

# Regular Council Meeting

May 21, 2026

## FRESNO CITY COUNCIL



### Public Comment Packet

#### ITEM(S)

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CITY OF FRESNO  
City Clerk's Office

#### 9:20 AM (ID 26-428)

HEARING to Consider Plan Amendment and Rezone Application No. P21-01960, Conditional Use Permit Application No. P21-01959, Conditional Use Permit Application No. P21-03251, Planned Development Permit Application No. P21-03252 and related 2026 Final Environmental Impact Report (FEIR), State Clearinghouse (SCH) No. 2021100443 pertaining to ±22.4 acres of property located on the northeast corner of West Herndon Avenue and North Riverside Drive (Council District 2) - Planning & Development Department.

[TITLE TRUNCATED FOR SUPPLEMENTAL PACKET COVER PAGE]

Contents of Supplement: Public Comment Received

#### **Supplemental Information:**

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

#### **Americans with Disabilities Act (ADA):**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways,

aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Costco Commercial Center Proposal  
**Date:** Tuesday, May 19, 2026 2:27:23 PM

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

Dear Fresno City Councilmembers and City Clerk,

I am writing in support of the Costco Commercial Center proposal at Herndon Avenue and Riverside Drive in northwest Fresno.

I support this project because it would keep Costco invested in Fresno, improve access for northwest Fresno residents, create construction and permanent jobs, generate local tax revenue, and redevelop vacant land with a major retail use. I also support requiring appropriate traffic, infrastructure, and environmental mitigation so the project works well for surrounding neighborhoods.

Please approve the Costco Commercial Center proposal.

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Respectfully,  
Marvin Baker

[REDACTED]



**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Re: Electronic Comments for City Council Meeting 5/21/26 (Item ID 26-428) - Costco Commercial Center Project  
**Date:** Wednesday, May 20, 2026 10:26:59 AM  
**Attachments:** [REDACTED]

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

Hi, just following up from my comment letter submission earlier this morning. I consolidated my (Daniel's) comment letter and the attachments into a single document to help better clarify that they all should go together. If the comments haven't already been distributed, I'm hoping you can use this file instead of the earlier 2 files to help keep things a bit more organized. Not a huge deal if they've already been distributed with the earlier files though.

Thanks,  
Daniel

On Wed, May 20, 2026 at 9:15 AM Clerk <[Clerk@fresno.gov](mailto:Clerk@fresno.gov)> wrote:

Thank you, your email has been received and will be distributed by the Office of the City Clerk.

Best,

Office of the City Clerk

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**From:** Daniel Brannick [REDACTED]  
**Sent:** Wednesday, May 20, 2026 9:07 AM  
**To:** Clerk <[Clerk@fresno.gov](mailto:Clerk@fresno.gov)>  
**Cc:** Babak Naficy [REDACTED]; Steven Martinez [REDACTED]; Phillip Siegrist [REDACTED]  
**Subject:** Electronic Comments for City Council Meeting 5/21/26 (Item ID 26-428) - Costco Commercial Center Project

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

Hello, please find attached comments for Item ID 26-428 scheduled at 9:20am on 5/21/26, which is listed on the Agenda as follows:

HEARING to Consider Plan Amendment and Rezone Application No. P21-01960, Conditional Use Permit Application No. P21-01959, Conditional Use Permit Application No. P21-03251, Planned Development Permit Application No. P21-03252 and related 2026 Final Environmental Impact Report (FEIR), State Clearinghouse (SCH) No. 2021100443 pertaining to ±22.4 acres of property located on the northeast corner of West Herndon Avenue and North Riverside Drive (Council District 2) - Planning & Development Department.

Please note there are two separate comment letters attached:

- 1) Comments from Daniel Brannick
- 2) Comments from Babak Naficy

It would be appreciated if you could provide me with confirmation that these comments have been received. Please let me know if you need any information in addition to what has been provided.

Thank you,

**Daniel Brannick**

Herndon-Riverside Coalition for  
Responsible Community Development

[REDACTED]

Fresno, CA 93704

[REDACTED]

[REDACTED]

May 19, 2026

Dear Fresno City Councilmembers,

Presented here are comments regarding the 2026 Final EIR, Findings of Fact, and other documents associated with the proposed Costco Commercial Center Project located at the northeast corner of Herndon Avenue and Riverside Drive (CEQA State Clearinghouse No. 2021100443).

As described herein, the issues which led to the project being invalidated by court order have not been resolved.

