

Exhibit  
Public Comment Letters

**From:** [Secrest Jr., William](#)  
**To:** [Sophia Pagoulatos](#)  
**Cc:** [Coletti, Karen](#)  
**Subject:** RE: Fresno General Plan and Development Code Text Amendment P22-02413  
**Date:** Tuesday, July 12, 2022 9:35:25 AM

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**External Email: Use caution with links and attachments**

On behalf of Fresno County's Historical Landmarks and Records Advisory Commission, I have reviewed the above-mentioned document. The text at pp. 21-23 and 73-78 is consistent with State of California/Fresno city and county best standards and practices for the evaluation (and preservation, when necessary) of cultural resources within urban development zones. The City is to be commended for filing a report which covers all the major historic preservation contingencies in such a comprehensive manner.

Bill Secrest  
Heritage Center  
Fresno County Public Library



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July 20, 2022  
Fresno City Council  
City of Fresno Planning Commission  
2600 Fresno Street  
Fresno, CA 93721

**Subject: Development Code Text Amendment Application No. P22-02413 and related Environmental Finding for Environmental Assessment No. P22-02413 Related to Density in Mixed-Use Zone Districts**

Dear Fresno City Council Members and Planning Commissioners:

We are writing to express a perspective about the proposed Text Amendment Application as currently written. We also have concerns with some of the mitigation measures contained in the Mitigation Measures Monitoring Checklist for Mixed Use Zoning Density Increase Text Amendment contained in the Environmental Assessment document.

Our perspective is that the subject text amendment is a unique opportunity to substantially enhance the implementation of the Fresno General Plan as especially regards goals for affordable infill housing development along key corridors, the goals of the One Fresno Housing Strategy, the Southern Blackstone Smart Mobility Strategy (SBSMS), and much more. This is also a significant opportunity to intentionally reduce regulatory disincentives for infill development, and not sustain or increase current disincentives which do in fact prevent development. We believe the City must take greater responsibility for developing complete streets as capital projects with adopted design standards (such as the SBSMS) and mitigating traffic impacts of new desirable development along complete streets, and not keep placing these responsibilities back onto infill development in piece meal fashion.

We believe the TRANS-1 Mitigation Measure, for example, is headed in the right direction, and should contain an additional exemption clause for any affordable housing development along the SBSMS corridor segment. Likewise, with respect to TRANS-2, TRANS-3, TRANS-4 and TRANS-5 Mitigation Measures, we believe the City should get ahead of these issues, identify studies and mitigations the City should take responsibility to implement and fund as capital projects, and exempt affordable housing development from these exactions.

We request City Staff, in communication with central and south Fresno community-based entities, take more time for assessing what we suggest above before acting on the proposed Text Amendment Application.

*KR Bergthold*

Keith Bergthold, Executive Director  
Fresno Metro Ministry/Better Blackstone CDC

*Jessica Hoff Berzac*

Jessica Hoff Berzac, Principal  
Upholdings



**Jared Blumenfeld**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Meredith Williams, Ph.D., Director  
8800 Cal Center Drive  
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**Gavin Newsom**  
Governor

### SENT VIA ELECTRONIC MAIL

July 26, 2022

Ms. Sophia Pagoulatos  
City of Fresno  
2600 Fresno Street  
Fresno, CA 93721  
[Sophia.Pagoulatos@fresno.gov](mailto:Sophia.Pagoulatos@fresno.gov)

MITIGATED NEGATIVE DECLARATION FOR GENERAL PLAN  
AMENDMENT/DEVELOPMENT CODE TEXT AMENDMENT APPLICATION  
NO. P22-012413 – DATED JUNE 2022 (STATE CLEARINGHOUSE NUMBER:  
2022070081)

Dear Ms. Pagoulatos:

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the General Plan Amendment/Development Code Text Amendment Application No. P22-02413 (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.

The MND references the listing compiled in accordance with California Government Code Section 65962.5, commonly known as the Cortese List. Not all sites impacted by hazardous waste or hazardous materials will be found on the Cortese List. DTSC recommends that the Hazards and Hazardous Materials section of the MND address actions to be taken for any sites impacted by hazardous waste or hazardous materials within the Project area, not just those found on the Cortese List. DTSC recommends consulting with other agencies that may provide oversight to hazardous waste facilities and sites in order to determine a comprehensive listing of all sites impacted by hazardous waste or hazardous materials within the Project area. DTSC hazardous waste facilities and sites with known or suspected contamination issues can be found



on DTSC's [EnviroStor](#) data management system. The [EnviroStor Map](#) feature can be used to locate hazardous waste facilities and sites for a county, city, or a specific address. A search within EnviroStor indicates that hazardous waste facilities and sites in addition to those shown in the MND are present within the Project's region.

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

1. The MND 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 MND 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 aerially 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 MND.
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 MND. 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 MND. 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](#).

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

Sincerely,



Gavin McCreary, M.S.  
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](mailto:State.Clearinghouse@opr.ca.gov)

Mr. Dave Kereazis  
Office of Planning & Environmental Analysis  
Department of Toxic Substances Control  
[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)

August 3, 2022

Sophia Pagoulatos  
City of Fresno  
Planning and Development Department  
2600 Fresno Street, Third Floor  
Fresno, CA, 93721

**Project: Draft Mitigated Negative Declaration for General Plan Amendment and Development Code Text Amendment Application No. P22-02413**

**District CEQA Reference No: 20220923**

Dear Ms. Pagoulatos:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Mitigated Negative Declaration (MND) prepared by the City of Fresno (City) for the General Plan Amendment and Development Code Text Amendments Application No. P22-02413 (Amendments). Per the MND, the Amendments are applicable to 3,866 acres in the Fresno area within five zone districts (Neighborhood Mixed Use, Corridor/Center Mixed-Use, Regional Mixed-Use, Commercial – Main Street, and Commercial – Regional) that allow for mixed-use development. The Amendments will increase the zoning density for the five mixed-use zone districts to facilitate economically feasible and high quality development along transit corridors and address the need for housing. The Amendments include: (1) remove the maximum density for mixed-use districts; (2) modify the restriction that prohibits ground floor residential uses in mixed-use districts so that only corner properties along arterials with Bus Rapid Transit (BRT) stops will have mandated commercial uses; and (3) revise Fresno Municipal Code (FMC) Section 15-4907 to allow ministerial approval of multi-family residential uses in mixed-use districts within the City's Priority Areas for Development (Project).

The Project area lies within one of the communities in the state selected by the California Air Resources Board (CARB) for investment of additional air quality resources and attention under Assembly Bill (AB) 617 (Garcia) in an effort to reduce air pollution exposure in impacted disadvantaged communities.

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

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Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

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

The District offers the following comments regarding the Project:

### **1) Project Siting**

The Amendments are 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.). The Amendments are 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)

### **2) Assembly Bill 617**

AB 617 requires CARB and air districts to develop and implement Community Emission Reduction Programs (CERPs) in an effort to reduce air pollution exposure in impacted disadvantaged communities, like those in which the Project is located. The South Central Fresno AB 617 community is one of the statewide communities selected by CARB for development and implementation of a CERP.

Following extensive community engagement and collaboration with the Community Steering Committee, the CERP for the South Central Fresno Community was adopted by the District's Governing Board in September 2019 and by CARB in February 2020.

During the development of the CERP, the Community Steering Committee expressed concerns regarding the proximity of emission sources to nearby sensitive receptors like schools, homes, day care centers, and hospitals, and the potential future industrial development within the community that may exacerbate the

cumulative exposure burden for community residents. The Community Steering Committee also expressed the desire for more meaningful avenues of engagement surrounding the land-use decisions in the area. As these issues can most effectively be addressed through strong partnerships between community members and local land-use agencies.

For more information regarding the CERP approved for South Central Fresno, please visit the District's website at:  
<http://community.valleyair.org/selected-communities/south-central-fresno>

### **3) Project Related Emissions**

Per page 53 of the MND, the MND states future development projects within the Project area will be approved either by a discretionary or ministerial approval process. Future development projects within the Project area should identify and characterize project construction and operational air emissions. The District recommends the air emissions be compared to the District significance thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts: <https://www.valleyair.org/transportation/GAMAQI.pdf>. The District recommends that future projects be mitigated to the extent feasible, and that future projects with air emissions above the aforementioned thresholds be mitigated to below these thresholds.

