Actively seek and apply for all available funding to replace both public and private light, medium, and heavy-duty diesel equipment with zero or near-zero emission technology. Funding sources examples are provided above for the City to begin its search.

ORG4-11 cont.

B. <u>Prevent Project-Related Physical and Economic Displacement of Residents and Businesses</u>

The CES 3.0 ranks the SWSP Plan Area poverty levels as high as the 99th percentile in the State. A majority of the residents in this community live below the federal poverty line, which for a family of four is $24,600. The City of Fresno in general also experiences high levels of housing cost burden, with the greatest burdens impacting lower-income residents, such as those in West Fresno. Housing cost burden rates make lower residents extremely vulnerable to displacement due to minor increases in housing costs.

The DEIR discussion in Population and Housing solely addresses physical displacement through the removal of existing housing units. The DEIR includes <u>no</u> analysis or proposed mitigation for *economic* displacement of low-income residents and no analysis or proposed mitigation for displacement of small, local and/or minority-owned businesses due to rising property values and rent prices as a result of the implementation of the proposed plan.

ORG4-12

The Plan proposes to direct significant public and private investment into the community. The Plan identifies a new community college facility site which will employ hundreds of people and attract thousands more to the area; proposes significant new park space; identifies Bus Rapid Transit routes and other improvements; and provides for the remediation of basic infrastructure and service deficiencies. These improvements, coupled with other factors such as the High Speed Rail, the potential investment of up to $70 million in the Plan Area through the Transformative Climate Communities Program, and population growth in the Central Valley, will undoubtedly lead to increase land prices, property values, rent prices, and cost of living. Ultimately, threatening economic displacement of residents and businesses and significant environmental impacts due to their relocation. **<u>Absent clear and enforceable mitigation, displacement, caused by both physical and economic forces resulting from SWSP implementation, will</u>**

result in significant environmental impacts due to the need for new construction and increased VMT of displaced residents. Residents forced to move from areas served by transit will have to rely on personal vehicles consequentially having a significant impact on VMTs, traffic, greenhouse gas emissions, and air quality. Cal. Pub. Res. Code § 21083(b)(3) (the Guidelines "shall require a finding that project may have a 'significant effect on the environment' if…[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly."). The Final DEIR must analyze and include all feasible mitigation measures to prevent displacement of residents and businesses. C.C.R. § 15064(e).

Anti-displacement measures are essential to reduce impacts associated with increased housing costs pushing residents further away from amenities and public transit. Feasible mitigation measures and policies we recommend include: ORG4-12 cont.

a. Adoption of a rent stabilization ordinance preventing rent increases of more than 15% over a three-year period.
b. Adopt inclusionary zoning requirements wherein new residential construction must include at least 25% of units affordable to extremely-low, very-low and low income residents or developers must pay an in lieu fee.
c. Adopt a just cause eviction ordinance.
d. Require City-owned land, when sold, include units affordable to lower-income residents, wherever residential construction occurs on those sites.
e. Create an Anti-Displacement Advisory Committee in 2018 which will develop anti-displacement strategy for adoption by City Council within six months thereafter.

I. Provide Adequate Park Space for Expected Population Growth

As noted in the SWSP DEIR, West Fresno has 19 acres of existing park space total -- well below Fresno City's goal of 3 acres per 1,000 residents of park space. The proposed plan zones for an additional 70 acres of park space creating a combined total of 89 acres. The DEIR, however, finds a total of 91 acres of existing and new parkland will be designated. The City should include *at least* an additional two acres of park space in the Final DEIR to ensure that sufficient park space can be provided to meet the City's park space goals. The City can and must also utilize the current Parks Master Planning Process to identify and expand park space opportunities in West Fresno. ORG4-13

Furthermore, the draft report results a deficiency of 32 acres (adjusting for the missing 2 acres noted above) for the expected population growth under the Dual Designation Scenario. Mitigation Measure PS-7 states the City will monitor population growth in the Plan Area compared to parklands every 5 years. If the ratio of 3 acres per 1,000 residents is not met the City will explore additional ways to increase park space. Given the City's existing park space conditions in South Fresno where residents south of Shaw Avenue have an average of 1.75 acres

of park space per 1,000 residents. And given that the City has not updated its Parks Master Plan since 1989, a plan that was supposed to be updated every five years, we cannot expect to comply with its Mitigation Measure PS-7.