It is frustrating because there are readily identifiable ways for both the Zoning/General Plan consistency and CEQA issues to be resolved, yet City administration and/or Costco have insisted on proceeding as if the mistakes are merely clerical or procedural.

All prior comments and information should be considered incorporated by reference.

Daniel Brannick  
Herndon-Riverside Coalition for  
Responsible Planning and Development

## Zoning and General Plan Inconsistency of the MDO Distribution Facility

Although the Final EIR states that the planning and zoning consistency issues concerning the MDO Distribution Facility do not require discussion under CEQA, FEIR Responses O3-1 through O3-6 are devoted to addressing the issue. In these responses, the City and Costco have essentially taken the position that they neglected to follow a procedural formality but that there was nothing substantively wrong with finding that the MDO Distribution Facility is an allowed land use within the proposed zoning, either as “fully integrated” with the large-format commercial retail use or as an accessory use. For reasons previously discussed and which are still applicable, neither approach complies with the City’s Development Code due to the prohibition of Warehousing, Storage, and Distribution (“WSD”) uses in Commercial zones such as General Commercial (“CG”) and Community Commercial (“CC”).

The responses and findings continue to peddle the phrase “fully integrated” - a self-serving term of art which appears to have been reflexively invented on the fly; regardless of its origins, it does not resolve the zoning consistency issue. For instance, even if the car wash was “fully integrated” into the structure of the warehouse building, it would still require a rezone because the car wash use does not become something different just because of proximity to (or “integration with”) another structure - the “use” is still the use. This same principle holds true for the MDO Distribution Facility. The operational activities represent a fundamentally different form of physical and economic activity than public-facing retail sales that take place in CG and CC zone districts (among other reasons, because of the more intensive truck traffic that will be entailed).

A cursory review of the zoning ordinances of other cities (e.g., Sacramento, San Jose, Long Beach, Madera, Visalia - plus Costco’s corporate headquarters location of Issaquah, WA) appears to corroborate the general practice of treating WSD uses as “light industrial” or similar designation and keeping such uses separate from more community oriented, public facing commercial uses. Attached is an excerpt from *The Regional City* by Peter Calthorpe and Bill Fulton, which speaks to the compatibility (or lack thereof) of light industrial uses in areas of mixed residential and commercial use.

Again, the MDO’s actual use is a use that is already defined in the City’s zoning ordinance. It would be like if I tried to convince the City to allow me to operate a commercial automotive repair business out of my house by calling it an “accessory garage operation” - whatever euphemistic name I might want to call it, the use is still the use. While locating warehousing/distribution activities in the same building as large-format retail is not *per se* bad as a concept, it is just clearly and simply not permitted under the City’s Development Code in the CG zone.

Response O3-3 attempts to discredit the Car Wash comparison, albeit poorly. Something else that should be mentioned: If the rezone was truly only needed for the Car Wash, and the Car Wash will be constructed on a to-be-created separate parcel, then why not simply rezone just that parcel and leave the larger remaining parcel as Community Commercial? It is further

evidence that the City and Proponents are scrambling to back in any way they might see possible to justify a colossal oversight about the zoning.

Response O3-4 takes a fear-mongering approach to the possibility of rezoning the parcel to Light Industrial. Response O3-4 ignores the possibility of placing Conditions of Zoning on the site (“cz”), which is a common local practice for Industrially-zoned sites in the City of Fresno to ensure the sites are not converted to un contemplated, incompatible uses. As an example, the rezoning for project-as-proposed includes Conditions of Zoning.

Response O3-5 states, among other things, that “the MDO is less than 20 percent of the entire retail warehouse.” This is incorrect. Based on numbers presented in Exhibit C-1, the MDO is approximately 21.4 percent of total building footprint square footage. It is noted that the project was revised to reduce square footage, it was the retail warehouse portion of the store that was reduced in size; on the other hand, the MDO’s square footage stayed the same.

Response O3-6 mischaracterizes the comparison between the physical characteristics of the existing Costco MDO facility located in an industrial area on Central Avenue near Malaga as a matter of aesthetic differences. The architectural features at the existing facility (clearly viewed in pictures or in person) depict the clear differences in function and operational utilization that would occur as part of the proposed MDO Distribution Facility versus a “normal” Costco Wholesale retail warehouse store.