The District understands that future individual project-specific data may not be available at this time. As such, the MND 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**

The District recommends for future development projects, to reduce impacts from construction-related diesel exhaust emissions. Future development projects should utilize the cleanest available off-road construction equipment, including the latest tier equipment.

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

The District recommends for future development projects, operational (ongoing) air emissions from mobile sources and stationary sources should be analyzed separately. For reference, the District's significance thresholds are identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts: <https://www.valleyair.org/transportation/GAMAQI.pdf>.

*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 Heavy-Duty (HHD) trucks and vehicles, measures that reduce Vehicle Miles Traveled (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**

Future development project-related criteria pollutant emissions from construction and operational sources should be identified and quantified. Emissions analysis should be performed using the California Emission Estimator Model (CalEEMod), which uses the most recent CARB-approved version of relevant 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**

Future development projects will be located in various mixed-use zone districts (e.g. commercial, residential, etc.) throughout the City. Per page 53 of the MND, the MND states future development projects within the Project area will be approved either by a discretionary or ministerial approval process. Additionally the MND states on page 54 of the MND, the City would evaluate the health risk associated with future development within the Project area to limit exposure of emissions to sensitive receptors (e.g. residences, mixed-uses, commercial, etc.).

To determine potential health impacts on surrounding receptors a Prioritization and/or a Health Risk Assessment (HRA) should be performed for future development projects. These health risk determinations should quantify and characterize potential Toxic Air Contaminants (TACs) identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health.

Health risk analyses should include all potential air emissions from the future development project, which include emissions from construction of the future development project, including multi-year construction, as well as ongoing operational activities of the future development project. 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.

#### 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 future development 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-CALCULATOR.xls](http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION-CALCULATOR.xls)

#### Health Risk Assessment:

Prior to performing an HRA, it is strongly recommended that land use agencies/project proponents develop and submit for District review a health risk modeling protocol that outlines the sources and methodologies that will be used to perform the HRA. This step will ensure all components are addressed when performing the HRA.

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 District's 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) modeling files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodologies.

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 TAC 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 an AAQA be performed for any future development projects 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 located within the Project area could result in a significant impact on air quality. As such, at a minimum, the District recommends a feasibility discussion on implementing a Voluntary Emission Reduction Agreement (VERA) as a mitigation measure for future development projects that are determined to exceed the District's CEQA significance thresholds.

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-related emissions have been mitigated.

## **7) Truck Routing**

Truck routing involves the assessment of which roads Heavy Heavy-Duty (HHD) trucks take to and from their destination, and the emissions impact that the HHD trucks may have on residential communities and sensitive receptors.

Future development projects (e.g. commercial) within the Project area have the potential to generate truck trips. As such, the District recommends the City evaluate HHD truck routing patterns for future development projects, with the aim of limiting exposure of residential communities and sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.

## **8) Cleanest Available Heavy-Duty Trucks**

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's CARB-approved 2018 PM<sub>2.5</sub> Plan includes significant new reductions from HHD trucks, including emissions reductions by 2023 through the implementation of CARB's Statewide Truck and Bus Regulation, which requires truck fleets operating in California to meet the 2010 standard of 0.2 g-NO<sub>x</sub>/bhp-hr by 2023. Additionally, to meet federal air quality attainment standards, the District's Plan relies on a significant and immediate transition of HHD 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 CARB.

Future development projects (e.g. commercial) within the Project area have the potential to generate truck trips. For future development projects, the District

recommends that the following measures be considered by the City to reduce Project-related operational emissions:

- *Recommended Measure:* Fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero (0.02 g/bhp-hr NOx) technologies.
- *Recommended Measure:* All on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) utilize zero-emissions technologies.

### **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 contaminant impacts associated with the idling of Heavy-Duty trucks. The diesel exhaust from idling has the potential to impose significant adverse health and environmental impacts.

Future development projects (e.g. commercial) within the Project area have the potential to generate truck trips. The District recommends the City include measures to ensure compliance of the state anti-idling regulation (13 CCR § 2485 and 13 CCR § 2480) and discuss the importance of limiting the amount of idling, especially near sensitive receptors.

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

Future development projects may have the potential to result in increased use of off-road equipment (e.g., forklifts) and on-road equipment (e.g., mobile yard trucks with the ability to move materials). The District recommends that the City include requirements for project proponents to utilize electric or zero emission off-road and on-road equipment.

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

Future development projects will be located in various mixed-use zone districts (e.g. commercial, etc.) throughout the City. The Amendments have the potential to result in future commercial development projects with under-fired charbroilers. Such charbroilers may pose the potential for immediate health risk, particularly when located in densely populated areas or near sensitive receptors.

Since the cooking of meat can release carcinogenic PM<sub>2.5</sub> species, such as 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. Therefore, the District recommends that the City 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, the District is currently offering substantial incentive funding that covers the full cost of purchasing, installing, and maintaining the system during a demonstration period covering two years of operation. Please contact the District at (559) 230-5800 or [technology@valleyair.org](mailto:technology@valleyair.org) for more information, or visit: <http://valleyair.org/grants/rctp.htm>

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

The Project is expected to result in future development (e.g. commercial, residential, etc.). As such, the District suggests the City consider incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (e.g. 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 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.

## **13)Clean Lawn and Garden Equipment in the Community**

Since the Project consists of residential and commercial development, gas-powered residential and commercial 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: <http://www.valleyair.org/grants/cgym.htm>

and <http://valleyair.org/grants/cgym-commercial.htm>.

#### **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 recommends incorporating solar power systems as an emission reduction strategy for future development projects.

#### **15)Electric Vehicle Chargers**

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 the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends the installation of electric vehicle chargers at project sites as a mitigation measure for future development projects.

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

#### **16)District Rules and Regulations**

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.

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 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.

## **16a) 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 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) 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 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, project proponents may contact the District's SBA Office at (559) 230-5888.

## 16b) District Rule 9510 - Indirect Source Review (ISR)

Accordingly, future development projects within the Project area may 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 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 tons of NO<sub>x</sub> or two tons of PM.

The purpose of District Rule 9510 is to reduce the growth in both NO<sub>x</sub> 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 Rule requires developers to mitigate their NO<sub>x</sub> 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.

In the case the individual development project is subject to District Rule 9510, per Section 5.0 of the rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. It is preferable for the applicant to submit an AIA application as early as possible in the public agency's approval process so that proper mitigation and clean air design under ISR can be incorporated into the public agency's analysis.

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) 230-5900 or by email at [ISR@valleyair.org](mailto:ISR@valleyair.org).

### **16c) District Rule 9410 (Employer Based Trip Reduction)**

Future development projects may be subject to District Rule 9410 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 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)

### **16d) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)**

Future development projects will be subject to District Rule 4002 since the Project will include demolition, renovation, and removal of existing structures. To protect the public from uncontrolled emissions of asbestos, this rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Any asbestos present must be handled in accordance with established work practice standards and disposal requirements.

Information on how to comply with District Rule 4002 can be found online at:  
<http://www.valleyair.org/busind/comply/asbestosbultn.htm>.

### **16e) District Rule 4601 (Architectural Coatings)**

Future development projects may be subject to District Rule 4601 since it may 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 Rule 4601 requirements can be found online at: <http://www.valleyair.org/rules/currntrules/r4601.pdf>

### **16f) District Regulation VIII (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*.

Should the project 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, should the project 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.

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)

### **16g) District Rule 4901 - Wood Burning Fireplaces and 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/>

#### **16h) Other District Rules and Regulations**

Future development projects may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

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

Future development projects may require an environmental review and air emissions mitigation. A project's referral documents and environmental review documents provided to the District for review 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>

#### **18) District Comment Letter**

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 Eric McLaughlin by e-mail at [eric.mclaughlin@valleyair.org](mailto:eric.mclaughlin@valleyair.org) or by phone at (559) 230-5808.