* * * * *

Thank you for your considerations of our comments. Our goal is simple and assuredly shared with the City of Fresno to ultimately provide Southwest Fresno with a revolutionary plan to transform the community for years to come. We look forward to continue collaborating with the City of Fresno to address the issues identified in this letter. Please contact Grecia Elenes at (559) 369-2790 to set up a time to meet to discuss these comments in person.

ORG4-13 cont.

Sincerely,

/s/

Andy Levine

Faith in Fresno

Genevieve Gale

Central Valley Air Quality Coalition

Grecia Elenes

Leadership Counsel for Justice and Accountability

Kevin Hamilton

Central California Asthma Collaborative

From: Gwen Leffall [mailto:gjleffall@gmail.com]
Sent: Monday, September 18, 2017 5:55 PM
To: Southwestcomments
Subject: Comments On The SWFSP and DPEIR

Please accept the following comments I offer for consideration to the Southwest Fresno Specific Plan and the Draft Program EIR:

1. Plan MODERATE/MIDDLE income levels of housing IN LIEU of low/affordable income levels of housing types.

2. Raise the bar of income housing levels types to attract RETAIL, to be established in this DPEIR SFSP.

3. Build a Fresno City Community College Annex in this DPEIR SFSP.

4. Provide regular service to keep our streets, roads, highways, sidewalks free of potholes, cracked pavement, and cracked concrete for the subject planned area, and the IMMEDIATE SURROUNDING AREAS to include south of Jensen, and Jensen, east and west.

5. Regular attention to tree trimming and landscape cleanup for the subject planned area, and, the immediate surrounding areas, to include south of Jensen, and Jensen, east and west.

PUB1-01

Respectfully and Sincerely submitted,

Gwendolyn J. Leffall
2677 S. Lee Av
Fresno, CA, 93706

September 19, 2017

VIA ELECTRONIC TRANSMISSION

Sophia Pagoulato
City of Fresno: DARM
2600 Fresno St.
Fresno, CA 93721

Re: The Draft Program Environmental Impact Report (DPEIR)

Dear Sophia Pagoulato:

Thank you for the opportunity to provide comments on the City of Fresno's West Fresno Specific Plan. I appreciate the collaborative process your office has facilitated with community stakeholders. The City of Fresno presents an incredible opportunity to do something truly transformative in the City of Fresno through its South West Fresno Specific Plan and I am committed to ensuring we have a plan that meets the communities environmental, economic, and equity goals. I commend the City of Fresno staff for developing a comprehensive plan and I recognize that additional revisions may be needed. I am broadly supportive of the plan as stakeholder and member of the committee. I would also appreciate your allowing flexibility in the requirements to the South West Fresno Specific Plan that would be in alignment with better serving the community. **PUB2-01**

I do request you consider a few outstanding issues and questions in relation to the Biological Resource Section of the South West Fresno Specific Plan: **PUB2-02**

DPEIR

The Recovery Plan has defined 6 key elements.

1. What are the elements that pertain to the SW Specific Plan?

2. Although DEIR states SJKF not within a 5 miles radius. What is the nearest radius for SJKF? The SJKF protection range per USFWS is a 10 mile radius.

"The purpose of the Endangered Species Act of 1973, as amended, are to provide a means whereby the ecosystem upon which endangered species and threatened species depends may be conserved…and to provide a program for the conservation of such endangered and threatened species." (The Endangered Species Act of 1973, as amended) **PUB2-03**

The language contained in the Endangered Species Act of 1973, as amended (Act), requires the U.S. Fish and Wildlife Service (Service) to not only protect individual animals, but has the

further obligation of providing listed species with functioning ecosystems so protections provided by the Act are no longer necessary. For the Services to achieve this goal and to allow the project applicants to proceed with their project in a timely manner, the Service has developed the U.S. Fish and Wildlife Service San Joaquin Kit Fox Survey Protocol for the Northern Range where foothill grassland, oak savannah, and agricultural lands are the primary kit fox habitats. **PUB2-03 cont.**

To avoid unnecessary expenditures and delays for projects located within the northern range of the San Joaquin kit fox, the project applicant, along with a qualified biologist, must conduct an early evaluation with the Service.