In Responses O3-2 and O3-5, an attempt is made to analogize the MDO’s operations with delivery activities associated with other local large-format retail stores – specifically the Walmart Supercenter on West Shaw Avenue as well as Best Buy, Dick’s Sporting Goods, Lowes, and Home Depot. To begin with, while the responses imply that many of these home deliveries are originating directly from retail store locations, it is likely they are originating from distribution centers. However, the number of truck bays at each of these stores (not to mention all other CG-zoned and CC-zoned areas of the City) is a fraction of what is proposed for the Costco project to accommodate shipping and receiving activities. Based on a Google query and review of Street View imagery of existing big-box stores in Fresno along Shaw Avenue and Blackstone Avenue, the average big-box store has 2 to 4 loading docks. In contrast, the project as proposed includes 24 loading docks. Based on a separate Google query, this number of loading docks is more consistent with building specifications for a 250,000 square-foot distribution center. (See attachments for reference.)

In that context, it is not out of the realm of possibility that Costco could effectively operate the project as a “shadow distribution center”. Given that Costco designs its stores in a “warehouse” format to begin with, it would not be out of the question for the 219,000+ square feet “retail” space to be surreptitiously modified to function in practice as distribution center space. This is why the number of truck bays is such a distinct, significant, and alarming feature of the project as proposed.

As a reminder, the planning and zoning consistency issues raised here are not limited specifically to the proposed Costco project. If approval of the project goes through, it effectively sets a precedent that applies to every property zoned CG and CC in the City. The rationale employed here, if applied elsewhere in the City, could function as an end-around to dodge emerging restrictions on the development of distribution centers - restrictions enacted to curb the adverse effects on communities and the environment . If a commercial retail building could suddenly be permitted by-right to have dozens of truck bays, under Fresno's local regulatory framework there appears to be essentially no mechanism to limit the "retail" space from being effectively converted to "WSD" space.

### *How and Why Did This Happen?*

What became clear from reviewing hearing testimony by Costco's representatives and the project's Administrative Record is not only that the project has been in the works since 2017-18 but just how that early-in-time commitment appears to have led us to where we are today: They initially settled on a site, and the site selection decision made a greater level of sense at the moment in time (i.e., pre-Veterans Boulevard) and based on the initial design and mix of uses for the project (i.e., a large-format retail store and a gas station - no car wash, and more importantly no MDO Distribution Facility). But then not long afterward, multiple significant revisions were made to the project (a series of revisions to the site layout, then adding the car wash, more site layout revisions, and then adding the MDO). These revisions were at tension with the already stressed adequacy of the proposed site to accommodate such a project. It appears at some point, however, that the City and/or Costco decided the project was simply too far along to turn back.

Attached are comments from Planning staff which provide some further context regarding the early project review stages and decision-making processes.

### *How Might the Zoning and General Plan Consistency Issue be Resolved?*

There appears to be at least three ways to resolve the consistency issue other than the current approach of essentially ignoring the Development Code as written and pushing through the project in a way that amounts to a *de facto* text amendment. These options are:

- 1) Rezone the project site to "IL"- Light Industrial zoning. More specifically, rezone to "IL/UGM/CZ", and amend the corresponding General Plan designation to light industrial.
- 2) Remove the MDO Distribution Facility from the project. In practice, this could consist of eliminating the 18 truck bays specific to the MDO and repurposing the "MDO" square footage as additional large-format retail space.
- 3) Prepare and adopt a Citywide Text Amendment to update the Development Code and Use Table to allow for at least some limited form of WSD uses in Commercial General zoning. If pursued, the revised zoning should require a CUP and have strict limitations on storage space square footage (both in total and as a percentage of non-storage

building space) as well as a limit on the number of truck bays. Additionally, the Text Amendment would occur via a proper local legislative process.

In an effort to better illustrate the relative simplicity of these options, attached are exhibits which visually demonstrate the changes that would be entailed.

## **Unresolved Greenhouse Gas Emissions and Climate Change Issues**

*As a preliminary note regarding instances where the FEIR/RTC says that comments on the PR-DEIR “provide no support” or are unsubstantiated, it bears mentioning that numerous prior comments on the DEIR and FEIR provide additional support and elaboration regarding issues with the GHG impact analysis that remain relevant and applicable. While the City and the report writers are undoubtedly aware of these comments, and those prior comments should already be automatically incorporated as part of the record, for posterity’s sake a copy of prior comments from the 2024 DEIR and FEIR related to Greenhouse Gas Emissions is included as an attachment to this letter.*

The EIR’s revised analysis of GHG Emissions and Climate Change Impacts remains inadequate because its analysis is fundamentally flawed, materially misleading, and the significance determination reached is not supported by substantial evidence.