Sincerely,

Brian Clements  
Director of Permit Services



For: Mark Montelongo  
Program Manager



**ATTORNEYS AT LAW**

18101 Von Karman Avenue  
Suite 1800  
Irvine, CA 92612  
T 949.833.7800  
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David J. Miller  
D 949.477.7638  
dmiller@nossaman.com

Refer To File # 503961-0001

**VIA EMAIL**

August 4, 2022

Sophia Pagoulatos  
Planning Manager  
City of Fresno Planning and Development  
Department  
City Hall  
2600 Fresno Street, Rm. 3043  
Fresno, CA 93721-3604  
[PublicCommentsPlanning@fresno.gov](mailto:PublicCommentsPlanning@fresno.gov);  
[Sophia.Pagoulatos@fresno.gov](mailto:Sophia.Pagoulatos@fresno.gov)

Re: Bakman Water Company Comments on City of Fresno's Initial Study/Mitigated Negative Declaration for General Plan Amendment/Development Code Text Amendment Application No. P22-02413

Dear Ms. Pagoulatos:

This letter is submitted on behalf of Bakman Water Company ("Bakman") to provide input regarding the City of Fresno's ("City") Initial Study/Mitigated Negative Declaration ("IS/MND") for the City's proposed General Plan Amendment/Development Code Text Amendment Application No. P22-02413 ("Plan Amendment"). These comments echo issues Bakman has raised in the past regarding both the City's 2014 Metropolitan Water Resources Management Plan Update and 2014 Draft Environmental Impact Report for the City's General Plan Update. It once again appears that the City's proposed project – the Plan Amendment – could and will have significant impacts on Bakman and its customers, and yet those potential impacts have not been adequately discussed in the City's IS/MND.

Bakman is a Class "B" water utility that has served the community since 1948 and currently provides water service to a population of approximately 17,000 – 18,000 people in southeast Fresno. Bakman's service area and territory boundary, authorized by the California Public Utilities Commission, is defined in Bakman's Tariff Book as, "The area bounded by Olive Avenue, East Kings Canyon Road, Winery Avenue and Fowler Avenue, located approximately 1-1/2 miles east of Fresno and vicinity, Fresno County." For your reference, attached hereto is Exhibit A from the Notice of Intent for the IS/MND that includes a depiction of Bakman's general service area and territory boundary.

While Bakman's authorized service area is located within the area studied in the IS/MND and impacted by the Plan Amendment, the City's environmental documentation for yet another

project simply ignores Bakman and its customers, despite the Plan Amendment's clear potential for impacts. While Bakman is not opposed entirely to the General Plan Amendment as a whole, Bakman is concerned with the exclusion of its operations from the environmental document, especially given the fact that certain parcels specifically identified as mixed-use – and therefore subject to the Plan Amendment – represent areas that Bakman serves.

Bakman submits the following comments for the Plan's IS/MND:

**Environmental Baseline.** The California Environmental Quality Act ("CEQA") requires that a mitigated negative declaration include a description of baseline physical environmental conditions in the vicinity of the project. (CEQA Guidelines, § 15125(a).) The City's IS/MND for the Plan Amendment fails to do this. The environmental baseline used in the IS/MND simply ignores the existence of Bakman and its wells, distribution lines, and affected customers – conditions that existed at the time the IS/MND was prepared and Notice of Intent was issued. The IS/MND therefore does not analyze "conditions on the ground" as required by CEQA. (See *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 319-320 [citing line of cases concluding baseline for CEQA analysis must be the existing physical conditions in the affected area or the "real conditions on the ground"].)

As noted above, Bakman serves a population of over 17,000 customers and pumps water from 13 groundwater wells to provide water service to its customers. Additionally, Bakman has installed extensive infrastructure to service its customers, including distribution lines, water tanks, pumping stations, etc. As a utility regulated by the California Public Utilities Commission ("CPUC"), Bakman is required to provide service to each and every commercial, residential, or industrial customer within its service area for residential, commercial, industrial, landscape, or other use, pursuant to the terms approved by the CPUC. The CPUC has set forth the requirements and process by which Bakman must install infrastructure to serve present and future customers, which cannot be circumvented in any way by the Plan Amendment.

Despite the reality that Bakman exists and operates within the area impacted by the Plan Amendment, the IS/MND does not mention the presence of Bakman, its infrastructure, or its customers. In fact, in discussing the environmental setting for the Plan Amendment and its impacts on water, it simply states "[t]he City of Fresno manages and operates the City of Fresno's water system." (IS/MND, p. 112.) This statement ignores Bakman and its authorized service area in southeast Fresno. In fact, nowhere in the IS/MND does the City acknowledge that Bakman exists, operates within the City, and may be impacted by increased density acknowledged to result from the Plan Amendment.

An accurate environmental baseline is necessary to accurately evaluate potential impacts to the physical environment required by CEQA. Therefore, the IS/MND must identify and describe Bakman, its operations, and its service area. Correcting the inaccurate baseline is necessary to conduct an adequate analysis of how the Plan Amendment may affect Bakman's service area, and to allow for the identification, analysis, and mitigation of potential environmental effects of the Plan Amendment on Bakman and its customers. Such potential environmental effects include, but are not limited to, the effects on Bakman's water quality and quantity.

As an example, the IS/MND concludes that the Plan Amendment will not significantly impact water supply, stating that “[a]lthough the text amendment will **increase density**, the overall increases will not result in an overall population increase beyond that analyzed in the General Plan. Rather, it will **redistribute population** to infill areas.” (IS/MND, p. 114, emphasis added.) Much of the City’s projected future growth and construction is planned for the southeast Fresno area. The inaccurate environmental baseline obscures that such redistribution may disproportionately impact Bakman’s service area. The IS/MND fails to disclose any such potential impacts.

It is important that the City include mitigation for the Plan Amendment that ensures the City’s proposal does not affect any current or future Bakman facilities or customers. Absent an accurate environmental baseline, any such necessary mitigation cannot be addressed. Bakman previously allowed the City to install a water transmission line along Clovis Avenue from Kings Canyon Road to the South and Olive Avenue to the North in order to facilitate closure of a gap in the City’s system. Bakman did so in reliance on the City’s assurances that the City’s water transmission line would be installed six feet deep for transmission purposes only and not be used to serve customers within Bakman’s service area. Bakman is entitled to the assurance that the Plan Amendment will not serve as a pretext for the City to extend service, directly or indirectly, to present customers in the Bakman service area.

As the IS/MND references (IS/MND, p. 120) the City’s membership with the North Kings Groundwater Sustainability Agency (“NKGSA”), it should be noted that Bakman is also a voting member of the NKGSA and utilized the Groundwater Sustainability Plan for preparing its updated 2020 Urban Water Management Plan (“UWMP”). As required by California Water Code, the efforts to prepare the UWMP were coordinated with appropriate agencies, including the City of Fresno. However, Bakman is more than willing to provide any and all additional information required regarding its operations to enable the City to provide an accurate, clear picture of the existing conditions on the ground and to enable the City to perform the analysis using the environmental baseline required by CEQA.


**Groundwater Impact.** In the past, Bakman has worked with the City with regards to the construction of new wells and the monitoring of the aquifer. For example, for the Fancher Creek development, Bakman agreed to utilize a 400,000 gallon storage tank as opposed to constructing a new well due to concerns about the effect of such a well on the City’s existing water supply. Bakman also agreed to work with the City on well use scheduling if Bakman wells were to affect City wells and vice versa in its current eastern boundary. This arrangement was negotiated and memorialized as a mitigating factor needed for approval on a conditional use permit related to Bakman’s infrastructure that created liabilities for both parties if not adhered to.

Bakman now asks that the City extend it the same courtesy. The IS/MND acknowledges that the potential effects from the Plan Amendment and conditions of approval “may affect the City’s groundwater supply and/or ability to provide potable water and fire protection as developments continue.” (IS/MND, p. 179.) This may result in new or expanded infrastructure in areas of the City, including potentially adjacent to Bakman’s service area, in conjunction with future developments. For example, could the redistribution of infill development adjacent to Bakman’s service areas necessitate new groundwater wells and, if so, what would the effects of those new wells on Bakman’s existing wells be? The IS/MND does not address this. In fact, the IS/MND does not evaluate the Plan Amendment’s potential effects on Bakman’s current

operations or planned future well placement and production considerations. The impacts of new infrastructure, including new wells, must be analyzed as part of the environmental review to determine the potential environmental impacts that any new infrastructure may have on Bakman, its customers, and to Bakman's water quality and quantity of water pumped from its wells. Only then can adequate mitigation measures be adopted to address any such impacts.

