

# **FINAL ENVIRONMENTAL IMPACT REPORT**

**VESTING TENTATIVE TRACT MAP NO. 6360**

**FRESNO, CALIFORNIA**



June 2024

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# **FINAL ENVIRONMENTAL IMPACT REPORT**

## **VESTING TENTATIVE TRACT MAP NO. 6360 FRESNO, CALIFORNIA**

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Project No. HAA2103



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## LIST OF ABBREVIATIONS AND ACRONYMS

AGL	Activity Based Model
AIA	Air Impact Assessment
ALUC	Airport Land Use Commission
ALUCP	Airport Land Use Compatibility Plan
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
City	City of Fresno
CNEL	Community Noise Equivalent Level
Draft EIR	Draft Environmental Impact Report
FAA	Federal Aviation Administration
Final EIR	Final Environmental Impact Report
FMFCD	Fresno Metropolitan Flood Control District
NOA	Notice of Availability
NOP	Notice of Preparation
SBA	Small Business Assistance
SJVAPCD	San Joaquin Valley Air Pollution Control District
TPZ	Traffic Pattern Zone

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## 1.0 INTRODUCTION

### 1.1 PURPOSE OF THE RESPONSE TO COMMENTS DOCUMENT

This document has been prepared to respond to comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the proposed Vesting Tentative Tract Map No. 6360 (herein referred to as the proposed project) for the City of Fresno (City). The Draft EIR identifies the likely environmental consequences associated with development of the proposed project and recommends mitigation measures to reduce potentially significant impacts. This Final Environmental Impact Report (Final EIR) provides responses to comments on the Draft EIR and makes revisions to the Draft EIR, as necessary, resulting from those comments or to clarify material in the Draft EIR. This document, together with the Draft EIR, constitutes the EIR for the proposed project.

### 1.2 ENVIRONMENTAL REVIEW PROCESS

According to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

On August 8, 2022, the City circulated a Notice of Preparation (NOP) notifying responsible agencies and interested parties that an EIR would be prepared for the proposed project and indicated the environmental topics anticipated to be addressed in the EIR. The NOP was sent to the State Clearinghouse, responsible agencies, interested parties, and organizations likely to be interested in the potential impacts of the proposed project. A scoping session was held on August 17, 2022, to solicit feedback regarding the scope and content of the EIR. Comments received by the City on the NOP were considered during preparation of the Draft EIR.

The Draft EIR was made available for public review on February 23, 2024, and was distributed to local and State responsible and trustee agencies. The Notice of Availability (NOA) for the Draft EIR was submitted to the State Clearinghouse, provided to all individuals and organizations who made a written request for notice, and filed with the Fresno County Clerk.

The public comment period ended on April 8, 2024. The City accepted and responded to all comments received during the 46-day public comment period between February 23, 2024, and April 8, 2024. Copies of all written comments received during the comment period are included in Chapter 3.0, Comments and Responses, of this document.

### 1.3 DOCUMENT ORGANIZATION

This Final EIR consists of the following chapters:

- **Chapter 1.0: Introduction.** This chapter discusses the purpose and organization of this Final EIR, and summarizes the environmental review process for the project.

- **Chapter 2.0: List of Commenters.** This chapter contains a list of agencies and individuals who submitted written comments during the public review period and comments made at the public hearing on the Draft EIR.
- **Chapter 3.0: Comments and Responses.** This chapter contains reproductions of all comment letters received on the Draft EIR. A written response for each CEQA-related comment received during the public review period is provided. Each response is keyed to the corresponding comment.
- **Chapter 4.0: Draft EIR Text Revisions.** Corrections to the Draft EIR that are necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft EIR, are contained in this chapter. Double underlined text represents language that has been added to the Draft EIR; text with strikeout has been deleted from the Draft EIR.

## 2.0 LIST OF COMMENTERS

This chapter presents a list of comment letters received during the public review period and describes the organization of the letters and comments provided in Chapter 3.0, Comments and Responses, of this document.