The revised EIR purports to have complied with court order by removing references to the City’s invalidated 2021 Greenhouse Gas Reduction Plan<sup>1</sup>, switching to new significance thresholds that align with the questions in CEQA Guidelines Appendix G, presenting updated/revised quantitative emissions estimates for the project (plus estimates for the city and state), and then qualitatively analyzing in comparison to the City of Fresno’s 2014 GHGRP (the plan which the City reverted back to after the 2021 GHGRP was invalidated) and other GHG-related plans – specifically the 2022 CARB Scoping Plan, Fresno COG RTP/SCS, and Fresno COG Priority Climate Action Plan (PCAP).

Although updated quantitative data is included, the determination that the project will have less than significant GHG impacts is reached by using a qualitative approach to show consistency with applicable plans, policies, and regulations. Once again though, the determination of “less than significant, no mitigation required” is fundamentally incompatible with the EIR’s significance determination regarding Vehicle Miles Traveled (VMT) and not supported by substantial evidence.

The revised analysis uses data in part derived from the 2014 GHGRP and also presents a qualitative consistency analysis with policies from the 2014 GHGRP. Similar to what is discussed more below, the qualitative analysis is self-serving and cherry-picked, but the bigger

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<sup>1</sup> As a side note, while the litigation concerning City’s GP PEIR Update and 2021 GHGRP litigation was ongoing during original Costco review, it was never mentioned in EIR or elsewhere as part of the project’s initial environmental review process.

issue here is that the 2014 GHGRP is simply too dated to be validly relied upon. Much like calling something “on fleek”, the policies are no longer sufficiently in step in 2026. In California, local plans must account for updated, aggressive legislation (such as SB 32 and AB 1279, not to mention SB 743), requiring newer blueprints like the CARB Scoping Plan to achieve carbon neutrality. Since the 2014 GHGRP predates major updates in GHG-related legislation and the CARB Scoping Plan, it is too old and stale to be definitively relied upon. The PR-DEIR acknowledges that to a degree, which is why it also includes a qualitative evaluation of other documents to substantiate its evaluation of impacts. However, the other documents cited in the PR-DEIR all include VMT reduction as part of the major goals, strategies, and/or measures related to GHG reduction:

*2022 CARB Scoping Plan:* VMT Reduction is one of the Scoping Plan’s three main priority strategies.

*Fresno COG RTP/SCS:* Key component is to encourage alternatives to single-occupancy vehicles that reduce vehicle miles traveled (VMT) and greenhouse gas emissions.

*Fresno COG PCAP:* Sets GHG Emission Reduction Targets (including Sector-Specific Targets, among them being Transportation) and therein discusses VMT in context of SB 375 and the necessity of reducing VMT to meet the requirements/targets.

Instead of acknowledging the fundamental and significant effect of the project’s excessive VMT on the ability to meet GHG- and climate-related goals and mandates, the EIR’s “consistency analysis” is marked by a self-serving, cherry-picked narrative to reach a desired outcome rather than a good-faith, reasoned, and candid consistency review. For example:

*[T]he VMT analysis does not take into account the Costco trips “replacing” existing trips currently going to other retailers. Furthermore, the project would allow customers to have multiple needs served in one trip, including but not limited to: eye exams, purchase of household goods and groceries, furniture store, appliance store, liquor store, car washes, and refueling at a gas station. Given these factors, it is possible that Costco members make fewer total retail shopping trips in a month or a year when they have the option of shopping at the proposed expanded Costco than they would make if they did not have a Costco nearby. The VMT modeling does not measure the benefit of one Costco trip potentially replacing multiple trips, which makes the quantified inventory conservative. (2026 FEIR p. 2-4)*

Not only is this statement clearly misrepresentative of the project’s consistency (or lack thereof) with GHG- and climate change-related policies and regulations which mandate reductions in VMT, it (along with other statements like it) effectively obscures and undermines the VMT significance determination reached in the Transportation section of the EIR. Statements like these are demonstrative of deeply flawed reasoning and/or bad faith – to such a degree that it

violates CEQA's requirements for informed decisionmaking and meaningful public participation. Under CEQA, even if decisionmakers ultimately want to go forward with the project, the environmental effects associated with the project need to be adequately disclosed so that the decisionmakers are able to weigh in on an informed basis and that the public can meaningfully participate and readily hold accountable the decisionmakers for their decisions.

Response O3-8 asserts that the comments critiquing the lack of requisite evidentiary support fail "to acknowledge the evidence, the detailed impact evaluation, or the substantial evidence included throughout Section 3.7 of the PR-DEIR and its technical appendices that supports the City's conclusion that the project would result in a less-than-significant impact with respect to GHG emissions."