Thank you for giving due consideration to these comments. Bakman Water Company has and will continue to be a good neighbor to the City of Fresno's water system. Bakman believes that addressing the issues raised herein is vital to maintaining that relationship. If you have any questions, do not hesitate to contact me.

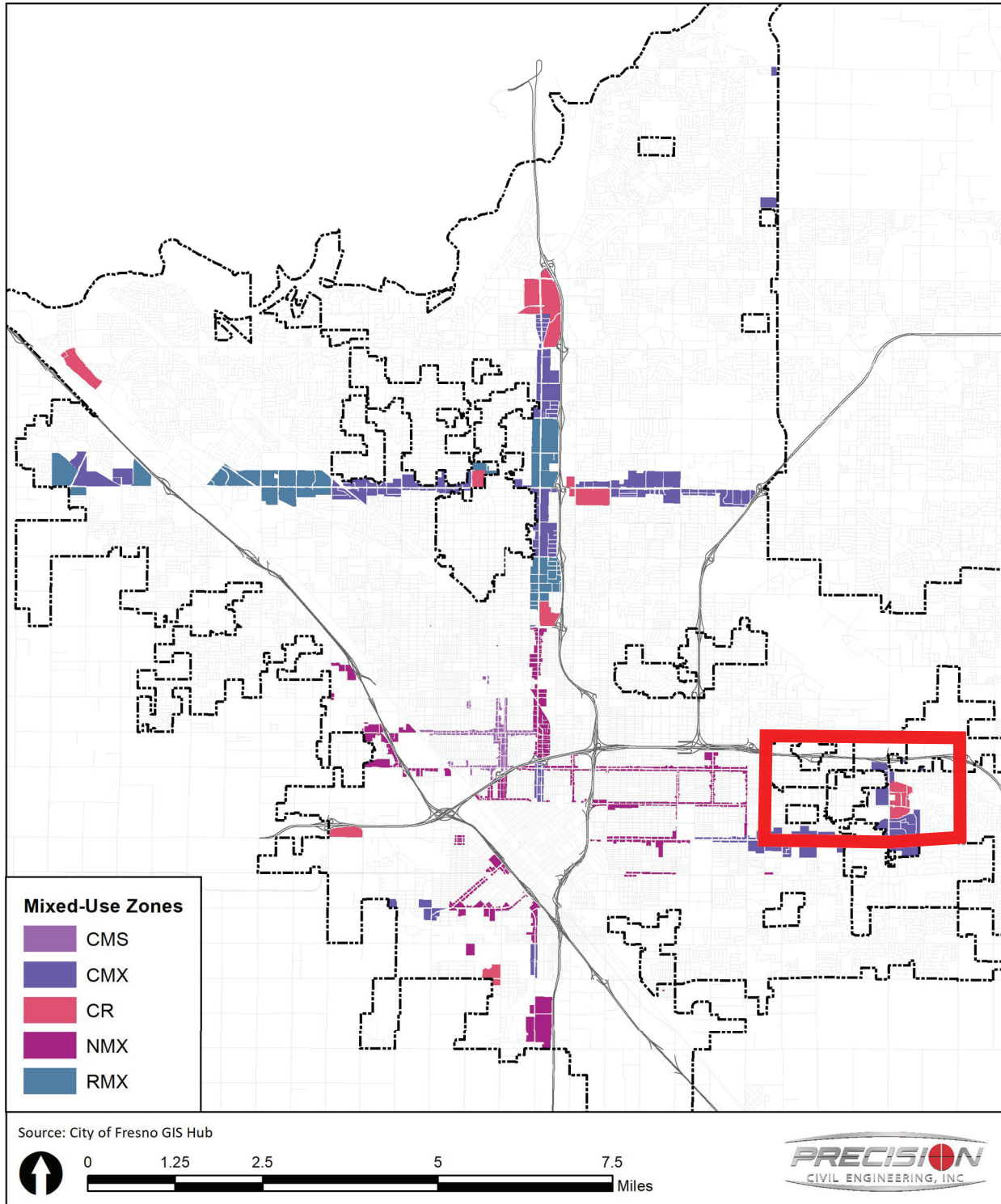
Best regards,



David J. Miller  
Nossaman LLP

DJM:art  
Attachment

Exhibit A  
Vicinity Map







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

**CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.**

August 4, 2022

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

RE: City of Fresno General Plan Amendment/Development Code Text Amendment  
Application No. P22-02413  
FID Facilities: Various

Dear Ms. Pagoulatos:

The Fresno Irrigation District (FID) has reviewed the City of Fresno Mixed Use Text Amendment. The project locations are in the Planning Area of the City of Fresno. This amendment proposes to remove the maximum density for mixed-use districts; modify the restriction that prohibits ground floor residential uses in mixed-use districts so that only corner properties along arterial with Bus Rapid Transit stops will have mandated commercial uses; and revise Fresno Municipal Code Section 15-4907 to allow ministerial approval of multi-family residential uses in mixed-use districts with the City's Priority Areas for Development. The proposed text amendment will not revise other property development standards contained in the Fresno Municipal Code. We appreciate the opportunity to review and comment on the subject documents for the proposed Plan. The proposed amendment is a significant project and requires thorough and careful consideration of all the potential impacts. Our comments are as follows:

1. FID previously reviewed and commented on the project area on May 29, 2019, as Notice of Preparation of a Program Environmental Impact Report, an Update to the Master Environmental Impact Report for the City of Fresno General Plan. A copy of FID's previous comments has been attached for your reference. The comments and conditions still apply. As there may still be a water deficit within the project area by 2040, FID recommends the City carefully consider and evaluate all the potential impacts of an increase in population density within any residential, commercial, industrial zoned district or urban development. These impacts must be mitigated or considered as part of your determination.

Sophia Pagoulatos  
Re: P22-02413  
August 4, 2022  
Page 2 of 2

Thank you for making available to us the City of Fresno's General Plan Amendment/Development Code Text Amendment Application No. P22-02413 for our review and allowing us the opportunity to provide comments. We appreciate the opportunity to review and comment on the subject documents for this project. While it is difficult to envision all the potential impacts without all the improvement details, we attempted to provide you as much information as possible. We reserve the right to provide additional comments when more detailed information becomes available. If you have any questions, please feel free to contact me at (559) 233-7161 extension 7103 or [LKimura@fresnoirrigation.com](mailto:LKimura@fresnoirrigation.com).

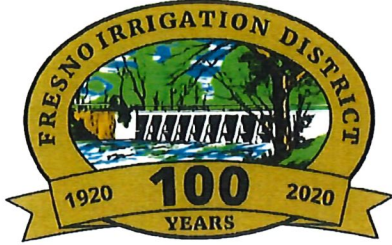
Sincerely,



Laurence Kimura, P.E.  
Chief Engineer

Attachments





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

**A Century of Commitment, Conveyance & Customer Service**

May 5, 2020

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

RE: City of Fresno's General Plan Draft Program Environmental Impact Report  
(PEIR)  
FID Facilities: Various

Dear Ms. Pagoulatos:

The Fresno Irrigation District (FID) has reviewed the Draft Program Environmental Impact Report (PEIR) for the City of Fresno. The project location is the Planning Area of the City of Fresno. To be in conformance with State law and consistent with recent legislative changes, the City is updating the 2014 adopted Fresno General Plan and certified Master Environmental Impact Report (MEIR). This update is to provide consistency with Section 15168 of the CEQA Guidelines. We appreciate the opportunity to review and comment on the subject documents for the proposed Plan. The proposed Plan is a significant development and requires thorough and careful consideration of all the potential impacts. Our comments are as follows:

1. FID previously reviewed and commented on the subject project on May 29, 2019 as Notice of Preparation of a Program Environmental Impact Report, an Update to the Master Environmental Impact Report for the City of Fresno General Plan. A copy of FID's previous comments have been attached for your reference. The comments and conditions still apply. It also appears that there may still be a water deficit within the project area by 2040. These impacts must be mitigated or considered as part of the your determination.

