



Public Comments Received During Recirculation
Public Comment Period

October 3, 2023 through November 17, 2023



PATIENCE MILROD

LAWYER/LICENCIADA EN LEYES

November 6, 2023

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

Sent by email: adrienne.asadoorian@fresno.gov

RE: Supplemental Public Comment on Southeast Development Area Plan and Partial Recirculated Draft Program Environmental Impact Report

Clearinghouse Number 2022020486 dated July 14, 2023 and October 3, 2023

Dear Ms. Asadoorian:

On behalf of the Fresno Madera Tulare and Kings Counties Central Labor Council, the Central Valley IAF, and Regenerate California Innovation (RCI), please incorporate the following comments regarding the City's Southeast Development Area Specific Plan and draft Program Environmental Impact Report into the record of this matter.

Joinder in other public comment

As a preliminary matter, my clients join in the comments submitted to date, as well as any additional comments made through the end of the public comment period at the close of the City Council's final hearing on the Project. Of the 358 pages of comments available for review, only one was made after August 28, and that by previous arrangement with City staff. Because comments made after August 28, 2023 have not been made available to the public, this inclusion by reference cannot be specific as to commenter or comment.

Of the comments available for review, my clients do not join the following: BIA letter dated August 25, 2023; emails from Mark and Dale Reitz, dated August 19, 2023; Granville Homes letter dated August 22, 2023; email submitted on behalf of Harrison Farms by Arakel Arisian, dated August 25, 2023.

Partial Recirculated Draft Program EIR

My clients have no comments on the Geology, Soils, and Seismicity chapter included in the recirculated draft.

As to the amended Transportation and Traffic chapter, the only identifiable difference between the original and the recirculated Draft PEIR was the queuing analysis added at the behest of

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California Department of Transportation (CalTrans). However, the recommendation to perform a queuing analysis was only the first of many issues CalTrans raised in its comment letter. CalTrans' other recommendations generated no corrective action: for better planning (the SEDA plan should require multimodal methods), better mitigation (the City needs to develop and apply policies for EV charging stations), and better data:

The preparer of the VMT Analysis concluded that the VMT per Service Population in the SEDA project region will fall from 45.72 to 5.07 when the project is completed in 2035. The move from a primarily rural location (as the SEDA project area is now) to a developed urbanized mixed-use site results in a significant drop in VMT. Additionally, the VMT Analysis preparer claims that this is attributable to residents and employees being better connected to jobs and services within the SEDA project area, reducing travel times on both the production (residential) and attraction (commercial) sides. Conversely, the Year 2035 No Project Conditions VMT for the SEDA Project Area is 371,397 per Table 7. Table 10 presents the Year 2035 With Project Conditions VMT for the SEDA Project Area is 974,369. This translates to *a net VMT increase of 162.35%*.

In theory, the relationship between production (residential) and attraction (commercial) may minimize VMT at full buildout; *nevertheless, a typical land-use plan buildout begins with the production (residential), followed by the attraction (commercial). The concern is that the attraction (commercial) will develop slowly over time, causing a VMT impact in the SEDA region.*¹

Based on its review of the PEIR's VMT Analysis, CalTrans recommends the City do the queue analysis it has now actually performed. Thus, although the Recirculated Draft PEIR does not correct its indefensible VMT numbers, it effectively acknowledges the accuracy of CalTrans' VMT analysis over its own.

A 162% increase in VMT produces its own massive air quality impacts, in the form of pollutants, and consequent human health impacts. To reduce those environmental impacts, the PEIR is required to impose feasible mitigation, which it does not even attempt to do. CalTrans' letter, at page 3, goes on to identify *eight* separate VMT mitigation strategies—none of which has been explored, discussed, or included as an enforceable condition of SEDA project entitlements in the Recirculated Draft Program Environmental Impact Report.