Like the DEIR before it, the PR-DEIR ends up only having the "aesthetic" of substantial evidence (i.e., a report that looks comprehensive but is analytically flawed). The analysis departs from logic and reason and contorts itself to reach the preferred outcome (i.e., declaring the GHG and Climate Change impacts to be less than significant, with no mitigation required). While substantial evidence is deferential to agency decisionmaking, mere "incantation" is not sufficient, nor is evidence that is "outside the bounds of reason."

Response O3-11 states: "A finding that a particular project is consistent with applicable plans and policies requires only that the proposed project be in agreement or harmony with the terms of the applicable plan, not in rigid conformity with every detail of it." Here, the problem is that the effects of threshold-exceeding VMT effects are so fundamentally and materially incompatible that it amounts to outright conflict with said plans and policies.

VMT is not merely a component of determining project-specific mobile source emissions; it is an important proxy for how auto-dependent a given land use project is going to be compared to existing conditions, and it is indicative of how easy or difficult it will be for other future projects (both land use projects and transportation projects) to be designed or incorporate features to reduce VMT. The proposed Costco project's VMT is so significant, both as a raw VMT number and the degree to which it exceeds its applicable threshold, that it "locks in" inefficiencies and "locks out" opportunities for future growth and development to incorporate VMT-reducing features - e.g., by deterring co-location of VMT-efficient land uses, and/or by deterring development and implementation of VMT-efficient (i.e., non-automotive) infrastructure improvements), and/or by detrimentally impacting the efficacy of future VMT-reducing infrastructure improvements. Despite what is proffered in Response O3-12, no technical expertise is necessary to readily and accurately observe that shopping at Costco is one of the most car-dependent activities in American culture. That type of response, in addition to being insufficient to show GHG-related consistency, once again functions to undermine the VMT significance determination made in the Transportation section of the EIR.

Response O3-14 states: "As set forth in SB 743, CEQA Guidelines Section 15064.3(b) directs lead agencies to use VMT as a threshold of significance to evaluate transportation impacts (and only transportation impacts)." The parenthetical part of this sentence is again extremely

misleading because VMT significance is essentially an implied threshold in determining whether a project will or will not conflict with the body of plans, policies, and regulations that have been adopted to address GHG emissions and climate change. While the VMT threshold appears in the Transportation section, the basis for the threshold is entirely derived from state GHG and climate change policies and regulations.

The following content from the City of Fresno VMT Guidelines explains how the VMT thresholds that have been set for the City (as well as the region), i.e. why they are essentially also measures of GHG significance:

*The OPR provides a Technical Advisory (TA) as a guidance document to establish thresholds for this new VMT metric. The laws and rules governing the CEQA process are contained in the CEQA statute (PRC Section 21000 and following), the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 and following), published court decisions interpreting CEQA, and locally adopted CEQA procedures. The TA is intended as a reference document; it does not have the weight of law. Yet, deviating from the TA is best undertaken with substantial evidence to support the agency action.*

*The State of California is committed to reducing greenhouse gas (GHG) emissions and achieving long-term climate change goals. To achieve these climate change goals, California needs to reduce VMT. As illustrated in Figure 1, over the last 40 years, with increase in statewide population, the overall VMT has also increased.... [T]ransportation is the single largest sector contributing to the State's GHG emissions. More than 40 percent of the GHG emissions come from the transportation sector, primarily passenger cars and light-duty trucks. Reducing the number of vehicle trips and reducing the length of trips are expected to result in reduced VMT and reduced GHG emissions. The new State CEQA Guidelines and the establishment of VMT thresholds for CEQA analyses is linked to GHG reduction strategies and overall statewide climate change goals.*

City of Fresno VMT Guidelines p. 1 and 2

*The impact of transportation has shifted from congestion to climate change, and the purpose of the CEQA analysis is to disclose and ultimately reduce GHG emissions by reducing the number and length of automobile trips. As part of the SB 375 land use/transportation integration process and the GHG goal setting, the State and Regional Transportation Planning Agencies (RTPA) have agreed to reduce GHG through integrated land use and transportation planning by a statewide average of approximately 15 percent by 2035.... [T]he CARB recommends total VMT per capita rates approximately 15 percent below existing conditions.*

[...]