Ms. Sophia Pagoulatos  
Re: General Plan Draft Program Environmental Impact Report (PEIR)  
May 5, 2020  
Page 2 of 2

Thank you for making available to us the City of Fresno's Draft Plan Environmental Impact Report for our review and allowing us the opportunity to provide comments. We appreciate the opportunity to review and comment on the subject documents for this project. While it is difficult to envision all of the potential impacts without all of the improvement details, we attempted to provide you as much information as possible. We reserve the right to provide additional comments when more detailed information becomes available. If you have any questions, please feel free to contact me at (559) 233-7161 extension 7103 or [LKimura@fresnoirrigation.com](mailto:LKimura@fresnoirrigation.com).

Sincerely,



Laurence Kimura, P.E.  
Chief Engineer

Attachments



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF  
**FRESNO**  
**IRRIGATION DISTRICT**

TELEPHONE (559) 233-7161  
FAX (559) 233-8227  
2907 S. MAPLE AVENUE  
FRESNO, CALIFORNIA 93726-2208

May 29, 2019

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

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

Dear Ms. Pagoulatos:

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

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

FID has the following additional comments:

**Water Supply Impact**

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

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



Sophia Pagoulatos  
Re: NOP PEIR, Update MEIR  
May 29, 2019  
Page 3 of 3

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

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

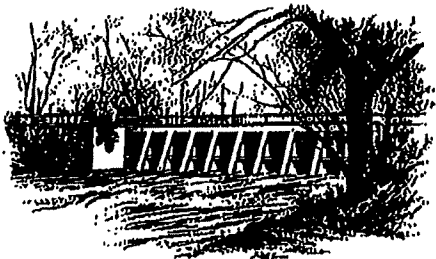
Sincerely,



Laurence Kimura, P.E.  
Chief Engineer

Attachments





YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF  
**FRESNO**  
**IRRIGATION DISTRICT**

TELEPHONE (559) 233-7181  
FAX (559) 233-8227  
2907 S. MAPLE AVENUE  
FRESNO, CALIFORNIA 93726-2208

October 8, 2014

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

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

Dear Ms. Clark:

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

**Impacted Facilities**

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

BOARD OF DIRECTORS President RYAN JACOBSEN, Vice-President STEVEN BALLS  
GEORGE PORTER, GREGORY BEBERIAN, JERRY PRIETO JR. General Manager GARY R. SERRATO

### **Water Supply Impact**

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



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

#### **Agricultural Land Conversion Impact**

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

#### **Trail Impact**

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

#### **Road Improvement Impact**

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

**14. Small/Medium Canal Crossing Requirements – The majority of the proposed crossings will impact existing pipelines and small open channel canals. Requirements for the pipelines will include:**

- a. **Pipeline Requirements:**
  - i. FID will require all open channels and existing pipelines to be replaced with ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP). Although many of FID's facilities that lie within the proposed Planning Area are pipelines, the majority of these pipelines do not meet FID's urban specifications which would include road or highway crossings. The majority of the existing pipelines are monolithic cast-in-place concrete pipe (CIPCP), low head/thin wall PVC, and non-reinforced mortar jointed concrete pipeline. These pipelines were designed for a rural environment and will fail if they are not replaced as part of the proposed project.
  - ii. FID typically requires a minimum of three feet of cover over pipelines. FID tries to eliminate siphons wherever possible due to sedimentation, plugging, and trash removal issues. Most utilities can be moved above and below FID's pipelines and because FID typically pre-dates everyone else, FID should be placed in its desired location.
  - iii. FID is also concerned with its existing pipelines being damaged during development construction. FID anticipates the use of large, heavy equipment during construction that could easily damage FID's older pipelines, especially where there is shallow cover and/or non-reinforced concrete pipe.
- b. **The two conditions that the proposed crossings will likely fall under are:**
  - i. **Canal Crossings within a New or Realigned Road or Highway Right-of-Way (ROW) –**The Road Maintaining Agency (City, County or State) is responsible for maintaining the canal facilities under the Road ROW and they will most likely require the canal crossing to be upgraded to the requirements mentioned above.
  - ii. **Canal Realigned outside of the Road ROW –** there may be existing conditions or proposed plans to realign a FID canal outside of the Road ROW as part of future road improvements. FID will require that the City obtain an exclusive pipeline easement on FID's behalf. The width will vary between 15 to 40 feet depending on the pipeline diameter and site conditions.

**15. Large Canal Crossing Requirements – There are several large canal crossings that will not be able to be contained within a pipeline such as the Fancher, Mill, Herson, and Dry Creek canals. The design shall protect the canal's integrity for an urban setting. The proposed canal crossing must be designed to convey the water in a safe and efficient manner without altering the existing conditions in a negative manner for FID's operations and maintenance. Additional requirements will include:**

- a. **Freeboard of Bridge –** FID requires a minimum freeboard of 2.0 feet through the canal crossing, where possible. The freeboard is needed to pass floating debris and trash through the structure. All of the large open canals are used to convey stormwater from the Fresno/Clovis metropolitan area along with the water coming from the rural creeks in eastern Fresno County. Trash will include both

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

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

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

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

#### **Miscellaneous Comments**

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

Ms. Jennifer K Clark  
Re: DMEIR to the Fresno General Plan Update  
October 8, 2014  
Page 6 of 6

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

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

Sincerely,



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

Attachments



FID Water Service Area Map

No Water Service Area

Planning Area

Planning Area



0 6,500 13,000 Feet  
 1 inch = 13,498.17 feet  
 2/20/2014  
 C:\P\planner\_4c10.mxd

**Legend**

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

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) 238-7161 for further information on FID facilities.



**NOTES:**

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

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

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

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

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

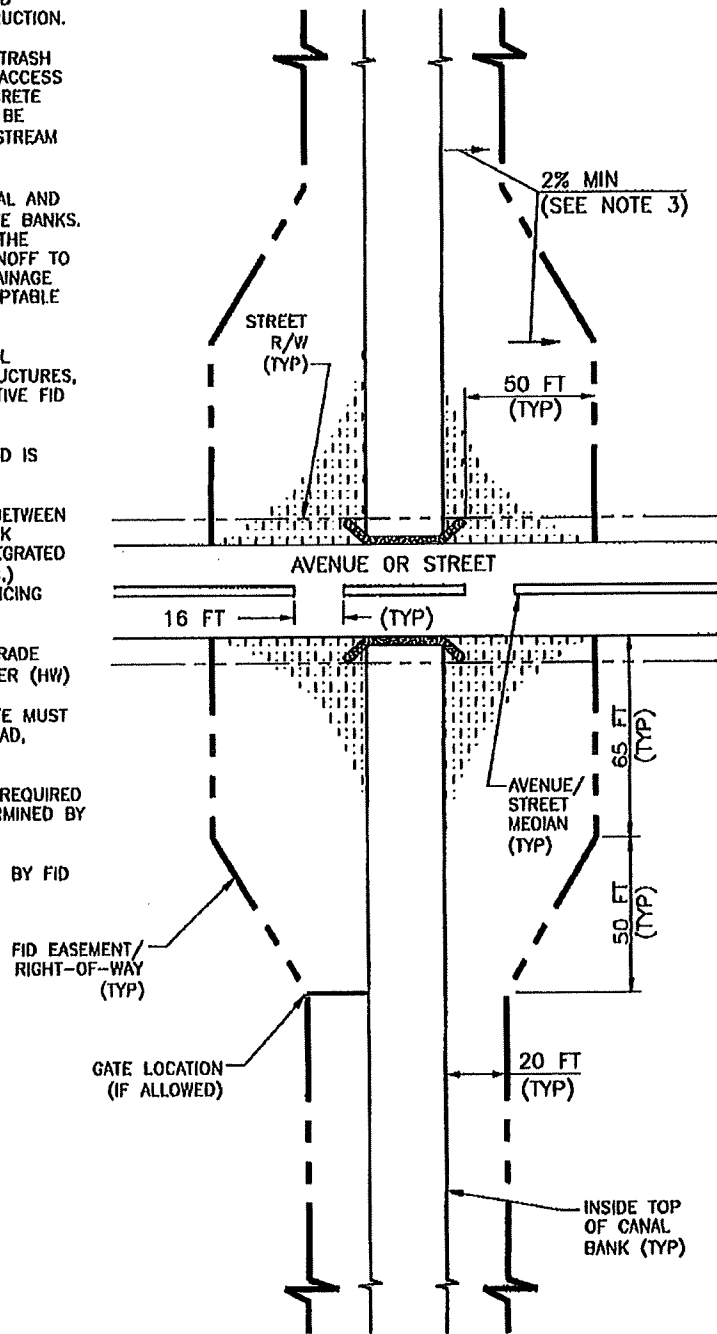
(6) BLOCK/MASONRY WALL SHALL BE REQUIRED BETWEEN THE OPEN CANALS AND DEVELOPMENT. CHAIN-LINK FENCING IS AN ACCEPTABLE ALTERNATIVE WITH INTEGRATED VISUAL BARRIERS (SLATS, SCREENS, SHEETING, ETC.) APPROVED ON A CASE-BY-CASE BASIS. WOOD FENCING WILL NO LONGER BE ACCEPTED.

