

Appendix A: EIR Noticing and Public Involvement

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A.1 - Notice of Preparation

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NOTICE OF PREPARATION

Date: February 22, 2022

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

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

Lead Agency: City of Fresno

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

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

PURPOSE OF NOTICE

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

PUBLIC REVIEW PERIOD

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

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

Webinar ID: 926 7828 5600

Meeting Date: March 3, 2022

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

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

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

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

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

PROJECT LOCATION

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

PROJECT HISTORY

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

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

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

EXISTING CONDITIONS

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

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

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

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

PROJECT DESCRIPTION

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

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

Table 1: Proposed Specific Plan Estimated Acreages

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

The SEDA Specific Plan

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

Vibrant Mixed-Use Town Centers

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

Regional Town Center

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

Community Town Centers

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

Neighborhood Town Centers

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

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

Diverse Residential Districts

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

Mixed Residential

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

Neighborhood Residential

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

Rural Cluster Residential

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

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

Rural Residential

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

Innovative Employment Districts

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

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

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

Office Center

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

Flexible Research and Development

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

Transportation Choices

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

Complete Streets

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

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

Transit Service

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

Bicycle/Pedestrian Trails

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

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

Open Spaces, Agriculture, and Green Infrastructure

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

Parks and Open Spaces

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

Sustainable Infrastructure

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

Community Farming and Agriculture

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

Setting the Stage for Implementation

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

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

1. **Complete a phasing plan** that would define the optimal sequence of development for various areas within SEDA.
2. **Complete a comprehensive Infrastructure Plan.** Working from the SEDA Land Use Plan as its starting point, the Infrastructure Plan will delineate the specific bounds and design of the Plan Area's overall flood control and green infrastructure plan; identify bicycle and pedestrian trail alignments; specify the location of high schools, middle schools, and elementary schools; establish the specific alignments of arterial, and collector roadways, and identify the location of major transit stations along transit routes and corridors. The plan will also include new sewer and water infrastructure needed to serve new development. This plan must be accompanied by a comprehensive and detailed financing and implementation strategy that includes the phasing and financing of development and all major infrastructure. The City would convene all requisite agencies in the development of the Infrastructure Plan, including the following, and others as required:
 - Fresno Municipal Flood Control District
 - Fresno Irrigation District
 - City of Fresno Department of Public Utilities Water Division, Wastewater Management Division, and Solid Waste Management Division
 - City of Fresno Department of Public Works Streets Division
 - City of Fresno Parks After School, Recreation, and Community Services Department
 - Clovis and Sanger Unified School Districts
 - Fresno Council of Governments
 - Fresno Area Express (FAX) transit agency
 - California Department of Transportation

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

RESPONSIBLE AGENCIES

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

Discretionary approval may include such actions as issuance of a permit, authorization, or easement needed to complete some aspect of the proposed project. Responsible agencies may include, but are not limited to:

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

AREAS OF POTENTIAL ENVIRONMENTAL EFFECTS

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

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

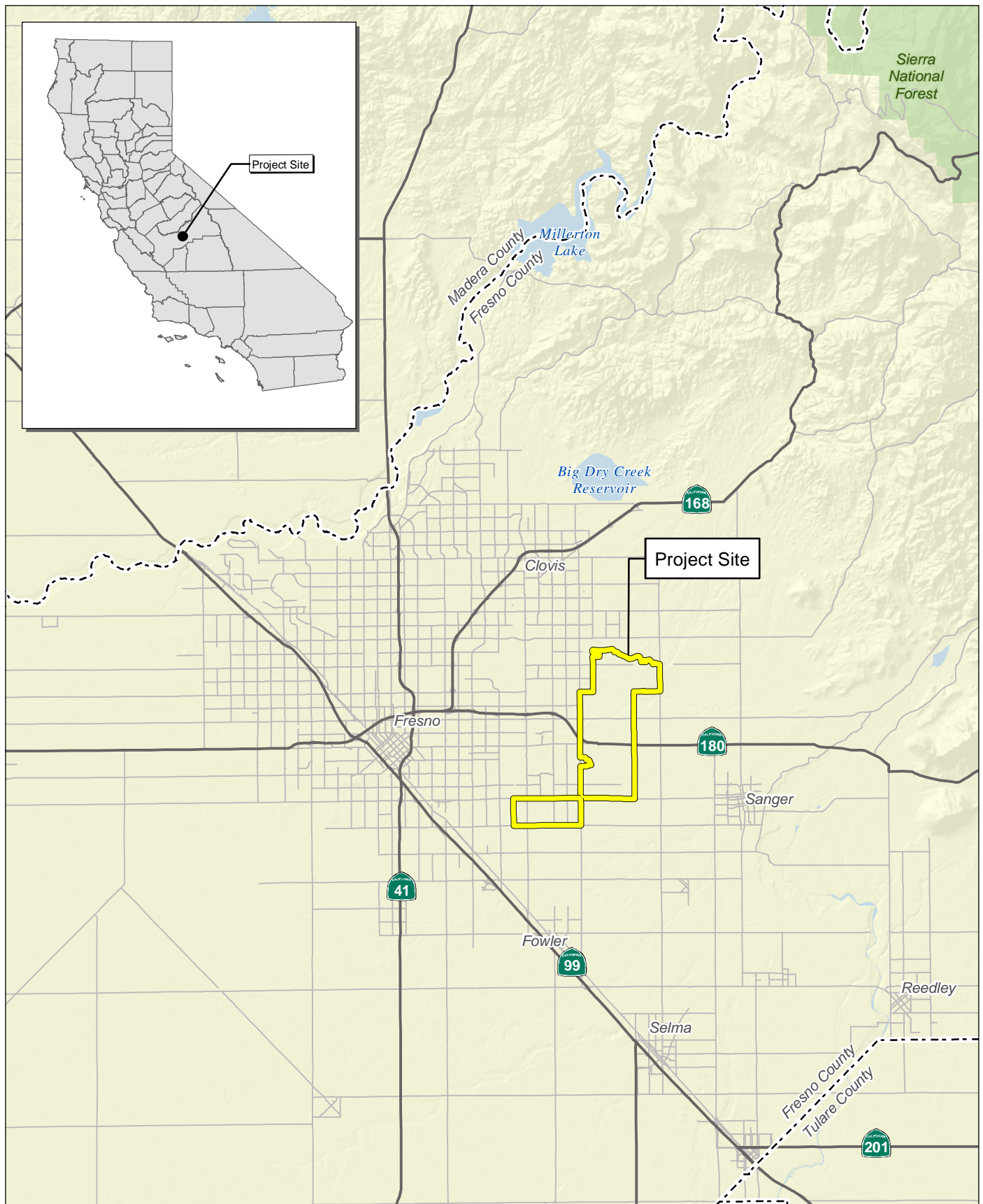
- ▶ Energy
- ▶ Geology and Soils
- ▶ Greenhouse Gas Emissions and Climate Change
- ▶ Hazards and Hazardous Materials
- ▶ Hydrology and Water Quality
- ▶ Recreation
- ▶ Transportation
- ▶ Utilities and Service Systems
- ▶ Wildfire
- ▶ Mandatory Findings of Significance

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

SUBMITTING COMMENTS

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

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



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

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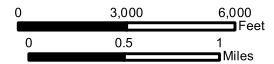
Exhibit 1 Regional Location Map