*The TA therefore recommends:*

*A proposed (residential) project exceeding a level of 15 percent below existing regional average VMT per capita may indicate a significant transportation impact.*

*A similar threshold would apply to office projects (15 percent below existing regional average VMT per employee).*

*VMT generated by retail projects would indicate a significant impact for any net increase in total VMT.*

*CARB establishes GHG targets for each of the 18 MPOs in the State, reviews the SCSs and makes a determination whether the SCS would be able to achieve GHG reduction targets if implemented... CARB established a 13 percent GHG reduction target for 2035 for the Fresno region's third RTP/SCS.... [R]eduction in GHG directly corresponds to reduction in VMT. In order to reach the statewide GHG reduction goal of 15 percent, the City must reduce GHG by 13 percent. The method of reducing GHG by 13 percent is to reduce VMT by 13 percent as well.*

City of Fresno VMT Guidelines p. 23

*[Note: Pages cited above from the City's VMT Guidelines are also attached to this letter]*

While exceeding the VMT threshold can arguably, in and of itself, be treated as a conflict with a GHG/Climate Change plan, policy, and/or regulation, it most definitely amounts to essentially irrefutable evidence of a material conflict with the entire plan, policy, and regulation framework for GHG emissions and Climate Change.

While implications related to the City's adoption of a VMT Reduction Fee Program are discussed in greater detail later on, some information provided as part of that documentation bears discussing here. Response O3-13 includes the following: "[T]he comment incorrectly asserts that the City of Fresno needs a reduction of 67,429 average daily VMT to meet its citywide reduction target." The VMT Reduction Program describes 67,429 units of VMT associated with future development that are projected to be unmitigated, as calculated by the Fresno COG Activity Based Model."

See the quote below and pages attached from Fresno VMT Reduction Program which explain the source of the value of 67,429 units of daily VMT:

"Total citywide unmitigated VMT from the City's General Plan scenario was obtained from the Fresno COG Activity Based Model (ABM) and was used as the VMT to be mitigated by the VMT reducing projects. The total unmitigated VMT was estimated from

the growth of origin-destination (OD) VMT between General Plan and existing (base year) conditions after considering the population and employment growth in the region."

If it means something different, the City should clarify beyond "that's not the right number" without providing the right number.

Either way, the proposed Costco project's VMT has not been accounted for in the Fresno COG ABM. Moreover, this information further puts into context just how massive the project's VMT increase will be in relation to VMT occurring in the entire City, which further demonstrates how and why it amounts to a significant GHG impact. This response does nothing to discount the magnitude of the Costco project's impacts are nearly double that of the City's entire VMT reduction target.

Allowing this project to skirt by under a determination of "less than significant (without mitigation)" unfairly shifts the burden of meeting and complying with GHG-related mandates onto future projects and development. Allowing the Costco project to go forward, unmitigated, may lead to a larger gap on progress towards meeting mandated reductions, which in turn could lead to even more stringent VMT reduction thresholds or other measures necessary to meet the mandates. For instance, a future housing project could end up having to mitigate 20-25 percent of its VMT rather than 13 percent because the City falls off pace with meeting its GHG reduction targets (a cause of which could be the Costco project's outsized unmitigated impact).

It is only incorrect in the sense that the City may actually need *greater than* the 67,429 average daily VMT to meet its GHG reduction goals. (Note: If the City is capable of meeting VMT reduction goals with a lesser number, the City should clarify what that number is as part of its response.)

VMT reduction is so fundamental to the entire GHG regulatory and policy framework that having a significant and unavoidable VMT impact (i.e., exceeding the established ) necessarily results in conflict with that framework.

The project's VMT threshold exceedance is either in its own right a conflict with plan, policy, or regulation to reduce GHG emissions, or it is irrefutable evidence of a broad and fundamental conflict with the regulatory and policy framework for GHG emissions.

***The Availability of the City's VMT Mitigation Fee Program Constitutes a CEQA Mitigation Measure for Project's Significant Greenhouse Gas and Climate Change Impacts***

*Attached for reference are pages from the City's VMT Mitigation Fee Program as well as excerpts from City of Fresno staff during City Council hearings leading up to the adoption of the VMT Mitigation Fee Program*

The EIR and Responses to Comments fail to adequately address the significance of the City's newly adopted VMT Mitigation Fee Program as a feasible mitigation measure for the project's significant GHG Emissions and Climate Change impacts.

The City's adoption of the VMT Mitigation Fee Program and supporting nexus study constitutes significant new information and a materially changed circumstance relevant to CEQA review. During 2023 and 2024 when the earlier iterations of the EIR were prepared and certified no such adopted program existed. Now however, the City has formally adopted a VMT mitigation framework supported by technical analysis and findings establishing a nexus between project-generated VMT and the need for mitigation measures intended to reduce associated environmental impacts, including impacts related to GHG emissions and climate change.