The Draft PEIR must be still further revised, and recirculated to the public and public agencies for additional comment. Please include my clients (see cc's, below) and me on the notification list for next steps in this process. Thanking you for your attention to these matters, I remain,

Very truly yours,

Patience Milrod

PATIENCE MILROD

Attorney for Central Valley IAF, Fresno Madera
Tulare and Kings Counties Central Labor Council,
and Regenerate California Innovation

¹ CalTrans' August 25, 2023 comment letter, pp. 2-3 [emphasis added].

cc: Dillon Savory, Fresno Madera Tulare and Kings Counties Central Labor Council, by email to dsavory@myunionworks.com
Keith Ford, Central Valley IAF, by email to theabsolutmoose@gmail.com
Keith Bergthold, Regenerate California Innovation (RCI), by email to keith@regenerateca.org
Jennifer Clark, Development Director, by email to Jennifer.Clark@fresno.gov
Sophia Pagoulatos, Manager of Long-Range Planning, by email to Sophia.Pagoulatos@fresno.gov
Andrew Janz, City Attorney, by email to Andrew.Janz@fresno.gov



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November 7, 2023

Via Email: Adrienne.Asadoorian@fresno.gov
Jennifer.Clark@fresno.gov
Sophia.Pagoulatos@fresno.gov

City of Fresno
Planning and Development Department
Adrienne Asadoorian, Planner III
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Fresno, CA 93721

With a copy to
Jennifer Clark, Director
Planning and Development Department
c/o Sophia Pagoulatos, Planning Manager
2600 Fresno Street, Room 3065
Fresno, California 93721

SUBJECT: Partial Recirculated Draft Program Environmental Impact Report for
the Proposed Southeast Development Area Specific Plan Project (State
Clearinghouse No. 2022020486)

This comment letter is being submitted on behalf of our client, the County of Fresno (the "County") Department of Public Works and Planning regarding the City of Fresno's (the "City") Partial recirculated Draft Environmental Impact Report ("DEIR") for the Southeast Development Area Specific Plan Project (the "Specific Plan"), which is intended to govern future development of the area commonly referred to as SEDA (the "Project"). Please ensure this letter and its referenced enclosures are included in the Record of Proceedings regarding the consideration of the Project by the City of Fresno (the "City").

A. The Recirculated Materials to Not Fix All of the Deficiencies in the DEIR's
Transportation and Traffic Analysis.

In our prior comment letter to the originally circulated DEIR, we noted that the Project lacked sufficient planning details to permit an adequate analysis in the DEIR of the Project's potentially significant environmental impacts. Among those inadequacies is the fact that the Specific Plan does not indicate how such infrastructure is designed to integrate with the intensity of the intended development, because important facets of that density is deferred to a future SEDA Development Code update. We further noted that the actual impact on existing roadways (including intersections) is nowhere detailed in either the Specific Plan or its DEIR, presumably because, without any understanding of the density of developments in the land use designations, the projected traffic demands on specific roadways cannot be fairly estimated. As an example of that deficiency we also noted that the queuing analysis for impacts on the State High system interchanges, requested by Caltrans in its Comment Letter dated August 25, 2023, was not prepared.

The recirculated materials now include the previously omitted queuing analysis. However, that analysis is based on modeling data that apparently does not incorporate specific densities of specific land areas. This is confirmed by the statement in Section 3.6.5 of the Recirculated materials which cautions that *“As previously discussed, the proposed project does not approve or entitle any specific development and specific project design is unknown at this time.”* Therefore the primary point of our prior criticism, that the Project lacks sufficient planning details to permit an adequate analysis of the Project’s potentially significant environmental impacts, remains unaffected by the inclusion of the previously omitted queuing analysis.

Other inconsistencies in the Recirculated DEIR materials also remain. For instance, page 3.6-30 of the Recirculated materials states that the Project will be consistent with the City’s General Plan policy of planning and designing roadway systems to meet LOS D on major roadways. Page 11 of the Traffic Impact Analysis says that the relevant General Plan policy is that a standard of E or better for all roadway segments is to apply.

At its page 3.4-27 Recirculated DEIR materials state that the Project’s standard is to provide for LOS E at peak hour impacts, rather than LOS D. Further, at page 3.3-22 the analysis includes Policy UF-6.1, which states that for arterials, collectors and local streets (both intersections and segments) at peak traffic hours, LOS E applies, but that LOS F would apply in areas with transit, including in an around mixed use districts. This standard is driven by a stated goal of not having more than four through lanes on the roadway facilities (other than portions of Jensen and Temperance).