SEDA PROPOSED LAND USE

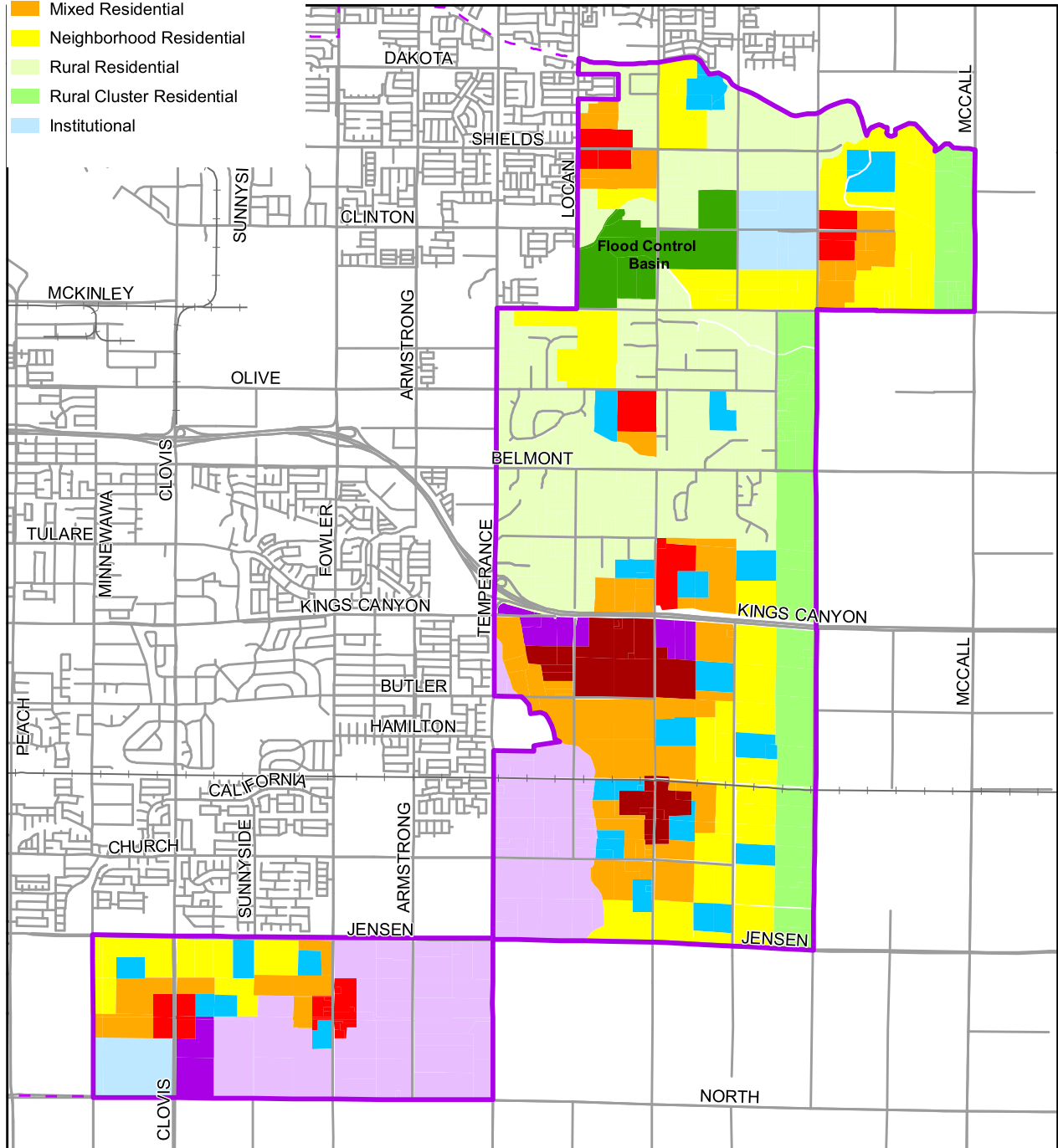
Legend

- Regional Center
- Community Center
- Neighborhood Center
- Office Center
- Flexible Research & Development
- Mixed Residential
- Neighborhood Residential
- Rural Residential
- Rural Cluster Residential
- Institutional

- Fresno Southeast Development Area
- Fresno Sphere of Influence
- Major & Local Roads



Source: City of Fresno, SEDA Illustrative Plan derived from community and stakeholder meetings.



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



A.2 - NOP Public Scoping Comments

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Rachel Krusenoski

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

Follow Up Flag: Follow up
Flag Status: Flagged

External Email: Use caution with links and attachments

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

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

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

Thank you for your consideration.

Bill Secrest, Librarian
Heritage Center
Fresno County Public Library



MARCH 14, 2022

VIA EMAIL: JENNIFER.CLARK@FRESNO.GOV; SHAWN.MONK@FRESNO.GOV

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

Dear Ms. Clark and Mr. Monk:

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

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

Project Description

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

Department Comments

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

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

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

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

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

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

[California Council of Land Trusts](#)

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

Conclusion

The Department recommends further discussion of the following issues:

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

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

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

Sincerely,



Monique Wilber

Conservation Program Support Supervisor



March 25, 2022

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

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

Dear Mr. Monk:

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

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

CDFW ROLE

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

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

Shawn Monk
 City of Fresno
 March 25, 2022
 Page 2

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

PROJECT DESCRIPTION SUMMARY

Proponent: City of Fresno

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

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Office Center	160	1.8%
Flexible Research and Development	1,380	15.7%
Institutional	280	3.2%
<i>Other Land Uses</i>		
Flood Control Basin	280	3.2%
TOTAL	8,799	100%
Notes:		
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Shawn Monk
 City of Fresno
 March 25, 2022
 Page 3

Figures may not sum due to rounding.		
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The SEDA Specific Plan

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

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

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

COMMENTS AND RECOMMENDATIONS

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


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

Shawn Monk
City of Fresno
March 25, 2022
Page 4

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

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

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

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



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

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



Gavin Newsom
Governor

March 15, 2022

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

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

Dear Mr. Monk:

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

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

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

2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerally deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the EIR.
3. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 [Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers](#).
4. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to [DTSC's 2001 Information Advisory Clean Imported Fill Material](#).
5. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 [Interim Guidance for Sampling Agricultural Properties \(Third Revision\)](#).

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

Mr. Shawn Monk
March 16, 2022
Page 3

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

Sincerely,

A handwritten signature in blue ink that reads "Gavin McCreary". The signature is fluid and cursive, with the first name "Gavin" and last name "McCreary" clearly distinguishable.

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

cc: (via email)

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

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

California Department of Transportation

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



March 18, 2022

FRE-180-R65.1

NOTICE OF PREPARATION, EIR

<https://ld-igr-gts.dot.ca.gov/district/6/report/25659>

SENT VIA EMAIL

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

Dear Mx. Monk,

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

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

1. Caltrans anticipates this development area would add substantial traffic to the State Route 180 interchanges at Clovis Avenue, Fowler Avenue, and Temperance Avenue. The result could be significant speed differentials between the off-ramp queues and the mainline of the freeway. **It is highly recommended that a peak hour ramp queue analysis is completed at each of these interchanges to determine potential impacts.**
2. This development area would also be expected to add traffic to the State Route 180 intersections at De Wolf Avenue, Highland Avenue, and McCall Avenue. The result could be significant speed differentials between the turn lane queues and the through lane traffic caused by insufficient left turn lanes or intersection control. **Therefore, it is also recommended that a peak hour queue analysis is completed at each of these intersections to determine potential impacts.**
3. Future development(s) should also consider traffic safety impacts on the State Highway System due to new pedestrian and bicyclist needs based on new origins or destinations that intersect a State Route. Additionally, multimodal conflict points and change in traffic composition (such as an increase in bicyclists or pedestrians, where features such as shoulders or sidewalks may not exist or are inconsistent with facility design) should be included. The State Route 180 interchanges at Fowler Avenue and Temperance Avenue; and the State Route 180 intersections at De Wolf Avenue, Highland Avenue, and McCall

Avenue should be included in this analysis.