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

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

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

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



**DRIVE APPROACH IN URBAN AREAS**

**NOT TO SCALE**

**CITY OF FRESNO**  
**NOTICE OF INTENT TO ADOPT A**  
**MITIGATED NEGATIVE DECLARATION**

Filed with the  
FRESNO COUNTY CLERK  
2220 Tulare Street, Fresno, CA 93721

**ENVIRONMENTAL ASSESSMENT FOR GENERAL PLAN**  
**AMENDMENT/DEVELOPMENT CODE TEXT**  
**AMENDMENT APPLICATION NO. P22-02413**

**APPLICANT:**

City of Fresno  
Planning and Development Department  
2600 Fresno Street  
Fresno, CA 93721

**PROJECT LOCATION:**

Approximately 5,736 parcels contained within the five (5) zone districts that allow mixed-use development: Neighborhood Mixed Use (NMX), Corridor/Center Mixed-Use (CMX), Regional Mixed-Use (RMX), Commercial – Main Street (CMS), and Commercial – Regional (CR) totaling approximately 3,866 acres in the City and County of Fresno, California (See Exhibit A – Vicinity Map).

The full Initial Study and the Fresno General Plan Program Environmental Impact Report (PEIR) are on file in the Planning and Development Department, Fresno City Hall, 3<sup>rd</sup> Floor, Room 3043, 2600 Fresno Street, Fresno, CA 93721.

**PROJECT DESCRIPTION:**

General Plan Amendment/Development Code Text Amendment Application No. P22-02413 was filed by the City of Fresno (Applicant) and pertains to approximately 3,866 acres in the City and County of Fresno contained within five (5) zone districts, Neighborhood Mixed Use (NMX), Corridor/Center Mixed-Use (CMX), Regional Mixed-Use (RMX), Commercial – Main Street (CMS), and Commercial – Regional (CR) that allow mixed-use development. The project proposes to increase the zoning density for mixed-use zone districts in order to facilitate economically feasible and high-quality development called for in the Fresno General Plan along transit corridors, and to address the need for housing.

In particular, the proposed Project would: (1) remove the maximum density for mixed-use districts; (2) modify the restriction that prohibits ground floor residential uses in mixed-use districts so that only corner properties along arterials with Bus Rapid Transit (BRT) stops will have mandated commercial uses; and (3) revise Fresno Municipal Code (FMC) Section 15-4907 to allow ministerial approval of multi-family residential uses in mixed-use districts within the City's Priority Areas for Development (areas identified on Figure IM-1 in the Fresno General Plan). The proposed text amendment will not



revise other property development standards contained in the FMC. In other words, all height, parking, landscaping, fencing and setback requirements will remain unchanged. In addition, the project will remove the maximum residential density of the mixed-use districts in the General Plan to allow for general plan consistency.

The City of Fresno has prepared an Initial Study of the above-described project and proposes to adopt a Mitigated Negative Declaration. The environmental analysis contained in the Initial Study is tiered from the PEIR State Clearinghouse No. 2019050005 prepared for the Fresno General Plan pursuant to CEQA Guidelines § 15152 and incorporates the PEIR by reference pursuant to CEQA Guidelines § 15150.

Pursuant to the California Public Resources Code (PRC) §§ 21093 and 21094 and California Environmental Quality Act (CEQA) Guidelines §§ 15070 to 15075, 15150, and 15152, this project has been evaluated with respect to each item on the attached Appendix G/Initial Study Checklist to determine whether this project may cause any additional significant effect on the environment, which was not previously examined in the PEIR. After conducting a review of the adequacy of the PEIR pursuant to PRC § 21157.6(b)(1) and CEQA Guidelines §§ 15151 and 15179(b), the Planning and Development Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the PEIR was certified and that no new information, which was not known and could not have been known at the time that the PEIR was certified as complete, has become available.

The completed Appendix G/Initial Study Checklist, its associated narrative, technical studies and mitigation measures reflect applicable comments of responsible and trustee agencies and research and analyses conducted to examine the interrelationship between the proposed project and the physical environment. The information contained in the project application and its related environmental assessment application, responses to requests for comment, checklist, Initial Study narrative, and any attachments thereto, combine to form a record indicating that an Initial Study has been completed in compliance with the State CEQA Guidelines and the CEQA.

All new development activity and many non-physical projects contribute directly or indirectly toward cumulative impacts on the physical environment. It has been determined that the incremental effect contributed by this project toward cumulative impacts is not considered substantial or significant in itself and/or that cumulative impacts accruing from this project may be mitigated to less than significant with application of feasible mitigation measures.

With mitigation imposed under the PEIR and project specific mitigation, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effects on the environment that are significant and that were not identified and analyzed in the PEIR. The Planning and Development Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the PEIR was certified and that no new information, which was not known and could not have been known at the time that the PEIR was certified as complete has become available.

Based upon the evaluation guided by the Appendix G/Initial Study Checklist, it was determined that there are project specific foreseeable impacts which require project level mitigation measures.

The Initial Study has concluded that the proposed project will not result in any adverse effects, which



fall within the "Mandatory Findings of Significance" contained in § 15065 of the State CEQA Guidelines. The finding is, therefore, made that the proposed project will not have a significant adverse effect on the environment.

Public notice has been provided regarding staff's finding in the manner prescribed by § 15072 of the CEQA Guidelines and by § 21092 of the PRC Code (CEQA provisions).

Additional information on the proposed project, including the PEIR, proposed environmental finding of a Mitigated Negative Declaration and the Initial Study may be obtained from the Planning and Development Department, Fresno City Hall, 2600 Fresno Street, 3rd Floor, Room 3043, Fresno, California 93721 3604. Please contact Sophia Pagoulatos, Planning Manager at (559) 621-8062 or via email at [Sophia.Pagoulatos@fresno.gov](mailto:Sophia.Pagoulatos@fresno.gov) for more information.

ANY INTERESTED PERSON may comment on the proposed environmental finding. Comments must be in writing and must state (1) the commentor's name and address; (2) the commentor's interest in, or relationship to, the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and close of business on **August 4, 2022**. A Planning Commission hearing date for this project is tentatively scheduled for July 20, 2022. Following the Planning Commission hearing, a City Council hearing will be scheduled. Please direct comments to Sophia Pagoulatos, Planning Manager, City of Fresno Planning and Development Department, City Hall, 2600 Fresno Street, Room 3043, Fresno, California, 93721-3604; or by email to [Sophia.Pagoulatos@fresno.gov](mailto:Sophia.Pagoulatos@fresno.gov).