At page 11 of the Traffic Impact Analysis, it states that the SEDA project is located in Traffic Impact Zone IV. However, at page 3.4-27 of the Partially Recirculated Materials, it states that SEDA is located in Traffic Impact Zone III (which it also labels as TIZ II).

We understand that the traffic impact analysis indicates that none of the road segments it evaluated would fall below LOS D. However, no analysis was set forth for any relevant intersections other than those requested by Caltrans in the recently distributed queuing analysis. The hazard analysis intended by the DEIR is therefore inadequate because of the lack of the intersection LOS analysis.

In addition, based on the above inconsistent statements about the applicable regulatory standard, it is not clear what LOS standard would apply, if and when an appropriate intersection analysis is conducted. Further, it appears that the lack of an intersection analysis of LOS standards is due to the lack of fully determined density standards and land uses applicable to various elements of the Project, which the City intends to defer until the adoption of a future SEG development code. It is also therefore unclear how the queuing analysis or the road segment analysis that are included have sufficient information to provide an adequate analysis of the impacts, regardless of the uncertainty of the LOS Standards that the DEIR intends to apply.

B. Conclusion.

Based on the foregoing, we respectfully renew our request that the City not consider the Project DEIR until after there have been appropriate updates to the Specific Plan and the DEIR, to address the matters detailed above and in our prior comment letter.

City of Fresno
Planning and Development Department
November 7, 2023
Page 3

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



Jeffrey M. Reid

cc: Bernard Jimenez, Planning & Resource Management Officer
Fresno County Department of Public Works and Planning

November 8, 2023

City of Fresno
Planning and Development Department
c/o Adrienne Asadoorian, Planner
2600 Fresno Street, Room 3065
Fresno, CA 93721

Dear Ms. Asadoorian:

Reviewing the revised EIR, I note that the description of Temperance Ave. has been changed only with the addition of '45' to the speed limit. Nothing else was changed. All previous challenges to the description made in my previous comments of July 24, 2023 and letter of September 27, 2023 to the Mayor and City Council Members remain.

1, Temperance Ave. is not now and never has been a four-lane super arterial.

2. The speed limit in front of my house is 55 mph. Three lots south of my house is a sign reading 'END 45'.

3. Land adjacent to Temperance Ave., with the exception of Sunny Farms at Butler Ave., is not now farmland. It is and has been, for decades, rural residential.

While the expansion of Temperance Ave. has been in the Master Plan for decades, it is unlikely to ever happen simply because Fresno depends on developers to expand roadways. Since the area around Temperance Ave. is almost fully built-out there is nowhere Fresno can obtain the tens of millions of dollars required for not only construction but property acquisition as well.

It is quite obvious that, once again, no on-site research has been done. Once again, I must say, if something so minor cannot be corrected, the validity of the entire EIR must be questioned.

Such sloppy and/or absent research should be neither tolerated nor accepted.

Thank you,



Ross & Marie Potter

1598 N. Temperance Ave.
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November 10, 2023

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

RE: Proposed Partial Recirculated Draft Program Environmental Impact Report for the Southeast Development Area (State Clearinghouse No. 2022020486)

ATT: Adrienne Asadoorian

Thank you for recirculating the Draft Program Environmental Impact Report (DEIR) with the missing Chapter on Soils and the queue analysis of State Highway 180 interchanges for public comment.

However, the recirculated materials do not fix all of the deficiencies in the DEIR's transportation and traffic analysis. We agree with the issues raised in the County of Fresno's letter (attached for your reference) regarding the inconsistent application of LOS, inadequate queuing analysis for impacts on the State Highway system because the modeling data does not incorporate specific densities of specific land uses, as the SEDA Development Code has yet to be adopted, and the failure to study relevant intersections other than those requested by Caltrans.

The Specific Plan and DEIR should not be considered until the City addresses the inadequacies and inconsistencies in the Specific Plan and DEIR.