### 2.1 ORGANIZATION OF COMMENT LETTERS AND RESPONSES

Chapter 3.0 includes a reproduction of the content of each comment letter received on the Draft EIR. The comment letters are grouped by the affiliation of the commenter, as follows: State agencies (A), and local agencies (B).

The comment letters are numbered consecutively following the A and B designations, and follow the format below:

State Agencies	A#-#
Local Agencies	B#-#

The comment letters are numbered, and specific comments within each letter are numbered consecutively after the hyphen. For example, Letter A1 represents the first State agency letter, and Comment A1-1 represents the first enumerated comment within that comment letter.

### 2.2 LIST OF AGENCIES COMMENTING ON THE DRAFT EIR

Table 2.A provides a list of the public agencies that commented on the Draft EIR. The comments received have been organized by date received and in a manner that facilitates finding a particular comment or set of comments. Each comment letter received is indexed with a number below.

**Table 2.A: List of Comments Received**

State Agencies		
A1	California Department of Transportation, Ingrid McRoberts	April 8, 2024
Local Agencies		
B1	San Joaquin Valley Air Pollution Control District, Tom Jordan	April 3, 2024
B2	Fresno Metropolitan Flood Control District, Gary Chapman	May 1, 2024

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### 3.0 COMMENTS AND RESPONSES

Written responses to each comment letter received on the Draft Environmental Impact Report (EIR) are provided in this chapter. The content of each comment letter received on the Draft EIR is reproduced in its entirety. For each specific comment, a response is provided. The comment letters are grouped by the affiliation of the commenting entity as follows: State agencies (A), and local agencies (B).

Please note that to the extent text within individual letters has not been numbered, it indicates that the text does not raise substantive environmental issues or relate to the adequacy of the information or analysis within the Draft EIR; therefore, no comment is enumerated, nor is a response required per California Environmental Quality Act (CEQA) Guidelines Sections 15088 and 15132. In addition, when general support or opposition is given for the proposed project, that comment is noted but no further analysis is provided in the response, as the commenter is not questioning the adequacy of the information or analysis within the Draft EIR. However, comments related to the merits of the proposed project will be considered by decision-makers taking action on the proposed project.

Where comments on the Draft EIR concern issues requiring technical expertise, the responses to comments, like the analysis in the Draft EIR, rely on the knowledge and professional analysis of qualified experts.

Where revisions to the Draft EIR text are called for, the page is set forth followed by the appropriate revision. Added text is indicated with double-underlined text, and deleted text is shown in ~~striketrough~~. Text revisions to the Draft EIR are also included in Chapter 4.0 of this Final EIR.

#### 3.1 COMMENTS AND RESPONSES MATRIX

Table 3.A includes all CEQA-related comments received on the Draft EIR and a response to each comment. The text of each comment has been included in the matrix and includes any grammatical errors included in the original comment letter. Each comment letter is included in its entirety in Appendix G, Public Comment Letters on the Draft EIR.

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**Table 3.A: Comments and Responses Matrix**