4. Future development(s) should conduct a Vehicle Miles Traveled (VMT) study for projects that may substantially induce Vehicle Miles Traveled (VMT). Pedestrian and bicycle facilities within the project site should be considered in this study. The project proponents should also consider coordinating with nearby planned bike networks for a larger active transportation network. The City should consider creating a VMT Mitigation Impact Fee to help reduce potential impacts on the State Highway System.
5. For future residential development, Caltrans recommends project proponents consider working with the City to convert a portion of the planned residential units to affordable housing units.
6. The City should establish policies for the installation of Level 2 Electric Vehicle (EV) charging for single- and multi-family residential units as well as DC Fast Charging EV charging stations for retail, commercial, park and public facilities.
7. Caltrans recommends the Project implement multimodal strategies, such as those that originate from Transit-oriented development (TOD), in an effort to further reduce future projects' traffic related impacts.
8. Active Transportation Plans and Smart Growth efforts support the state's 2050 Climate goals. Caltrans supports reducing VMT and GHG emissions in ways that increase the likelihood people will use and benefit from a multimodal transportation network.
9. Early engagement with Caltrans is highly requested for future projects that would impact state right-of-way. Furthermore, prior to initiating the traffic study, please include Caltrans in the scoping.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'David Padilla', with a long horizontal flourish extending to the right.

David Padilla, Branch Chief
Transportation Planning – North



United Brotherhood of Carpenters & Joiners of America

March 25, 2022

VIA EMAIL AND OVERNIGHT MAIL

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

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

Dear Ms. Clark:

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

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

Apprenticeship:

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

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

Local Hire Policy:

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

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

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

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

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

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

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

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

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

Please contact me if you have any questions or concerns.

Sincerely,



Travis Alexander
Carpenters Local 701

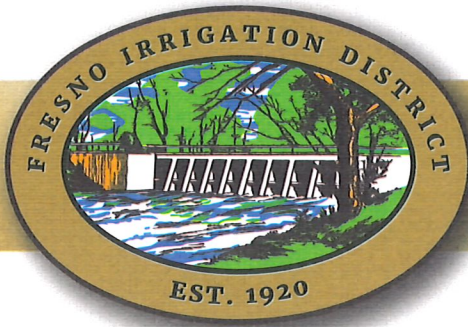
.....
Voicemail left from 559-554-5433

From Dirk Charlie, Dunlap Mono Tribal Liaison

Dunlap Mono Tribe, Dunlap, CA

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

- Table Mountain Ranch
- Big Sandy
- Traditional Transundi Tribe



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

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

March 25, 2022

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

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

Dear Ms. Clark:

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

Impacted Facilities

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

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

- b. Large Canal Crossing – There are large canals called Gould No. 97, Fresno No. 3, Mill No. 36, and Fancher No. 6 that will more than likely be too large to be contained within a pipeline. Development impacts to these facilities shall require designs that protect the canal's integrity for an urban setting including the need for access and full right-of-way widths for FID's operations and maintenance needs.
2. FID's facilities that are within the Planning Area carry irrigation water for FID users, recharge water for the City of Fresno, and flood waters during the winter months. In addition to FID's facilities, private facilities also traverse the Planned Area.
3. Canal Access – FID will continue to access the Canal from public roads. In order to access the maintenance bank with our larger equipment, FID requires a drive approach wide enough to accommodate the equipment. FID requires a 50-foot wide drive approach narrowing to a 20 feet wide drive banks. The 50-foot width is defined as starting from the end portion of a bridge/railing outward (away from the bridge). Every road and canal intersection is different and therefore each access will be different. The major factors affecting the proposed width will be the angle of the road intersecting the Canal, grade of canal bank vs. City road, median vs. no median, etc.
 - a. If guard railings extend beyond attachment points at each wing-wall, they will obstruct FID's access to the canal and additional right-of-way will need to be acquired. FID will require the developer demonstrate FID's longest vehicle will be able to make the turns onto the drive banks. FID's right-of-way is a minimum 20-feet from the canal hinge on both sides of the canal, and FID will require the developer acquire and dedicate to FID exclusive easements for this purpose.
4. Canal Banks – If there will be any work on canal banks, the following will apply:
 - a. All in-channel disturbed soil shall be concrete lined (both side slopes and bottom). FID will require reinforced concrete to limit the on-going maintenance that typically occurs with gunite or shotcrete slope protection.

- b. Drive banks must be sloped a minimum of 2% away with a maximum of 4% from the canal with provisions made for rainfall. Drainage will not be accepted into the Canal and must be routed away from FID property/drive banks. Runoff must be conveyed to nearby public streets or drainage system by drainage swales or other FID acceptable alternatives outside FID's easements/property.
 - c. All existing trees, bushes, debris, old canal structures, pumps, canal gates, and other non- or in-active FID and private structures must be removed within FID's property/easement and the City's project limits.
- 5. Trail - It is FID's understanding that many trails are master-planned within the Southeast Development Area. As with other developments with trails along the canals, FID will not allow the trail to encroach/overlap FID's canal easement unless an agreement is in place for this purpose. The following requirements are intended for trail projects adjacent to FID-owned properties and right-of-ways for open canals:
 - a. FID will not allow the trail easement to be in common use with FID-owned property or easements.
 - b. FID requires all trail improvements be placed outside of FID-owned properties and easements.
 - c. FID will not allow any portion of a tree canopy to encroach within its properties or easements.
 - d. FID's canals will not accept any drainage from the trail or the canal bank.
 - e. FID may require some improvements be made to the canal depending on the existing canal condition, the proposed trail, and the adjacent development.
 - f. City parks that are adjacent to open canals are treated the same as trails, therefore the same requirements shall apply.