SWHA

1. Has a survey been conducted to identify potential suitable nesting locations for SWHA within the project site? If so, it has not been clearly stated in the biological report. **PUB2-04**

2. What's the proposed plan for trees onsite where SHWA may occur and utilize? **PUB2-05**

3. The Mitigation Measure is too vague, BIO-1.2 **PUB2-06**

4. The first SHWA survey period from January 1 to March 20 could provide information on where suitable and potential nesting locations may occur and should not be dismissed nor considered optional. **PUB2-07**

SJKF

Mitigation Measures too vague. **PUB2-08**

1. Why is a take authorization/permit being considered but no mention of mitigation bank or conservation habitat? **PUB2-09**

2. If disruption of any habitat utilized by the SJKF should occur has a mitigation bank or habitat conservation area been identified to offset the SJKF loss? **PUB2-10**

3. Before implementing Project and any ITP activity, the applicant should be required to develop and submit a construction monitoring plan to the City planning department for review and approval. The construction monitoring plan should consist of the following: **PUB2-11**

- Results of planning and preconstruction surveys.
- Description of avoidance and minimization measures to be implemented, including a description of project-specific refinements to the measures or additional measures.
- Description of monitoring activities, including monitoring frequency and duration, and specific activities to be monitored.

• Description of the onsite authority of the construction monitor to modify implementation of the activity.

Again thank you for your efforts to develop this plan and for providing an inclusive public process. As mentioned previously, the alignment between the City of Fresno and the "Community" reinforces a collective vision. I forward to working with you on further development and implementation of this document. Thank you for the opportunity to provide comments on this process, I look forward to your response.

PUB2-11 cont.

In Community,

Eric Payne
South West Fresno Specific Plan Committee Member

COMMENT LETTER # PUB3

From: Tate Hill [mailto:tatehill2@gmail.com]
Sent: Thursday, September 21, 2017 12:30 PM
To: Sophia Pagoulatos
Cc: Southwestcomments
Subject: Re: Southwest Fresno Specific Plan EIR Notice of Availability-- Comments

Good morning Sophia:

I'm beginning to go through the EIR, there are a numbers of the Impact classifications with S/SU designation with no mitigation measures. There a few that just couldn't be accurate with the elements of new development. **PUB3-01**

For example: Population-1 that states will be no population impacts due to the proposed plan. With the proposed housing, there would be a Significant population increase in that neighborhood. With the addition of the proposed 5923 housing units, there would be significant increase to the population with an estimated 50% increase (24,000) to the current population base. **PUB3-02**

As it relates to AQ2, AQ4, GHG 1, GHG3, the mitigation measures only apply towards the development of planned uses not the full implementation of the plan which extends beyond the actual construction itself. There is been no mitigation measure to address the impacts of air quality and GHGs from the establishment of new development (housing or commercial) in the plan. **PUB3-03**

In Noise-1, its listed as LTS and SU with no mitigation measure. **PUB3-04**

The response in HAZ-9 contradicts with the EnvironScreen 3 that shows that West Fresno neighborhoods are the most impacted by hazardous, toxic and air contaminating effects. The proposed plan's new uses may not increase hazardous impact but there are significant cumulative impacts due to hazardous materials in the plan area because of past projects. How did the EIR address the impact of population densification and increasing proximity of populations to current hazardous sights? **PUB3-05**

There is the introduction of PS which I assume is 'potentially significant' but it's not included in the key. **PUB3-06**

Tate Hill
Sent from my iPhone

COMMENT LETTER # PUB4

From: Lillie [mailto:mslillie@pacbell.net]
Sent: Monday, September 25, 2017 2:07 PM
To: Southwestcomments
Subject: Southwest Fresno specific plan

I would like to see a college and a walmart in southwest fresno. **PUB4-01**

Sent from my iPhone

347 E Grant
Fresno, Ca 93706
9-19-2017

Rosalyn Warren
99¢ Store
Walmart
Grocery Store
gas station
Walking Place - Park
taco bell

PUB5-01

Reference: Sophia Pagoulatos, Planning Manager, at 2600 Fresno St. Rm 3065, Fresno Ca 93721

9-19-17

Mary Gaines

To whom concern

Dollar Store

Walmart

this what we needs

Reference SWFSP DPEIR

PUB5-02

Sept 19, 2017

Vida Warren
1110 E. Tower Av.
Fresno. CA 93706.