Letter/ Comment Number	Comment	Response
<b>A1 California Department of Transportation (April 8, 2024)</b>		
A1-1	The California Department of Transportation (Caltrans), Aeronautics Program has reviewed the Draft Environmental Impact Report (DEIR) for the Vesting Tentative Tract Map No. 6360 project. One of the goals of the California Department of Transportation (Caltrans), Aeronautics Program, is to assist cities, counties, and Airport Land Use Commissions (ALUC) or their equivalent, to understand and comply with the State Aeronautics Act pursuant to the California Public Utilities Code (PUC), Section 21001 et seq. Caltrans encourages collaboration with our partners in the planning process and thanks you for including Caltrans Aeronautics in the review of the DEIR.	This comment provides an introduction to the comment letter and does not address the adequacy or completeness of the Draft EIR; does not raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. Such comments do not require a response, pursuant to Section 15088(a) of the State CEQA Guidelines. No further response is necessary.
A1-2	The proposed project is located at North Armstrong Avenue and East Clinton Avenue in Fresno which is within two miles of Fresno-Yosemite International Airport. The proposed project would construct 326 single-family residences, park and recreation areas, and dedication of public streets.	This comment provides a summary of the Project Description for the proposed project, as described in Section 3.0, Project Description, of the Draft EIR, and states that the proposed project is located within two miles of the Fresno-Yosemite International Airport. This comment is noted but does not pertain to the analysis or conclusions of the Draft EIR. No further response is required.
A1-3	<p>Density and Intensity compatibility around airports should be considered as a potential impact given the long-range nature of this project. Given the anticipated amount of development and increased pressures of housing in the state approaching to 2050, increased density surrounding airports can lead to adverse impacts on communities and should be reviewed for potential consequences to health and safety.</p> <p>Please be aware that the project site identified in the DEIR is located within an Airport Influence Area (AIA). Therefore, the proposed project must adhere to the safety criteria and restrictions for the AIA defined in the Airport Land Use Compatibility Plan (ALUCP) formed by the ALUC pursuant to the PUC, Section 21674 and Section 21676 and is subject to the review authority by the ALUC. An ALUCP is crucial in minimizing noise nuisance and safety hazards around</p>	<p>This comment states that density and intensity compatibility around airports should be considered as a potential impact for the project, given the project's location within an Airport Influence Area (AIA), and that the project must adhere to the safety criteria and restrictions for the AIA defined in the Fresno Airport Land Use Compatibility Plan (ALUCP) and be subject to the review of the Fresno County Airport Land Use Commission (ALUC).</p> <p>As described on page 53 of Appendix B of the Draft EIR, the project site is within Zone 6, Traffic Pattern Zone (TPZ), of the Fresno-Yosemite International Airport. The Fresno ALUCP indicates that for Zone 6 – TPZ, there is no limit in place for residential densities, and for non-residential intensity, the maximum permitted intensity is 300 persons per acre.<sup>1</sup> As discussed in Appendix B of the Draft EIR, the proposed project would construct 326 residences, which would introduce approximately 988 residents to the project site.<sup>2</sup> Further, the proposed project would not include nonresidential</p>

<sup>1</sup> Fresno Council of Governments. 2023. Fresno County Airport Land Use Compatibility Plan. October. Website: <https://www.fresnocog.org/project/airport-land-use-commission-of-fresno-county/> (accessed April 2024).

<sup>2</sup> Based on an average of 3.03 persons per household in the City of Fresno, as identified by the Census Bureau.

**Table 3.A: Comments and Responses Matrix**

Letter/ Comment Number	Comment	Response
	airports while promoting the orderly development of airports, as declared by the California Legislature.	<p>uses, and as such, would not introduce nonresidential intensity into the site. Therefore, the proposed project would not conflict with density and intensity compatibility requirements of Zone 6 – TPZ of the Fresno ALUCP.</p> <p>The Fresno ALUCP identifies that prohibited uses in Zone 6 – TPZ include outdoor stadiums, or similar very high intensity uses, and hazards to flight, which include physical (e.g., tall objects), visual and electronic forms of interference with safety of traffic operations; land use developments that may cause the attraction of birds to increase, as outlined in the Federal Aviation Administration’s (FAA) Advisory Circular 150/5200-33B, <i>Hazardous Wildlife Attractants on or Near Airports</i>, are also prohibited.</p> <p>As previously discussed, the proposed project would introduce a residential development that would not conflict with Zone 6 – TPZ residential density requirements. Further, the proposed project would not introduce a prohibited very high intensity use into the project site. Within Zone 6 – TPZ, there is generally no concern with regard to any object up to 100 feet above ground level (AGL) unless it is located on high ground or it is a solitary object (e.g., an antenna) more than 35 feet AGL. The proposed project is located in a flat area and would be developed according to design requirements for the proposed RS-5 zoning, which requires structures to have a maximum height of 35 feet; therefore, the proposed project would not introduce excessively tall objects into the project site. Also, the proposed project would be required to meet the City’s design requirements for proposed RS-5 zoning, and as such would not introduce an incompatible use that would represent a visual hazard. Additionally, the proposed residential use is not likely to result in substantial effects to the operation of existing or proposed air navigation facilities, communication aids, or surveillance systems of the Fresno-Yosemite International Airport. Finally, the proposed project would not include the construction of land uses that could increase the attraction of birds to the project site, including water management facilities, golf courses, and aquaculture facilities.</p> <p>The proposed project would comply with all applicable development conditions for Zone 6 – TPZ, and would be subject to review by the Fresno County ALUC. Therefore, this comment is noted but does not address the adequacy or completeness of the</p>