Water Supply Impact

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

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

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

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

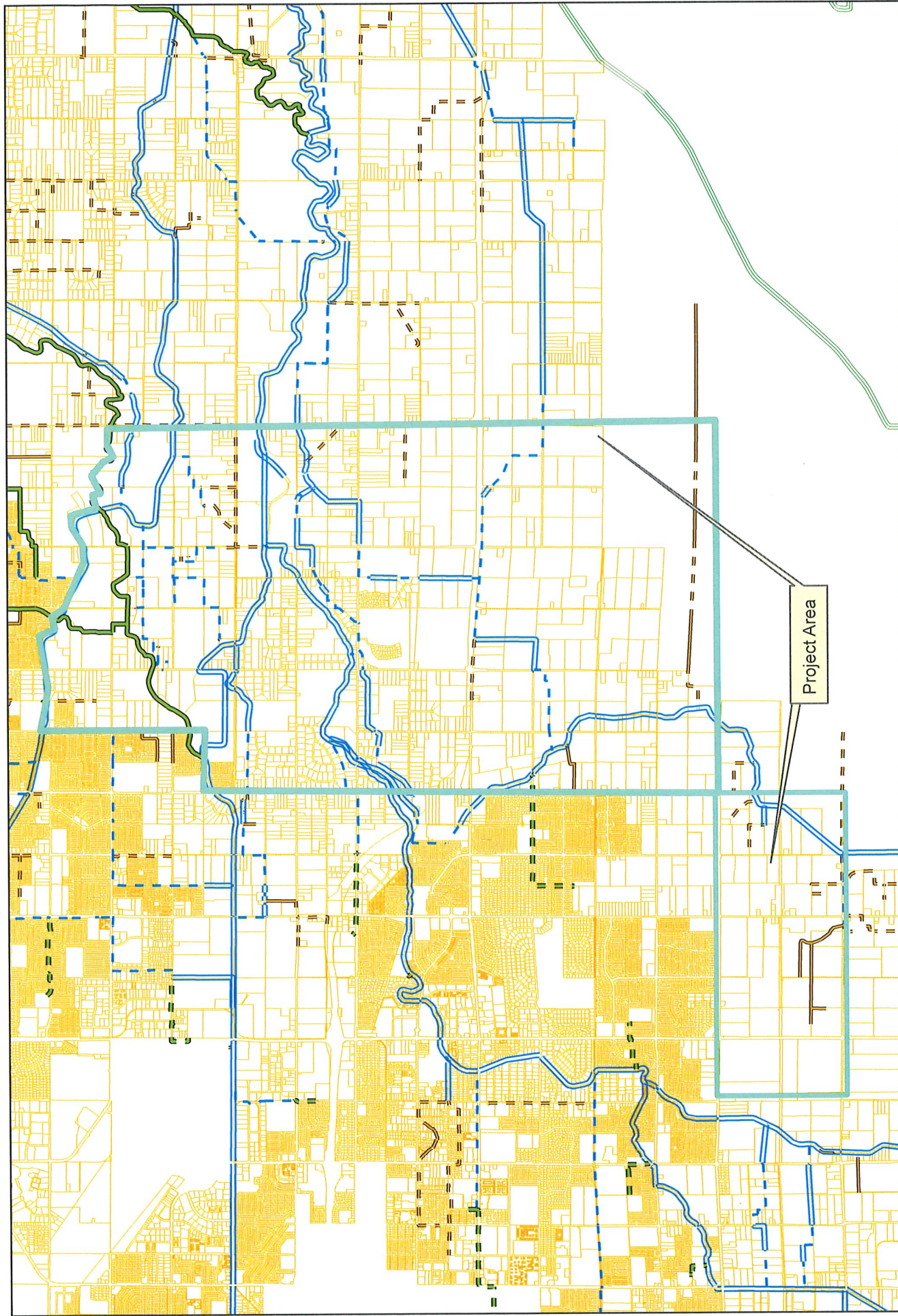
Thank you for making available to us the Notice of Preparation of a Program Environmental Impact Report of the Southeast Development Area Specific Plan for our review and allowing us the opportunity to provide comments. We appreciate the opportunity to comment on the subject Notice for this project.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

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

Attachments



FRESNO IRRIGATION DISTRICT

Legend

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

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

Path: G:\Fidgis\30220103 FID Master.mxd
 Spatial Reference
 Name: NAD 1983 StatePlane California IV FIPS 0404

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

NOTICE OF PREPARATION

Date: February 22, 2022

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

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

Lead Agency: City of Fresno

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

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

PURPOSE OF NOTICE

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

PUBLIC REVIEW PERIOD

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

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

Webinar ID: 926 7828 5600

Meeting Date: March 3, 2022

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

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

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

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

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

PROJECT LOCATION

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

PROJECT HISTORY

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

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

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

EXISTING CONDITIONS

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

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

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

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

PROJECT DESCRIPTION

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

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

Table 1: Proposed Specific Plan Estimated Acreages

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

The SEDA Specific Plan

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

Vibrant Mixed-Use Town Centers

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

Regional Town Center

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

Community Town Centers

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

Neighborhood Town Centers

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

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

Diverse Residential Districts

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

Mixed Residential

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

Neighborhood Residential

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

Rural Cluster Residential

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

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

Rural Residential

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

Innovative Employment Districts

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

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

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

Office Center

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

Flexible Research and Development

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

Transportation Choices

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

Complete Streets

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

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

Transit Service

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

Bicycle/Pedestrian Trails

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

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

Open Spaces, Agriculture, and Green Infrastructure

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

Parks and Open Spaces

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

Sustainable Infrastructure

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

Community Farming and Agriculture

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

Setting the Stage for Implementation

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

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

1. **Complete a phasing plan** that would define the optimal sequence of development for various areas within SEDA.
2. **Complete a comprehensive Infrastructure Plan.** Working from the SEDA Land Use Plan as its starting point, the Infrastructure Plan will delineate the specific bounds and design of the Plan Area's overall flood control and green infrastructure plan; identify bicycle and pedestrian trail alignments; specify the location of high schools, middle schools, and elementary schools; establish the specific alignments of arterial, and collector roadways, and identify the location of major transit stations along transit routes and corridors. The plan will also include new sewer and water infrastructure needed to serve new development. This plan must be accompanied by a comprehensive and detailed financing and implementation strategy that includes the phasing and financing of development and all major infrastructure. The City would convene all requisite agencies in the development of the Infrastructure Plan, including the following, and others as required:
 - Fresno Municipal Flood Control District
 - Fresno Irrigation District
 - City of Fresno Department of Public Utilities Water Division, Wastewater Management Division, and Solid Waste Management Division
 - City of Fresno Department of Public Works Streets Division
 - City of Fresno Parks After School, Recreation, and Community Services Department
 - Clovis and Sanger Unified School Districts
 - Fresno Council of Governments
 - Fresno Area Express (FAX) transit agency
 - California Department of Transportation

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

RESPONSIBLE AGENCIES

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

Discretionary approval may include such actions as issuance of a permit, authorization, or easement needed to complete some aspect of the proposed project. Responsible agencies may include, but are not limited to:

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

AREAS OF POTENTIAL ENVIRONMENTAL EFFECTS

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

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

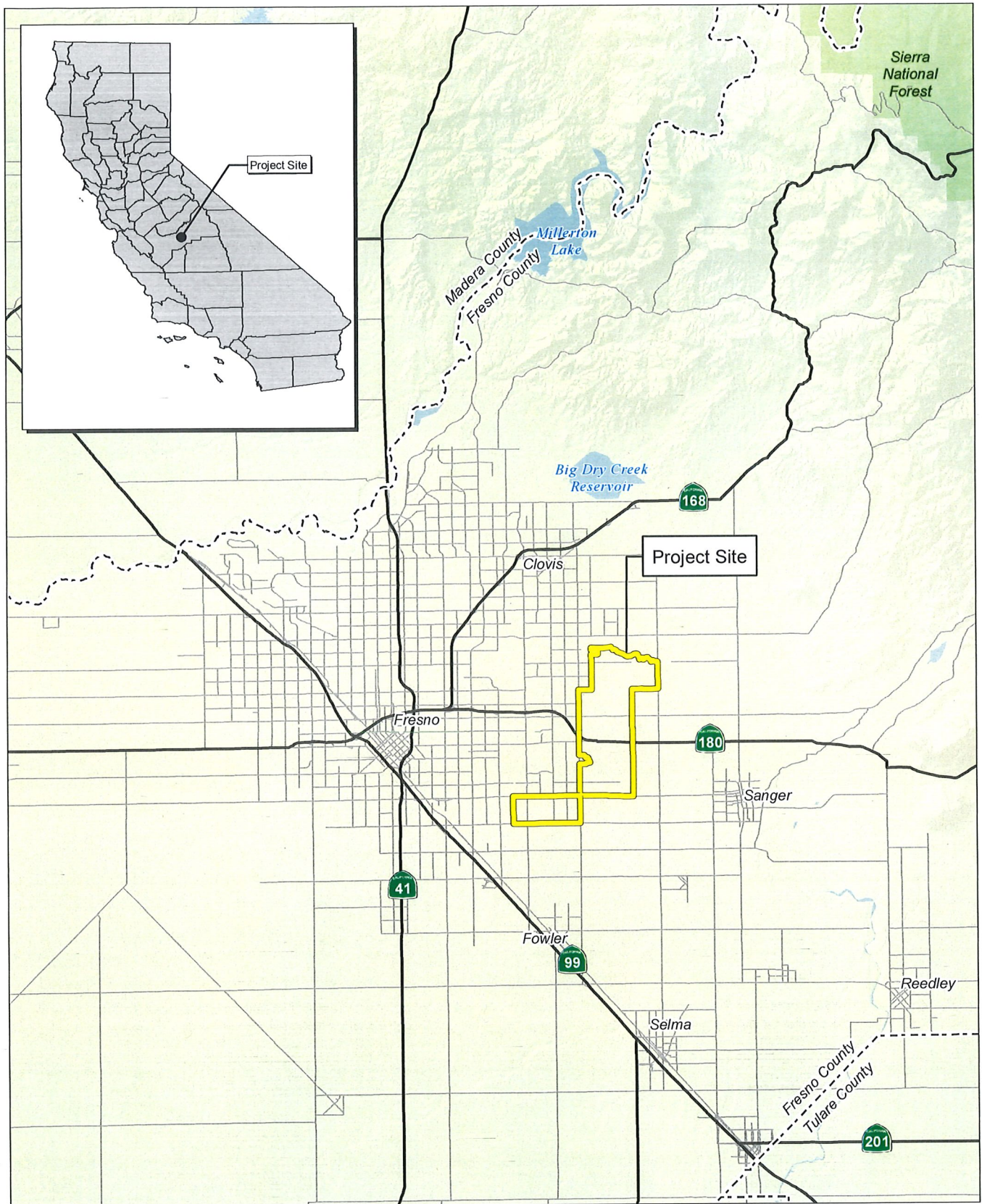
- ▶ Energy
- ▶ Geology and Soils
- ▶ Greenhouse Gas Emissions and Climate Change
- ▶ Hazards and Hazardous Materials
- ▶ Hydrology and Water Quality
- ▶ Recreation
- ▶ Transportation
- ▶ Utilities and Service Systems
- ▶ Wildfire
- ▶ Mandatory Findings of Significance

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

SUBMITTING COMMENTS

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

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



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

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Exhibit 1 Regional Location Map

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CITY OF FRESNO
SOUTHEAST DEVELOPMENT AREA SPECIFIC PLAN
NOTICE OF PREPARATION

SEDA PROPOSED LAND USE

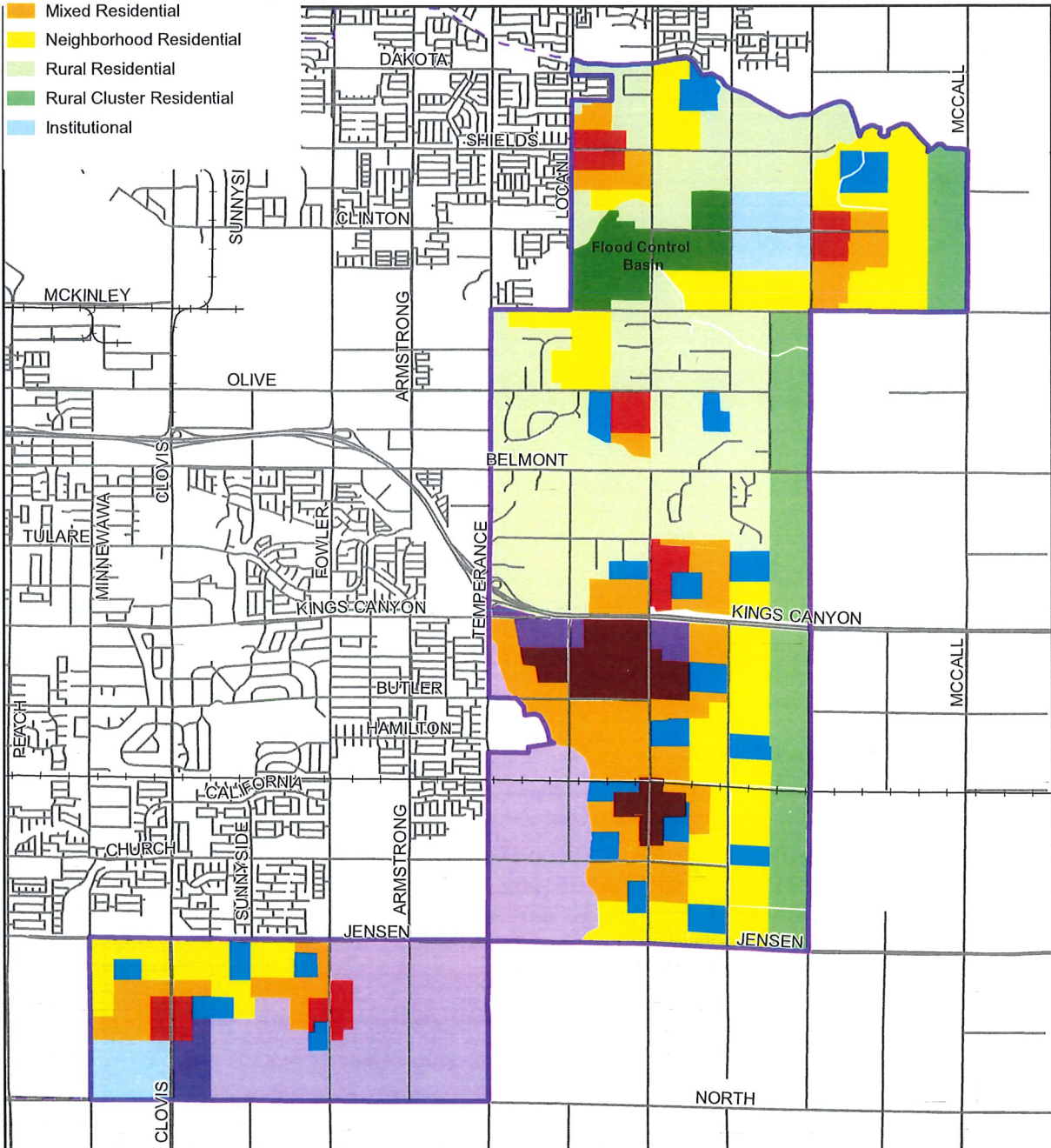
Legend

- Regional Center
- Community Center
- Neighborhood Center
- Office Center
- Flexible Research & Development
- Mixed Residential
- Neighborhood Residential
- Rural Residential
- Rural Cluster Residential
- Institutional

- Fresno Southeast Development Area
- Fresno Sphere of Influence
- Major & Local Roads



Source: City of Fresno, SEDA Illustrative Plan derived from community and stakeholder meetings.