Respectfully,

Sue Williams
Corresponding Secretary

Cc: Sophia Pagoulatos, Planning Manager

Attachments: County of Fresno letter dated October 2023

California Department of Transportation

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November 17, 2023

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

SENT VIA EMAIL

Mx. Adrienne Asadoorian, Planner
City of Fresno
2600 Fresno Street
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adrienne.asadoorian@fresno.gov

Dear Mx. Asadoorian:

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

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

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

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

All comments from our previous letter dated August 25th, 2023, regarding the VMT Analysis Comments, still apply.

SR 180 Interchange Queuing Analysis

1. This document provided a peak hour ramp queue analysis at the following State Route 180 interchanges: Clovis Avenue, Fowler Avenue, and Temperance Avenue. It also provided a peak hour queue analysis at the De Wolf Avenue, Highland Avenue, and McCall Avenue intersections along State Route (SR) 180.

The results of this analysis are listed in Table 3-8: 2035 Project and No Project Queue Analyses Results within the document. A substantial amount of the data in Table 3-8 needs to be more accurate. The following irregularities were observed:

- A. Odd lane utilization on adjacent turn lanes (e.g., PM Peak Eastbound Clovis Avenue off-ramp, Left (pocket) versus Left (full lane) and PM Peak Eastbound Temperance Avenue off-ramp, Left (pocket) versus Left (full lane)).
 - B. Low queue lengths are listed at the Eastbound Fowler Avenue off-ramp left-turn lanes. Given the location of this development area, this off-ramp would be expected to receive many project-generated trips with the resulting vehicle queues.
 - C. Heavy reductions in queue lengths from “No Project Conditions” to “Proposed Project Conditions” at the Clovis Avenue interchange off-ramps.
 - D. Change values at the McCall Avenue intersection do not show the correct difference between “No Project Conditions” and “Proposed Project Conditions” queue lengths.
2. Given the irregularities, **it is recommended that the values in Table 3-8 be re-examined and updated where required.** Since the Project Specific Mitigation Measures were primarily based on Table 3-8 data, mitigation measures should also be re-examined.
 3. Table 3-8 also utilized the full length of the off-ramp as available vehicle storage. This practice neglects the deceleration length needed by high-speed vehicles to come to a stop. The deceleration length should be accounted for on each off-ramp as provided in the Caltrans Highway Design Manual Figure 504.2B (single-lane exit) and Figure 504.3K (two-lane exit).
 4. This document’s Project Specific Mitigation Measures MM TRANS-3a and MM TRANS-3c propose the restripe of the eastbound State Route (SR) 180 off-ramp lane configurations at Clovis Avenue and Temperance Avenue. The alteration proposes to replace the existing two left-turn lanes and two right-turn lanes configuration with one left-turn lane and three right-turn lanes. The need for dual left turn lanes at each off-ramp was established during the development of those improvements. The additional capacity needed for right-turns at each ramp should be made through widening, not reducing left-turn capacity.

A cost estimate to be included in a traffic impact fee program should be prepared once the values in Table 3-8 are reevaluated and updated and the mitigation strategies are revised.

Funding for Developer-Driven Impacts to State Facilities

1. The Interregional Transportation Strategic Plan does not designate SR 180 as a High Emphasis Focus Route, so the State’s portion of the State Transportation Improvement Program cannot be used to fund improvements to the SR 180 interchanges. Possible funding sources include Measure C, the Traffic Signal Mitigation Impact Fee (TSMIF) of the City of Fresno, the Regional Transportation

Mitigation Fee (RTMF) of Fresno County, the Regional Improvement Program, developer mitigation, etc. To deliver "needed" projects, infrastructure improvements in today's funding environment frequently require a variety of funding sources. The City of Fresno should mitigate since the SEDA creates the need for improvements.

2. Caltrans should be involved in reviewing any proposed new developments within the SEDA that would impact SR 180. **It is recommended that any proposed new developments that would impact SR 180 mitigate their impacts by including them in the next updates to Measure C, Fresno County's RTMF, and the City of Fresno TSMIF.** This would ensure the maintenance and improvement of the State facilities due to the absence of an all-inclusive fee program.

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

Sincerely,



Mr. Dave Padilla, Branch Chief,
Transportation Planning – North

C: Sophia Pagoulatos, Planning Manager, City of Fresno