**Table 3.A: Comments and Responses Matrix**

Letter/ Comment Number	Comment	Response
		Draft EIR; raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. No further response is required.
A1-4	<p>Compatibility concerns regarding airport obstructions and hazards to flight (such as wildlife attractants, lighting, or glare i.e., solar, etc.) should also be considered for further review upon site specific updates or projects. Proposed structures that exceed FAA Regulations Part 77 height criteria are subject to an Obstruction Evaluation/Airspace Analysis for determination. Moreover, due to its proximity to the airport, the project site may be subject to aircraft overflights and subsequent aircraft-related noise impacts. Since communities vary greatly in size and character from urban to rural, the level of noise deemed acceptable in one community is not necessarily the same for another community.</p> <p>If you have any questions or need additional information, please contact me by email at <a href="mailto:ingrid.mcroberts@dot.ca.gov">ingrid.mcroberts@dot.ca.gov</a>.</p>	<p>This comment states that compatibility concerns regarding airport obstructions and hazards to flight should be considered for further review. Further, this comment states that due to its proximity to the Fresno-Yosemite International Airport, the project site may be subject to aircraft-related noise impacts.</p> <p>Please refer to Response A1-3. The proposed project would meet all density and intensity compatibility requirements for Zone 6 – TPZ, would not introduce prohibited uses in the project site, and would not introduce hazards to flight into the project site.</p> <p>As discussed in Appendix B of the Draft EIR, Policy NS-1-c of the Fresno General Plan establishes that exterior noise exposure greater than 65 dB L<sub>dn</sub> or CNEL is generally unacceptable for residential and other noise sensitive uses. Additionally, the Fresno County ALUCP establishes noise compatibility criteria to limit development of land uses which are particularly sensitive to noise in the vicinity of an airport. As shown in Table 3B of the Fresno County ALUCP, the maximum acceptable airport noise levels for residential uses falls below 65 CNEL. Therefore, a significant aircraft-related noise impact would occur if the project site were exposed to aircraft noise levels that are 65 CNEL or greater. As shown in Exhibit D2 of the Fresno ALUCP, and discussed in page 75 of Appendix B of the Draft EIR, the project site is located outside of the 65 dB CNEL noise contours for Fresno-Yosemite International Airport, the nearest airport to the project site, as well as any other airport in the vicinity. Therefore, the proposed project would not be subject to significant aircraft-related noise impacts.</p> <p>This comment is noted but does not address the adequacy or completeness of the Draft EIR; raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. No further response is required.</p>
<b>Local Agencies</b>		
<b>B1</b>	<b>San Joaquin Valley Air Pollution Control District (April 3, 2024)</b>	