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

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Exhibit 2 Specific Plan Map

31680033 • 02/2022 | 2_specific_plan_map.cdr

CITY OF FRESNO
SOUTHEAST DEVELOPMENT AREA SPECIFIC PLAN
NOTICE OF PREPARATION



Fresno Metropolitan Flood Control District

Capturing Stormwater since 1956

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

March 25, 2022

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

Dear Ms. Clark,

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

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

1. In all references to FMFCD, replace the word Municipal with Metropolitan.
2. Portions of the SEDA Specific Plan Area (Plan Area) are currently not located within a planned "drainage area" as shown on the attached Exhibit No. 1. It is FMFCD's intention to work with the City of Fresno to provide Master Planned drainage area systems to serve the Plan Area.
3. FMFCD recognizes that this Plan Area was previously approved for incorporation into the City in 2006 for urban development by the Local Agency Formation Commission (LAFCo) with several provisions that included preparation of a Specific Plan. Approximately 4200 acres of the Plan Area is outside of the current FMFCD boundary. In conjunction with an adopted Plan Area, the FMFCD Sphere of Influence will also need to be adjusted and this same area annexed by FMFCD to include the Plan Area (see Exhibit No. 1) to ensure appropriate provisions of urban drainage and flood control services. FMFCD's LAFCo annexation process will require CEQA.
4. All impacts to storm water runoff created by increasing densities in developed areas that effect the capacity of the existing Master Planned storm drainage system must be fully mitigated. The Plan Area encompasses existing Drainage Areas "DS", "DV", and portions of Drainage Areas "BG", "BL", "BM", and "CS". FMFCD is currently analyzing how proposed land use changes within the developed areas of the Plan Area will impact the capacity requirements of existing drainage systems due to increased density. In general, in areas where no drainage facilities have been constructed, the Master Plan can be revised to

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

5. FMFCD has studied the areas currently not located within a Master Planned area and has located the tentative basin facilities shown on Exhibit No. 1. The City shall incorporate the locations of the tentative basin facilities into the SEDA Proposed Land Use plan. The County of Fresno Business Industrial Campus is currently in the preliminary stages and once complete will be incorporated into FMFCD's Master Plan; changes in size and/or location of the tentative basin locations shown on Exhibit No. 1 may be effected by this County Plan. The final basin locations will be determined by the on-going Storm Drainage and Flood Control Master Plan planning process. FMFCD will ensure conformance and consistency by providing drainage facilities appropriate to serve the proposed land uses, and develop residential design basins, which include provisions for recreational open spaces, in areas where the basin site is bordered on two or more sides by residential uses. FMFCD shall be notified of any revisions to the SEDA Proposed Land Use plan as changes will effect the existing as well as new Master Plan drainage systems.
6. The City of Fresno, FMFCD, the County of Fresno, the City of Clovis, and the California State University, Fresno are currently covered as Co-Permittees for Municipal Separate Storm Sewer System (MS4) discharges through National Pollutant Discharge Elimination System (NPDES) General Order No. R5-2016-0040 and NPDES Permit No. CAS0085324 (Storm Water Permit) effective May 17, 2018. The previous Storm Water Permit adopted on May 31, 2013 required the adoption of Stormwater Quality Management Program (SWQMP) that describes the Storm Water Permit implementation actions and Co-Permittee responsibilities. That SWQMP was approved by the Central Valley Regional Water Quality Control Board on April 17, 2015 and is effective until adoption of a new SWQMP, which is anticipated within the next two years.

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

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

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

- Amendment to the Water Quality Control Plan for Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California; and
- Amendment to the Water Quality Control Plan for the Sacramento and San Joaquin River Basins for the Control of Pyrethroid Pesticide Discharges.

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

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

Additional FMFCD General Comments

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

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

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

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

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

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

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

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

City of Fresno
Southeast Development Area Specific Plan
March 25, 2022
Page 5 of 5

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

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

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

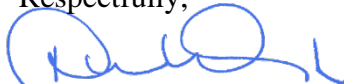
FMFCD encourages, but does not require that roof drains from non-residential development be constructed such that they are directed onto and through a landscaped grassy swale area to filter out pollutants from roof runoff.

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

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

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

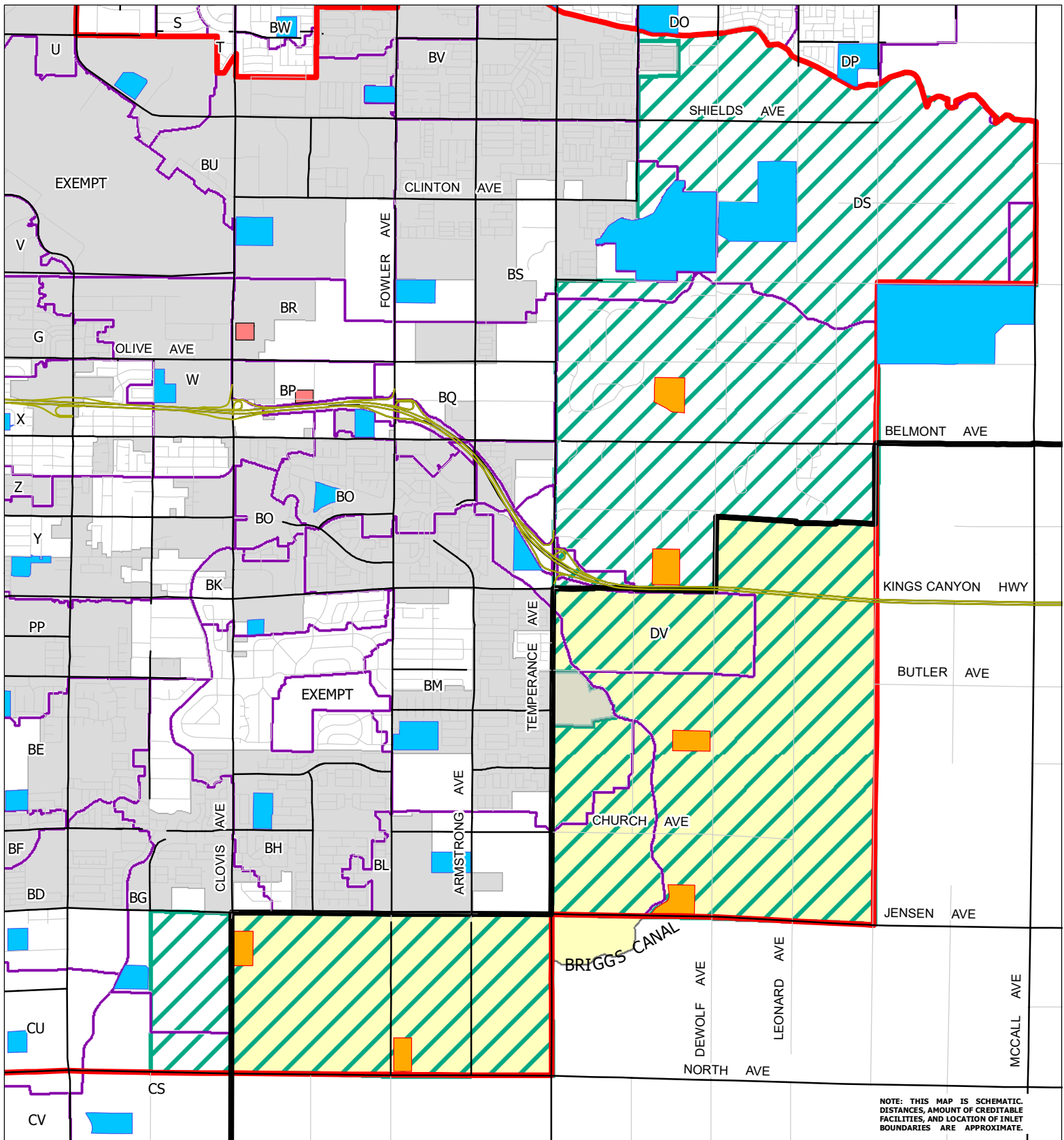
Respectfully,



Denise Wade
Master Plan Special Projects Manager

DW/lrl

Attachment(s)