Under CEQA, agencies are required to adopt all feasible mitigation measures capable of substantially lessening significant environmental impacts. (Pub. Resources Code §§ 21002, 21002.1; CEQA Guidelines §§ 15091, 15126.4.) Where substantial evidence demonstrates that a mitigation measure is feasible and capable of reducing a significant impact, the agency must either adopt the measure or provide substantial evidence demonstrating why the measure is infeasible.

Here, it is undisputed that the project's excessively high level of VMT would result in significant VMT-related impacts, which are directly connected to significant GHG emissions and climate change impacts. The relationship between VMT and GHG emissions is foundational to California's climate regulatory framework, including SB 743 and CEQA Guidelines section 15064.3. As previously noted, the PR-DEIR itself relies extensively on VMT-related plans, policies, and regulations in its discussion of GHG consistency and climate-related impacts.

The Responses to Comments incorrectly attempt to compartmentalize VMT as solely a "Transportation" issue on the basis that VMT analysis appears within the Transportation section of Appendix G and CEQA Guidelines section 15064.3. That position is inconsistent with both CEQA and the underlying policy basis for SB 743. VMT is not exclusively a transportation metric; it is also a core indicator of climate-related environmental impacts because increased vehicle travel directly contributes to increased GHG emissions.

The placement of VMT analysis within the Transportation section of CEQA was intended, in substantial part, to replace outdated Level of Service ("LOS") methodologies and promote transportation and land use patterns that reduce vehicle travel and associated emissions. SB 743 was expressly intended to encourage low-VMT development patterns and discourage

projects that substantially increase VMT and associated emissions. Accordingly, the fact that VMT is discussed in the Transportation section does not preclude its consideration as part of the Project's GHG and Climate Change analysis.

The FEIR and responses focus primarily on the assertion that the City's VMT fee ordinance may not automatically apply to this project as a matter of local ordinance because the project application predates adoption of the fee program. However, this does not resolve the relevant CEQA question.

A distinction exists between whether a local ordinance independently requires payment of a fee as a matter of municipal code administration versus whether CEQA independently requires implementation of a feasible mitigation measure to reduce a significant environmental impact.

Even assuming that the City's ordinance does not require payment of the fee for this project, that does not establish that payment of equivalent VMT mitigation fees is legally prohibited, infeasible, or unavailable as CEQA mitigation. The City's VMT Mitigation Fee Program, nexus study, and supporting findings provide substantial evidence demonstrating that such mitigation is feasible and environmentally justified.

Nor does the record support any conclusion that payment of VMT mitigation fees would be legally infeasible. The Responses to Comments identify no provision of state law or local ordinance prohibiting the City from imposing equivalent mitigation requirements pursuant to CEQA. At most, the City appears to argue only that the ordinance itself may not automatically compel payment. That is not the same as a prohibition on imposing mitigation pursuant to CEQA's independent statutory mandates.

This distinction is especially important given the procedural posture of the project. The original EIR and approvals were invalidated and set aside pursuant to court order. As a result, the recirculated EIR must evaluate the project based on current environmental conditions, current regulatory frameworks, and currently available mitigation measures at the time of recertification and project approval. CEQA review following decertification cannot ignore subsequently adopted mitigation programs that bear directly on the significance and mitigation of the project's impacts.

The City's newly adopted VMT Mitigation Fee Program therefore constitutes significant new information and a substantially changed circumstance relevant to the project's GHG Emissions and Climate Change analysis and mitigation framework. The City must evaluate whether payment into the VMT mitigation program would reduce the project's significant GHG and climate-related impacts and, if so, either adopt the mitigation or provide substantial evidence demonstrating that such mitigation is infeasible.

If the City intends to conclude that payment of the VMT mitigation fee would be partially or wholly infeasible, CEQA requires that conclusion to be supported by substantial evidence. As indicated by the Planning Director during City Council hearings for the , such evidence would

require project-specific economic or financial analysis demonstrating why implementation of the mitigation measure cannot feasibly occur. A conclusory assertion that the fee is “not applicable” under the ordinance does not satisfy CEQA’s separate and independent feasibility requirements.

Finally, the City and applicant cannot avoid reconsideration of VMT-related mitigation merely because portions of the original Transportation analysis were not specifically ordered recirculated. VMT is directly relevant to the recirculated GHG Emissions and Climate Change section itself. The PR-DEIR repeatedly relies upon VMT-related plans, policies, regulations, and thresholds in evaluating climate impacts and consistency with statewide emissions-reduction objectives. Because VMT is intertwined with the Project’s climate impacts, mitigation measures addressing VMT remain squarely within the scope of the recirculated CEQA review.