**Table 3.A: Comments and Responses Matrix**

Letter/ Comment Number	Comment	Response
B1-1	<p>The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) from the City of Fresno (City) for the Vesting Tentative Tract Map No. 6360. Per the DEIR, the project consists of 326 single-family residential lots, an 11,777 square foot park, a 15,207 square foot pool and recreation area, and 26,032 square feet of future trail use and open space (Project). The Project is located at the northeast corner of North Armstrong and East McKinley Avenue, in Fresno, CA.</p> <p>The District offers the following comments at this time regarding the Project:</p>	<p>This comment provides an introduction to the comment letter and does not address the adequacy or completeness of the Draft EIR; does not raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. Such comments do not require a response, pursuant to Section 15088(a) of the State CEQA Guidelines. No further response is necessary.</p>
B1-2	<p><b>1) Project Related Emissions</b></p> <p><b>1a) Construction Emissions</b></p> <p>The District recommends, to further reduce impacts from construction related diesel exhaust emissions, the Project should utilize the cleanest available offroad construction equipment.</p>	<p>This comment encourages the use of the cleanest available offroad construction equipment for the proposed project to reduce emissions. As identified in Section 4.1, Air Quality, of the Draft EIR, Mitigation Measure AIR-3 requires off-road diesel-powered construction equipment of 50 horsepower or more to meet the CARB Tier 3 emissions standards and be equipped with Level 3 diesel particulate filters or equivalent. As demonstrated in Table 4.1.H of the Draft EIR, construction emissions for the proposed project would not exceed the SJVAPCD annual threshold for construction emissions. In addition, as demonstrated in Table 4.1.K, with implementation of Mitigation Measure AIR-3, health risks associated with construction of the proposed project would not exceed SJVAPCD health risk thresholds and would not expose nearby sensitive receptors to substantial pollutant concentrations. Additionally, compliance with SJVAPCD Regulation VIII fugitive dust control measures (as required by Mitigation Measure AIR-2) would further reduce the amount of PM<sub>10</sub> emissions during the construction period. Therefore, the proposed project would result in less-than-significant impacts related to project emissions, and additional mitigation measures would not be required. No further response is necessary.</p>
B1-3	<p><b>2) Vegetative Barriers and Urban Greening</b></p> <p>There are residential units located north, west, and east of the Project. The District suggests the City consider the feasibility of incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (e.g., residential units).</p> <p>While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers</p>	<p>This comment requests that the City consider the feasibility of incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (e.g., residential units). As identified in Chapter 3.0, Project Description, of the Draft EIR, the proposed project would include 1.04 acres of landscaping along the perimeter and within the project site. In addition, as shown in Table 4.1.I of the Draft EIR, the proposed project would not exceed the emission thresholds established by the SJVAPCD; therefore, additional mitigation is not required. No further response is necessary.</p>

**Table 3.A: Comments and Responses Matrix**

Letter/ Comment Number	Comment	Response
	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 are 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 community with drought tolerant, low-maintenance greenery.	
B1-4	<p><b>3) Clean Lawn and Garden Equipment in the Community</b></p> <p>Since the Project consists of residential development, gas-powered residential lawn and garden equipment have the potential to result in an increase of NO<sub>x</sub> and PM<sub>2.5</sub> emissions. Utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The District recommends the Project proponent consider the District's Clean Green Yard Machines (CGYM) program which provides incentive funding for replacement of existing gas powered lawn and garden equipment. More information on the District CGYM program and funding can be found at: <a href="https://ww2.valleyair.org/grants/clean-green-yard-machines-residential/">https://ww2.valleyair.org/grants/clean-green-yard-machines-residential/</a> and <a href="https://ww2.valleyair.org/grants/zero-emission-landscaping-equipment-voucher-program/">https://ww2.valleyair.org/grants/zero-emission-landscaping-equipment-voucher-program/</a>.</p> <p>Please visit <a href="https://ww2.valleyair.org/grants/charge-up">https://ww2.valleyair.org/grants/charge-up</a> for more information.</p>	This comment states that gas-powered residential lawn and garden equipment have the potential to result in an increase of NO <sub>x</sub> and PM <sub>2.5</sub> emissions and recommends the SJVAPCD's Clean Green Yard Machines (CGYM) program. As demonstrated in Table 4.1.I of the Draft EIR, the proposed project's operational emissions would not exceed the significance criteria for annual ROG, NO <sub>x</sub> , CO, SO <sub>x</sub> , PM <sub>10</sub> , or PM <sub>2.5</sub> emissions; therefore, emission reduction strategies, such as requiring electric lawn and garden equipment, would not be required. Further, all residential units would include exterior outlets, as required by Title 24, which would facilitate the use of electric yard equipment if desired by the future homeowners.
B1-5	<p><b>4) District Rules and Regulations</b></p> <p>The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.</p>	This comment provides information on SJVAPCD rules and regulations and states that current District rules can be found online at: <a href="https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations">https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations</a> . To identify other SJVAPCD rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the Small Business Assistance (SBA) Office. This comment is noted. The proposed project would comply with all applicable SJVAPCD rules and regulations.