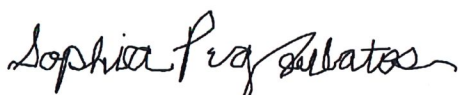
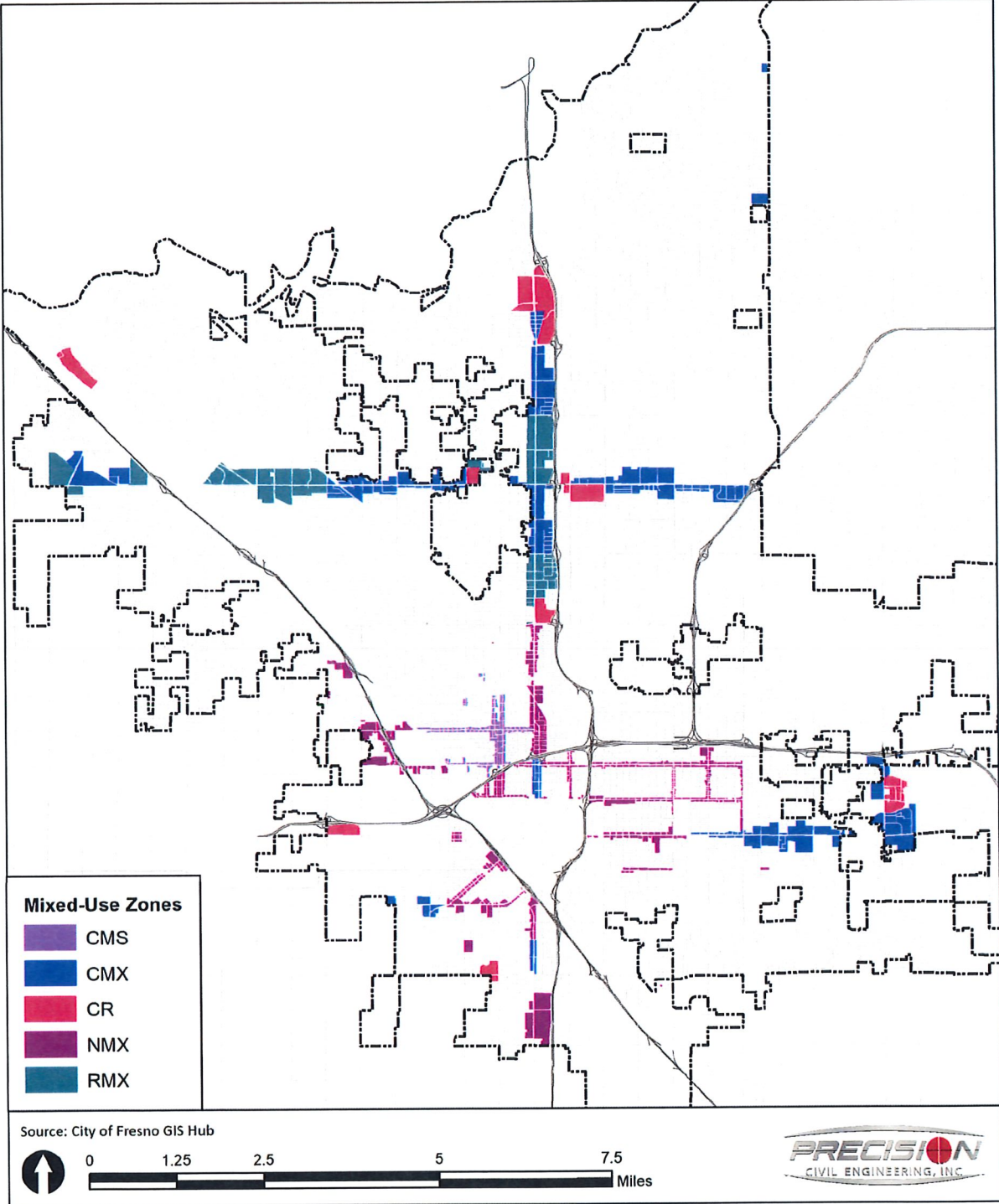
INITIAL STUDY PREPARED BY: Precision Civil Engineering	SUBMITTED BY:  Sophia Pagoulatos, Planning Manager CITY OF FRESNO PLANING AND DEVELOPMENT DEPARTMENT
DATE: July 6, 2022	
Attachments: Exhibit A – Vicinity Map	

Exhibit A  
Vicinity Map



Source: City of Fresno GIS Hub



## Sophia Pagoulatos

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**From:** Henrietta Walsh <c.valleydevelopment@gmail.com>  
**Sent:** Friday, August 05, 2022 2:34 PM  
**To:** Sophia Pagoulatos  
**Subject:** Re: Comments - MND General Plan Amendment (SCH 2022070081)

**External Email: Use caution with links and attachments**

Hi Ms. Pagoulatos,

Could you please confirm receipt of my comments that were submitted yesterday morning, which was still during the review period for the environment document? I am requesting confirmation because I didn't receive a response and have not previously submitted comments via email.

Respectfully,

*Henrietta Walsh*

Henrietta Walsh  
[c.valleydevelopment@gmail.com](mailto:c.valleydevelopment@gmail.com)

On Thu, Aug 4, 2022 at 9:46 AM Henrietta Walsh <[c.valleydevelopment@gmail.com](mailto:c.valleydevelopment@gmail.com)> wrote:

Hello Ms. Pagoulatos,

The following are comments on the Mitigated Negative Declaration(MND) for the General Plan Amendment/Development Code Text Amendment Application No. P22-02413.

### **Comment 1**

The analysis does not provide an analysis on the project's potential to expose sensitive receptors to toxic air contaminants.

Page 50 of the MITIGATED NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT/DEVELOPMENT CODE TEXT AMENDMENT APPLICATION NO. P22-02413 has the following information:

- (4) Toxic Air Contaminants: Exposure to toxic air contaminants (TAC) would be considered significant if the probability of contracting cancer for the Maximally Exposed Individual (i.e., maximum individual risk) would exceed 10 in 1 million or would result in a Hazard Index greater than one (1). As recommended by the SJVAPCD, the latest approved California Air Pollution Control Officer's Association (CAPCOA) methodology was utilized as the TAC screening methodology. According to the CAPCOA Guidance Document titled "Health Risk Assessments for Proposed Land Use Projects," there are two (2) types of land use project that have the potential to cause long-term public health risk impacts. These project types are as follows:

§ Type A: Land use projects with toxic emissions that impact receptors, and

§ Type B: Land use project that will place receptors in the vicinity of existing toxics sources.

The impact analysis on page 56 then does not follow these guidelines and instead refers back to the regional thresholds of significance to conclude that "The project would have a less than significant impact on nearby sensitive receptors."

The analysis should be revised to address the project's potential to (1) generate toxic air contaminants and (2) place receptors in the vicinity of existing toxicity sources.

In addition, Mitigation Measure AIR-1 (page 54) should be revised to reflect that future development projects that consist of 225 residential units or less may still have the potential to have impacts from toxic air contaminants. For example, grading for any sized project could have the potential to generate toxic air contaminants to a level that would cause an adverse health impact to nearby sensitive receptors. This is one impact. A second, as identified on page 50, would be the potential to place receptors in the vicinity

of existing toxic sources. This second impact is not addressed anywhere in the document, nor do the mitigation measures ensure that this would be addressed for future development projects.

**Comment 2**

Appendix D contains a letter from the San Joaquin Valley Unified Air Pollution Control District (District) dated January 6, 2022 that offered comments related to the project.

Page 2 of the letter indicates that the San Joaquin Valley Unified Air Pollution Control District that “the City evaluate the siting of the future residential dwelling units development in comparison to heavy-duty truck routing patterns to help limit emission exposure to residential communities and sensitive receptors.” This was not elevated in the analysis. The air quality analysis should be revised to address this concern.

**Comment 3**

Appendix D contains a letter from the San Joaquin Valley Unified Air Pollution Control District (District) dated January 6, 2022 that offered comments related to the project.

Comment 3b) on page 3 of the letter recognizes the project’s potential to have impacts related to toxic air contaminants and recommends that future development projects should include health risk assessments. This concern was not addressed in the air quality analysis. The air quality analysis and/or associated mitigation measures should be revised to ensure that all future development projects will be required to be evaluated for risks. Any potentially significant risks should be mitigated.