NOTE: THIS MAP IS SCHEMATIC.
DISTANCES, AMOUNT OF CREDITABLE
FACILITIES, AND LOCATION OF INLET
BOUNDARIES ARE APPROXIMATE.

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

- BASINS**
- EXISTING
 - PROPOSED
 - TENTATIVE

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

EXHIBIT NO. 1



1" = 4300'



Fresno Metropolitan Flood Control District

Guidance for Addressing Stormwater Quality for CEQA Review

Stormwater Checklist for CEQA Review

a. Potential impact of project construction on stormwater runoff.

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

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

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

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

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

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

Typical Pollutants of Concern and Sources for Post-Development Areas

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



County of Fresno

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

March 24, 2022

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

SUBJECT: Southeast Development Area Plan

Dear Jennifer Clark:

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

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

Development Engineering:

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

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

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

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

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

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

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

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

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

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

5. Records indicate that portions of the area of the subject property are within an Agricultural Preserve. Any construction or development proposed within an Agricultural Preserve may require approval from Policy Planning. Policy Planning can be reached at (559) 600-4205/4230.
6. Discharging pollutants through a "point source" into a "water of the United States" are prohibited unless an NPDES permit has been obtained. A Notice of Intent (NOi) shall be filed with the State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area. Copies of completed NOi with WDID # and SWPPP incorporated into the construction improvement plans shall be submitted to the County prior to commencement of any grading activities.
7. A Traffic Impact Study should be included as part of the EIR to determine the impact of the additional traffic generated for roads and intersections under County control. The County of Fresno staff, which includes the Maintenance & Operations Division, and the Design Division should attend the scoping meeting.
8. Any work done within the County-road right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
9. Any encroachment or access over S.P.R.R. (Southern Pacific Railroad Right-of-Way) should require approval from the owner.
10. Any grading, including onsite grading, will require either an engineered grading and drainage plan, road improvement plan, permit, or voucher. However, if the parcel lots are annexed to the City, all improvements for the subject property shall comply with the City Standards/requirements and all submittals shall be forwarded to the City of Clovis for their review and approval.

Environmental Health:

Hazards and Hazardous Materials

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

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

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

Hydrology and Water Quality

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

Noise

1. Appropriate measures should be incorporated into the construction phase of future projects to minimize potentially significant short-term localized noise impacts to noise sensitive receivers caused by the operation of construction equipment. Construction specifications for projects should require that all construction equipment is maintained according to the manufacturers' specifications, and that noise generating construction equipment is equipped with mufflers. In addition, consideration should be given to limiting noise-generating construction activities to daytime hours.
2. Future projects have the potential to expose nearby residents to elevated noise levels. Consideration should be given to conformance with the applicable standards of the Noise Element of the City of Fresno General Plan. Consideration should be given to noise sensitive receivers within the City's Zoning Map.

Resources:

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

Design:

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

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

SUBJECT: Southeast Development Area Plan
March 23, 2022
Page 5

Sincerely,



David Randall, Senior Planner
Development Services and Capital Projects Division

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

March 25, 2022

Sent via Email

Dear Ms. Jennifer Clark and Mr. Shawn Monk,

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

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

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

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

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

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

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

Fourteen years later, we have learned that this growth pattern is economically and environmentally unsustainable as the City now struggles to balance the need to build out the infrastructure and maintain public services in these communities while attending to decades of deferred maintenance in established neighborhoods. This is reflected in the 2015 General Plan praised for limiting unsustainable sprawl growth and focusing on efficient infill development¹.

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

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

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

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

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

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

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

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

III. Comments Relating to EIR Content

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

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

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

IV. Conclusion:

We urge City leaders and decision-makers to postpone developing the SEDA and instead reallocate Staff's limited capacity to finalize the Central Southeast Specific Plan and South Central Specific Plan, and, more notably, prepare to update the Housing Element on December 31, 2023, as required by California law². City leaders should also be motivated to implement already adopted plans to avoid wasting City resources by having these documents, which take hundreds of thousands of dollars and countless staff hours to develop, "sit on the shelf." In jumping over other projects in line, SEDA will only facilitate "leapfrog" development perpetuating Fresno's unsustainable exclusive development patterns to the detriment of established neighborhoods.

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

Sincerely,

Karla Martinez
Leadership Counsel for Justice and Accountability

Nayamin Martinez
CCEJN

Kimberly McCoy
Fresno Building Healthy Communities

Ruben Espinoza
Fresno Barrios Unidos

² As required by California Government Section Code 65588.



NATIVE AMERICAN HERITAGE COMMISSION

February 23, 2022

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

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
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Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

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

Dear Mr. Monk:

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

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

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

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

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

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

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

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

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:

A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

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

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

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

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

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

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

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

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

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

- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

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

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

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

- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
- c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
- e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
- f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

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

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

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

SB 18

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

Some of SB 18's provisions include:

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

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

NAHC Recommendations for Cultural Resources Assessments

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

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

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

Sincerely,

Cameron Vela

Cameron Vela
Cultural Resources Analyst

cc: State Clearinghouse



SANGER UNIFIED SCHOOL DISTRICT
1905 SEVENTH STREET • SANGER, CA 93657
(559) 524-6521 FAX (559) 875-0311

ADELA MADRIGAL JONES
SUPERINTENDENT

March 25, 2022

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

Subject: Notice of Preparation for SEDA Specific Plan Program EIR

Dear Ms. Clark:

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

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

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

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

~~~~~ *Every Child, Every Day, Whatever it Takes!* ~~~~~

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Ryan Kilby', with a long, sweeping horizontal line extending to the right.

Ryan Kilby  
Chief Operations Officer

March 24, 2022

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

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

**District CEQA Reference No: 20220202**

Dear Ms. Clark:

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

The District offers the following comments:

**1) Land Use Planning**

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

**Samir Sheikh**  
Executive Director/Air Pollution Control Officer

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

In addition, the District recommends that the PEIR incorporate strategies that will advance implementation of the best practices listed in Tables 5 and 6 of California Air Resource Board's (CARB's) Freight Handbook Concept Paper, to the extent feasible. This document compiles best practices designed to address air pollution impacts as "practices" which may apply to the siting, design, construction, and operation of freight facilities to minimize health impacts on nearby communities. The concept paper is available at:

[https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook\\_1.pdf](https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook_1.pdf)

## **2) Project Siting**

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

- CARB's Air Quality and Land Use Handbook: A Community Health Perspective. The document includes tables with recommended buffer distances associated with various types of common sources (e.g. distribution centers, chrome platers, gasoline dispensing facilities, etc.), and can be found at: <https://ww3.arb.ca.gov/ch/handbook.pdf>
- CARB's Freight Handbook Concept Paper: This document compiles best practices designed to address air pollution impacts, which may apply to the siting, design, construction, and operation of freight facilities to minimize health impacts on nearby communities, and can be found at: [https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook\\_1.pdf](https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook_1.pdf)

### **3) Criteria Pollutant Emissions**

At the federal level under the National Ambient Air Quality Standards (NAAQS), the District is designated as extreme nonattainment for the 8-hour ozone standards and serious nonattainment for the particulate matter less than 2.5 microns in size (PM<sub>2.5</sub>) standards. At the state level under California Ambient Air Quality Standards (CAAQS), the District is designated as nonattainment for the 8-hour ozone, PM<sub>10</sub>, PM<sub>2.5</sub> standards.

As such, the District recommends that the PEIR stipulate that future development projects within the SEDA identify and characterize project construction and operational air emissions. The District recommends the air emissions be compared to the following California Environmental Quality Act (CEQA) significance thresholds for annual emissions of criteria pollutants: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NO<sub>x</sub>), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SO<sub>x</sub>), 15 tons per year of particulate matter with an aerodynamic diameter less than or equal to a nominal 10 or 2.5 microns (PM<sub>10</sub> or PM<sub>2.5</sub>). The District recommends that future proposed projects be mitigated to the extent feasible, and that future proposed projects with air emissions above the aforementioned thresholds be mitigated to below these thresholds.

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

#### **3a) Construction Emissions**

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

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

### **3b) Operational Emissions**

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

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

### **3c) Recommended Model for Quantifying Air Emissions**

Project related criteria pollutant emissions from construction and operational sources should be identified and quantified. Emissions analysis should be performed using CalEEMod (**California Emission Estimator Model**), which uses the most recent approved version of relevant Air Resources Board (ARB) emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: [www.caleemod.com](http://www.caleemod.com).

## **4) Health Risk Screening/Assessment**

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

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

Prioritization (Screening Health Risk Assessment):

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

To assist land use agencies and project proponents with Prioritization analyses, the District has created a prioritization calculator based on the aforementioned CAPCOA guidelines, which can be found here:

[http://www.valleyair.org/busind/pto/emission\\_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS](http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS)

Health Risk Assessment:

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

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

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

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

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

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

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

## **5) Ambient Air Quality Analysis**

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

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

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

## **6) Voluntary Emission Reduction Agreement**

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

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

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

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

## **7) Truck Routing**

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

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

## **8) Cleanest Available Truck**

The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD Trucks, the single largest source of NO<sub>x</sub> emissions in the San Joaquin Valley. The District recently adopted the 2018 PM<sub>2.5</sub> Plan, which includes significant new reductions from HHD Trucks, including emissions reductions by 2023 through the implementation of the CARB Statewide Truck and Bus Regulation, which requires truck fleets operating in California to meet the 2010 0.2 g/bhp-hr NO<sub>x</sub> standard by 2023. Additionally, to meet the federal air quality standards by the 2020 to 2024 attainment deadlines, the District's Plan relies on a significant and immediate transition of heavy-duty truck fleets to zero or near-zero emissions technologies, including the near-zero truck standard of 0.02 g/bhp-hr NO<sub>x</sub> established by the CARB.

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

- Recommended Measure: Fleets associated with project operational activities utilize the cleanest available HHD truck technologies, including zero and near-zero (0.02 g/bhp-hr NO<sub>x</sub>) technologies as feasible.
- Recommended Measure: All on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) utilize zero-emissions technologies as feasible.

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

## **9) Reduce Idling of Heavy-Duty Trucks**

The goal of this strategy is to limit the potential for localized PM<sub>2.5</sub> and toxic air quality impacts associated with failure to comply with the state's Heavy Duty anti-idling regulation (e.g limiting vehicle idling to specific time limits). The diesel exhaust from excessive idling has the potential to impose significant adverse health and environmental impacts. Therefore, efforts to ensure compliance of the anti-idling regulation, especially near sensitive receptors, is important to limit the amount of idling, which will result in air quality benefits.

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

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

## **11) Under-fired Charbroilers**

Future development projects for restaurants with under-fired charbroilers may pose the potential for immediate health risk, particularly when located in densely developed locations near sensitive receptors. Since the cooking of meat can release carcinogenic PM<sub>2.5</sub> species like polycyclic aromatic hydrocarbons, controlling emissions from new under-fired charbroilers will have a substantial positive impact on public health. The air quality impacts on neighborhoods near restaurants with under-fired charbroilers can be significant on days when meteorological conditions are



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

Furthermore, reducing commercial charbroiling emissions is essential to achieving attainment of multiple federal PM<sub>2.5</sub> standards and associated health benefits in the Valley. Therefore, the District recommends that the PEIR include a measure requiring the assessment and potential installation, as technologically feasible, of particulate matter emission control systems for new large restaurants operating under-fired charbroilers. The District is available to assist the City and project proponents with this assessment. Additionally, to ease the financial burden for Valley businesses, the District is currently offering substantial incentive funding that covers the full cost of purchasing, installing, and maintaining the system for up to two years. Please contact the District at (559) 230-5800 or [technology@valleyair.org](mailto:technology@valleyair.org) for more information.

## **12)Health Impact Discussion**

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

## **13)Vegetative Barriers and Urban Greening**

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

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

#### **14)On-site Solar Deployment**

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

#### **15)Electric Vehicle Charger**

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

Please visit [www.valleyair.org/grants/chargeup.htm](http://www.valleyair.org/grants/chargeup.htm) for more information.

#### **16)Nuisance Odors**

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

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

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

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

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

## **17) District Rules and Regulations**

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

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

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

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

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

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

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

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

### **17b) District Rule 9510 (Indirect Source Review)**

The purpose of District Rule 9510 is to reduce the growth in both NO<sub>x</sub> and PM<sub>10</sub> emissions associated with development and transportation projects from mobile and area sources associated with construction and operation of development projects. The rule encourages clean air design elements to be incorporated into development projects. In case the proposed development project clean air design elements are insufficient to meet the targeted emission reductions, the rule requires developers to pay a fee used to fund projects to achieve off-site emissions reductions.

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

**Table 1: ISR Applicability Thresholds**

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

District Rule 9510 also applies to any transportation or transit development projects where construction exhaust emissions equal or exceed two (2.0) tons of NO<sub>x</sub> or two (2.0) tons of PM<sub>10</sub>.

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

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

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

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

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

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

Information about how District Rule 9410 can be found online at: [www.valleyair.org/tripreduction.htm](http://www.valleyair.org/tripreduction.htm).

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

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

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

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

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

#### **17e) District Regulation VII – Fugitive PM10 Prohibitions**

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

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

Information about District Regulation VIII can be found online at:  
[http://www.valleyair.org/busind/comply/pm10/compliance\\_pm10.htm](http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm)

#### **17f) Other District Rules and Regulations**

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

#### **18) Future Projects / Land Use Agency Referral Documents**

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

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

Sincerely,

Brian Clements  
Director of Permit Services



For Mark Montelongo  
Program Manager