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: <a href="https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations">https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations</a> . To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.	
B1-6	<p><b>4a) District Rule 9510 - Indirect Source Review (ISR)</b></p> <p>The Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 50 dwelling units of residential development.</p> <p>The purpose of District Rule 9510 is to reduce the growth in both NOx and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The ISR Rule requires developers to mitigate their NOx and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.</p> <p>Per Section 5.0 of the ISR Rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. Currently for this Project, the District received and approved an AIA application (ISR project #20240041).</p>	This comment states that the project is subject to SJVAPCD Rule 9510 and that an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. Further, this comment states that the SJVAPCD has received and approved an AIA for the project. As stated on page 4.1-19 of the Draft EIR, compliance with Rule 9510 is separate from the CEQA process. However, the proposed project is required to comply with Rule 9510. The information provided in this comment is noted, but an AIA has already been submitted to the SJVAPCD, and Rule 9510 requirements have been met.
B1-7	<p><b>4b) District Rule 4601 (Architectural Coatings)</b></p> <p>The Project will be subject to District Rule 4601 since it is expected to utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District</p>	This comment states that the proposed project may be subject to SJVAPCD Rule 4601 (Architectural Coatings) since it may utilize architectural coatings. This comment is noted. The proposed project would comply with all required SJVAPCD rules and regulations.

**Table 3.A: Comments and Responses Matrix**

Letter/ Comment Number	Comment	Response
	Rule 4601 requirements can be found online at: <a href="https://ww2.valleyair.org/media/tkgjeusd/rule-4601.pdf">https://ww2.valleyair.org/media/tkgjeusd/rule-4601.pdf</a>	
B1-8	<p><b>4c) District Regulation VIII (Fugitive PM10 Prohibitions)</b> The project proponent will 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 – <i>Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities</i>.</p> <p>Since the project will result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, since the project will result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.</p> <p>The application for both the Construction Notification and Dust Control Plan can be found online at: <a href="https://ww2.valleyair.org/media/fm3jrbsq/dcp-form.docx">https://ww2.valleyair.org/media/fm3jrbsq/dcp-form.docx</a> Information about District Regulation VIII can be found online at: <a href="https://ww2.valleyair.org/dustcontrol">https://ww2.valleyair.org/dustcontrol</a></p>	<p>This comment states that the proposed project will 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). This comment is noted. The proposed project would comply with all applicable SJVAPCD rules and regulations. In addition, as indicated in Section 4.1, Air Quality, of the Draft EIR, the proposed project would be required to be consistent with SJVAPCD Regulation VIII, as required by Mitigation Measure AIR-2.</p>
B1-9	<p><b>4d) District Rule 4901 - Wood Burning Fireplaces and Heaters</b> 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,</p>	<p>This comment describes SJVAPCD Rule 4901, which limits installation of new wood burning fireplaces and heaters. The proposed project would not include any new wood burning fireplaces or heaters. As such, the proposed project would comply with SJVAPCD Rule 4901.</p>