Best,

*Henrietta Walsh*

Henrietta Walsh  
[c.valleydevelopment@gmail.com](mailto:c.valleydevelopment@gmail.com)

September 8, 2022

City of Fresno, Planning and Development Department  
2600 Fresno Street  
Fresno, CA 93721

ATT: Sophia Pagoulatos

RE: Text Amendment Application No. P22-02413

The Board of Directors of the Sunnyside Property Owners Association would like to provide comment regarding the above referenced Text Amendment and General Plan Amendment that would increase the residential density for the five zone districts within the City of Fresno that allow mixed-use development, modify the restriction that prohibits ground floor residential uses in mixed-use districts so that only corner properties along arterials with Bus Rapid Transit Stops will have mandated commercial uses, and provide ministerial approval of multi-family residential uses within the City's Priority Areas for Development.

The Kings Canyon Transit Corridor runs from Highway 41 to South Argyle Avenue. The corridor hosts a variety of businesses and residential uses from semi-rural to dense multifamily developments. Many of the older residential areas are struggling to keep their identity, while being pressed to accept more intense and often incongruent new land uses.

New mixed-use zoning adopted in the City's General Plan has been applied along Kings Canyon and portions of Clovis Avenue. The entire area in and around Sunnyside lies within the City's Priority Area of Development.

When the General Plan was updated, the thought was to house people and commercial activities together along the transit corridors. Overlooked parcels were labeled "infill" and given incentives to develop. The maximum density was increased throughout the residential zones and the new mixed-use areas mirrored the density in multi-family land uses (maximum du/ac ranges from 16 to 45). These new mixed-use developments were promoted as pedestrian friendly and the corridors as vibrant, diverse, and attractive that would support a mix of pedestrian-oriented retail, offices and residential uses in order to achieve an active social environment within a revitalized streetscape. The allowed height was increased to a range of 40-75 feet. The development code was updated to require additional mitigation such as stepped up heights and improved building facades when developments were located next to residential.

Even so, it was a big, bold decision, to place such incongruent densities and commercial businesses in older established neighborhoods. Many of these areas are struggling with crime, noise, traffic, poor air quality, student performance, and the myriad issues surrounding the un-housed population suffering from severe mental illness and addiction.

Since the General Plan was updated, most of the mixed-use projects have been built or are planned for downtown where public noticing and maximum density caps are not required. This area is mostly developed, and the existing landscape features tall government buildings, offices, Chuckshansi Park, restaurants, hotels, and the growing Brewery District. New, dense development is compatible and residents have an increasing selection of venues at their disposal.

It is estimated that if this text amendment is adopted, the maximum densities for these mixed-use zone districts could increase to:

- Commercial Regional from 16-80
- Commercial Main Street from 16-48
- Neighborhood Mixed Use from 16-64
- Corridor Mixed Use from 30-75
- Regional Mixed Use from 45-90

The City's Housing Element requires land capacity for 36,866 new housing units to include 15,324 low-income units. The City estimates a 30,000 affordable housing shortfall.

The current parking requirement for mixed-use housing developments is .75 space for 1 bedroom and studio apartments, 1 space for a two-bedroom unit, and 1.5 spaces for three or more bedrooms. One additional guest parking space must be provided for every 4 units for projects greater than 4 units. While this text amendment would remove the maximum cap on densities, all development code requirements would still apply. *However* affordable housing incentives would allow up to 20% modification of those requirements including, but not limited to; reduced minimum building setbacks, increased maximum lot coverage, reduced outdoor and/or private open space requirements and increased building height. Parking requirements may be reduced by 25% and for Transit-Serviced Developments; the number of parking spaces cut in half. So a 100 unit affordable housing development with an equal mix of one and two bedroom apartments would only be required to provide 50 parking spaces, while supporting 300 or more residents.

Because most of these mixed-use zone districts are positioned along mass transit routes, the expectation was that residents would choose to ride the bus. When the City of Fresno General Plan was updated in December of 2014, the Fresno Council of Government's Travel Mode (2012) showed less than 1% (0.86) used mass transit as their primary mode of travel.

Despite the fact that buses now run at 15-minute intervals along Blackstone, Ventura/Kings Canyon, Cedar and Shaw Avenues, mass transit remains an unpopular option for Fresno County commuters, even among those who can't afford a car. Just fewer than 2% of workers, or just over 4,000 people, take the bus to work, compared to 5% statewide, according to census data.

Because the majority of mixed-use projects in the pipeline are downtown, where the maximum density cap has been removed and a ministerial approval process is already in place, *the City now wants to change the rules for the transit corridors, with the hope that in time they may be applied to other areas within the City.*

So what does this text amendment do? It will eliminate the ground floor commercial use requirement in mixed-use applications changing mixed-use to multi-family only for all midblock developments. It will increase the density far beyond any of the other multi-family zoning in the rest of the City (an estimated 200 to 500% increase from existing maximum density caps). It will allow multi-family projects that fall within the City's Priority Area of Development to circumvent the regular planning process; eliminating all review by District Implementation and Design Review Committees (Three of which voted to deny the ministerial provision). And most importantly, for the vast majority of neighborhoods that host the transit corridors, projects will be reviewed at an administrative level only without any public participation at all.

While allowing open-ended densities without public input may be a gift to developers (this text amendment is largely the result of their input) and satisfy the City's requirement to house some of their residents, it becomes an even more egregious, disproportionate, and unfair burden for those who live along or next to transit corridors.

Despite the two to five-fold increase in density, there is no additional mitigation to negate the increase in traffic, noise, and pollution. New residents will be expected to ride the bus, which will be delayed because the acceptable Level of Service for these corridors is E (unstable flow, operating at capacity) and F (forced or breakdown flow).

*Even though engaging the public in the development mix may slow the process, it remains imperative that we are invited to participate.*

On behalf of all the neighborhoods that have been rezoned to mixed-use and are now facing a monumental increase in density, absent additional mitigation and public recourse, we ask that the Council deny this text amendment. We request instead that staff look to other methodologies that are equitable, negate the affects of increased density, protect vulnerable neighborhoods and include them in the decision making process.

Thank you for considering our comments,

Sue Williams  
For the Directors of the Sunnyside Property Owners Association

Cc: Fresno City Council





**Yana Garcia**  
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

### SENT VIA ELECTRONIC MAIL

September 19, 2022

Ms. Sophia Pagoulatos  
City of Fresno  
2600 Fresno Street  
Fresno, CA 93721  
[Sophia.Pagoulatos@fresno.gov](mailto:Sophia.Pagoulatos@fresno.gov)

MITIGATED NEGATIVE DECLARATION FOR GENERAL PLAN  
AMENDMENT/DEVELOPMENT CODE TEXT AMENDMENT APPLICATION  
P22-012413 – DATED JUNE 2022 AND RECIRCULATED AUGUST 2022  
(STATE CLEARINGHOUSE NUMBER: 2022070081)

Dear Ms. Pagoulatos:

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the General Plan Amendment/Development Code Text Amendment Application number P22-02413 (Project) dated June 2022 on July 6, 2022. DTSC provided comments on the MND in a letter dated July 26, 2022. DTSC's comment #4 recommended proper sampling of imported soil that follows [DTSC's 2001 Information Advisory Clean Imported Fill Material](#) (*Advisory*) for any projects requiring imported fill.

A meeting to discuss DTSC's comments was held by request of the City of Fresno on August 10, 2022. Following the meeting, DTSC provided additional clarification on comments via emails sent to the City of Fresno on August 10 and August 11, 2022. In the August 11th email, DTSC clarified that the *Advisory* should be followed for all backfill soil sources to confirm that soil is free of contaminants. Confirmation of receipt of this email was received in a response email on August 11, 2022.

DTSC subsequently received an MND with revised text and Responses to Comments (RTCs) that was recirculated on August 19, 2022. The response to DTSC's comment #4 stated, "a mitigation measure has been added requiring testing of fill if received from a site containing or formerly containing one of the "undesirable" use types identified in



Ms. Sophia Pagoulatos  
September 19, 2022  
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above noted Advisory document.” DTSC reasserts its recommendation that the *Advisory* is followed for projects requiring imported fill.

DTSC appreciates the opportunity to comment on the MND. 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](#).

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

Sincerely,

A handwritten signature in blue ink that reads "Gavin McCreary". The signature is written in a cursive style with a long, sweeping underline.

Gavin McCreary, M.S.  
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](mailto:State.Clearinghouse@opr.ca.gov)

Mr. Dave Kereazis  
Office of Planning & Environmental Analysis  
Department of Toxic Substances Control  
[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)