Comments

1. We do Not want a dollar General.
2. We would like to see a dollar tree.
3. We would like a Walt Mart.
4. A Starbucks. This is what we would love to have beside the College.
5. We need a safe walking place to walk.
6. A Gas Station.

PUB5-03

COMMENT LETTER # PUB6

Jeff Roberts

Subject: Southwest Fresno Specific Plan "Draft" EIR Comments

Overview:

The Draft EIR prepared for the "Southwest Fresno Specific Plan" is out for public comment. The deadline for comments is September 27th, 2017. The following list of issues represents the "first cut" at the comments and identifies those major concerns that may make it more difficult to implement the Plan as envisioned by the City of Fresno:

A. Biological Resources:

1. The EIR contains quite a number of requirements for studies, monitoring, and reporting that add time and cost to the development process. (It's pretty obvious that this section of the report was authored by a biologist) The need for the studies, etc. seems to be based somewhat upon the existing use of the property and the Figure 5-1 (Existing Land Use) incorrectly illustrates the use of our land. This inaccuracy could "trigger" a lot of additional work and add a lot of additional cost. **PUB6-01**

The City should make the Exhibit 5-1 accurate, and then create an "New" exhibit of lands that "trigger" the need for preconstruction surveys, monitoring, etc. If a property is not identified on the new exhibit, then it would be exempt from the mitigation measures in this section.

B. Parks and Recreation:

1. The Draft EIR (provided by the City) contains standards for the amount of parkland required by the City of Fresno. Along with the Draft EIR, the City also provided a "Memorandum" dated 8-08-17 entitled "Revisions to the Public Review Draft Southwest Fresno Specific Plan" which provides a rationale to reduce the amount of parks that are counted in the inventory. The result is that the plan area went from having 3.45 acres / 1000 population down to 1.49 acres / 1000 population. The first figure was well above the park acreage requirement; the second figure is far below the requirement. The concern is that the development community will now have to fund additional parks to get the ratio back up to 3 acres / 1000 population. **PUB6-02**

It may be better for the City to accurately reflect that amount of parks and then state that the "Desired Ratio" is 4 acres / 1000 population.

2. Additionally, the DEIR document discusses the ratio of parks within its study area and also mentions a Goal (PF-2) which states: "Increase the overall amount of usable parkland within southwest Fresno allowing varied recreational opportunities within the entire Southwest Area". This goal applies to ALL of Southwest Fresno (approximately 5760 acres), not just the plan area of 3255 acres. The authors of the documents seem to want to impose the park ratio on a specific geographic area of 56% of the Southwest area. This issue needs to be reconsidered. **PUB6-03**

C. In the 8-08-17 Memorandum mentioned above, Figure 3-3, "Dual Land Use Designation Map for Plan Area" incorrectly places "CMX" on the southwest corner of Hughes and California. This land is currently planned and zoned for "Medium Low Density Residential" uses and the Specific Plan map and DEIR Exhibit map needs to be corrected to reflect this. **PUB6-04**

D. On page 4.15 – 27, it states "Recycled water, an important water source for the City of Fresno" is not yet utilized in the Plan Area. This is a gross overstatement which is not really true. The only place that recycled water is being used in the City of Fresno is at Copper River Ranch. PUB6-05

E. On Page 4.15 – 33, Table 4.15-7 indicates Basin Sizes by acres. These figures cannot be accurate and this table needs to be corrected. PUB6-06

F. On page 5-3, one of the Project Objectives reads "Provide quality open space and recreational opportunities by improving existing parks and creating new parks within walking distance (½ mile) of all residences". While this may sound like a great "goal", has anyone at the City figured out how many parks (new) would be required to "satisfy" this statement and how these numerous parks will be maintained? PUB6-07

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