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	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: <a href="https://ww2.valleyair.org/compliance/residential-wood-smoke-reduction-program/">https://ww2.valleyair.org/compliance/residential-wood-smoke-reduction-program/</a>	
B1-10	<b>4e) Other District Rules and Regulations</b> The Project may also be subject to the following District rules: Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).	This comment states that the proposed project may be subject to SJVAPCD Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). This comment is noted. The proposed project would comply with all required SJVAPCD rules and regulations.
B1-11	<b>5) District Comment Letter</b> The District recommends that a copy of the District's comments be provided to the Project proponent.  If you have any questions or require further information, please contact Jacob Torrez by e-mail at <a href="mailto:Jacob.torrez@valleyair.org">Jacob.torrez@valleyair.org</a> or by phone at (559) 230-6558.	This comment provides a closing to the comment letter and does not address the adequacy or completeness of the Draft EIR; does not raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. No further response is necessary.
<b>B2</b>	<b>Fresno Metropolitan Flood Control District (May 1, 2024)</b>	
B2-1	The Fresno Metropolitan Flood Control District ("FMFCD") has reviewed the subject Notice of Availability of a DEIR for Tract 6360 and found that most of the comments from the previous Notice of Preparation dated October 14, 2022, have been incorporated into the DEIR. FMFCD has the following comments for the Public Review Draft Environmental Impact Report.	This comment provides an introduction to the comment letter and does not address the adequacy or completeness of the Draft EIR; does not raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. Such comments do not require a response, pursuant to Section 15088(a) of the State CEQA Guidelines. No further response is necessary.
B2-2	1. Page 3-13, Section 3.3.4.2, states that stormwater from the project site would then be redirected towards ponding Basin "BS", 0.26 mile southwest of the project site across Mill Canal. This Section should also indicate that "Temporary drainage service may be required should downstream drainage infrastructure not be in place at the time of development of Tract 6360".	This comment requests that text in page 3-13 in Section 3.0, Project Description, of the Draft EIR be updated to state that temporary stormwater drainage services may be required for the project if downstream stormwater drainage infrastructure has not been constructed at the time of development of the project. Therefore, in response to this comment, and as shown in Chapter 4.0 of this Final EIR, page 3-13 of Section 3.0 of the Draft EIR has been updated as follows:  The Fresno Metropolitan Flood Control District (FMFCD) would provide flood control and urban storm water services to the project site. Stormwater from the project site would be directed through internal drainage infrastructure (e.g., manholes, drainage basins, and drainage lines) towards proposed drainage infrastructure along North Armstrong Avenue and along the future extension of East McKinley Avenue. Stormwater from the project site would then be redirected

**Table 3.A: Comments and Responses Matrix**

Letter/ Comment Number	Comment	Response
		towards ponding Basin BS, 0.26 mile southwest of the project site across Mill Canal. <sup>3</sup> <u>If the proposed project is constructed before FMFCD's stormwater drainage infrastructure located downstream from the project site is operational, temporary stormwater drainage services will be contracted to manage project-generated stormwater within the project site until FMFCD's downstream stormwater drainage infrastructure is operational and can receive project-generated stormwater flows.</u>
B2-3	Thank you for the opportunity to comment. Please keep our office informed on the development of the project, and if you have any further questions, or need any additional information, please contact FMFCD at (559) 456-3292.	This comment provides a closing to the comment letter and does not address the adequacy or completeness of the Draft EIR; does not raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. No further response is necessary.

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## 4.0 DRAFT EIR TEXT REVISIONS

This chapter presents specific changes to the text of the Draft EIR that are being made to clarify any errors, omissions, or misinterpretation of materials in the Draft EIR in response to public comments received on the Draft EIR. In no case do these text revisions result in a greater number of impacts or impacts of a greater severity than those set forth in the Draft EIR. Furthermore, the clarifications and corrections provided in the following text revisions do not constitute significant new information requiring recirculation of the Draft EIR. Where revisions to the main text are called for, the page and section are identified, followed by the appropriate revision. Added text is indicated with double-underlined text, and deleted text is shown in ~~strikethrough~~ text.

### SECTION 3.0, PROJECT DESCRIPTION

The following text revision is made to page 3-13 of the Draft EIR:

#### 3.3.4.2 Stormwater

The Fresno Metropolitan Flood Control District (FMFCD) would provide flood control and urban storm water services to the project site. Stormwater from the project site would be directed through internal drainage infrastructure (e.g., manholes, drainage basins, and drainage lines) towards proposed drainage infrastructure along North Armstrong Avenue and along the future extension of East McKinley Avenue. Stormwater from the project site would then be redirected towards ponding Basin BS, 0.26 mile southwest of the project site across Mill Canal.<sup>3</sup> If the proposed project is constructed before FMFCD's stormwater drainage infrastructure located downstream from the project site is operational, temporary stormwater drainage services will be contracted to manage project-generated stormwater within the project site until FMFCD's downstream stormwater drainage infrastructure is operational and can receive project-generated stormwater flows.

### SECTION 5.0, ALTERNATIVES

Table 5.A, on page 5-18 of the Draft EIR, is amended as follows:

**Table 5.A: Comparison of the Environmental Impacts of the Proposed Project to the Project Alternatives**

Environmental Topic	Proposed Project Level of Impact After Mitigation	Alternative 1: No Project Alternative	Alternative 2: Reduced Project Alternative	Alternative 3: Increased Phase Density Alternative
Aesthetics	Less than Significant	Fewer	Similar	Similar
Agricultural Resources	<u>Less than Significant</u> <del>Significant Unavoidable</del>	Fewer	Similar	Similar
Air Quality	Less than Significant	Fewer	Fewer	Similar
Biological Resources	Less than Significant	Fewer	Similar	Similar
Cultural Resources	Less than Significant	Fewer	Similar	Similar
Energy	Less than Significant	Fewer	Fewer	Similar
Geology and Soils	Less than Significant	Fewer	Similar	Similar

**Table 5.A: Comparison of the Environmental Impacts of the Proposed Project to the Project Alternatives**

<b>Environmental Topic</b>	<b>Proposed Project Level of Impact After Mitigation</b>	<b>Alternative 1: No Project Alternative</b>	<b>Alternative 2: Reduced Project Alternative</b>	<b>Alternative 3: Increased Phase Density Alternative</b>
Greenhouse Gas Emissions	Significant Unavoidable	Fewer	Fewer, Significant Unavoidable	Fewer, Significant Unavoidable
Hazards and Hazardous Materials	Less than Significant	Fewer	Similar	Similar
Hydrology and Water Quality	Less than Significant	Fewer	Similar	Similar
Land Use and Planning	Less than Significant	Similar	Similar	Similar
Mineral Resources	Less than Significant	Similar	Similar	Similar
Noise	Less than Significant	Fewer	Fewer	Similar
Population and Housing	Less than Significant	Fewer	Similar	Similar
Public Services	Less than Significant	Fewer	Fewer	Similar
Recreation	Less than Significant	Fewer	Fewer	Similar
Transportation	Significant Unavoidable	Fewer	Fewer, Significant Unavoidable	Similar, Significant Unavoidable
Tribal Cultural Resources	Less than Significant	Fewer	Similar	Similar
Utilities and Service Systems	Less than Significant	Fewer	Fewer	Similar
Wildfire	Less than Significant	Fewer	Similar	Similar
Attainment of Project Objectives	Meets all of the Project Objectives	Meets none of the Project Objectives	Partially Meets the Project Objectives	Partially Meets the Project Objectives

Source: Compiled by LSA (April 2023).

Fewer = Fewer impacts than the proposed project

Similar = Similar impacts as the proposed project