**From:** Ralph Kachadourian [REDACTED] >  
**Sent:** Tuesday, March 09, 2021 5:31 PM PST  
**To:** Mike Sanchez [REDACTED] >  
**Subject:** RE: Costco Project Info

Hope so, but the CUP may be able to cover it. Yes, the tire installation can be associated with the fuel station use, and tire sales are retail inside the store.

---

**From:** Mike Sanchez  
**Sent:** Tuesday, March 09, 2021 5:17 PM  
**To:** Ralph Kachadourian  
**Subject:** RE: Costco Project Info

We need to make a determination if the car wash is an ancillary use. I am not too worried about the tire sales

---

**From:** Ralph Kachadourian  
**Sent:** Tuesday, March 9, 2021 3:58 PM  
**To:** Mike Sanchez  
**Subject:** Costco Project Info

Mike, you may already know this and maybe the CUP process will cover, but the tire center (minor auto repair use) and the car wash are not permitted in the CC zone district.

Ralph Kachadourian  
Supervising Planner

City of  
**FRESNO**  
Planning & Development Department  
Development Services Division  
[REDACTED]  
[REDACTED]

*Due to the current COVID-19 pandemic, City Hall offices are closed to the public and public count services have been suspended. During this rapidly changing environment we find ourselves in, we are all being challenged to provide essential services to our community under difficult circumstances. Planning Division staff has been working remotely to provide public services and will continue to do so electronically and via telephone in as timely a manner as possible. We appreciate your patience. For additional information please see the City of Fresno website <https://www.fresno.gov/>.*



2600 Fresno Street, Room 3043  
Fresno, California 93721-3604  
(559) 621-8277  
[www.fresno.gov](http://www.fresno.gov)

Jennifer K. Clark, AICP, HDFP  
Director

March 17, 2021  
Brandon Northart  
[bnorthart@up-partners.com](mailto:bnorthart@up-partners.com)  
(sent via e-mail only)

*Please reply to:*  
Mindi Mariboho  
DRC Coordinator  
[mindi.mariboho@fresno.gov](mailto:mindi.mariboho@fresno.gov)

**SUBJECT: Preliminary Review Application No. P21-00978.**

**PROJECT: Proposal for construction of an approximately 168,661sq.ft. COSTCO wholesale retail facility that would also include an attached tire center, as well as a detached gas station and a drive-through car wash. The subject property is located on a 23.26-acre undeveloped parcel located on the east side of N. Riverside Dr between W. Herndon Ave and W. Spruce Ave (APN: 50302012).**

**The project also includes a General Plan Amendment to remove the Expressway Area (EA) overlay encompassing the approximately 15-acre southern portion of the parcel along West Herndon Avenue and reclassify that portion of Herndon Avenue fronting the project site to Super-Arterial (SA) roadway classification.**

On 02/26/2021, the proposed project submittal was routed electronically to the Development Review Committee (DRC) for their review along with the additional WebEx meeting held on 3/9/2021, and this letter provides preliminary project comments/recommendations/conditions. This letter and attached documents constitute(s) an initial listing of these review comments and corrections necessary before you formally submit your application electronically through the FASTER system. A submittal checklist is provided at the end of this letter (Part B).

Please be advised this letter and all related comments do not represent any approval of the project, nor do they encompass any mandatory or discretionary conditions that may be required. The intent is to provide only feedback so that a complete application can be submitted. If you have any concerns about any of the preliminary comments contained, please do not hesitate to contact me at the email above.

**Please note:** The information that follows is best viewed electronically as it contains numerous internet links *to access more information.* These links are underlined and in blue.

**PART A: INITIAL COMMENTS/CORRECTION LIST**

1. Zoning and Land Use Requirements (Planning Division)

	a.	<b>Address all items, listed in this DRC letter, by revising your Operational Statement and/or site plans, prior to formal application submittal of the proposed project.</b>
--	----	---

	<p>b. The subject site is zoned CC/EA/UGM/cz (<i>Commercial Community District/ Expressway Overlay/Urban Growth Management/conditions of zoning</i>) and with a general plan land use designation of <i>Commercial Community</i>. Go to the <a href="#">Municode Website</a> for Fresno Municipal Code (FMC) to access Chapter 15, under <a href="#">Article 12</a> and <a href="#">Article 16</a> for additional Development Code provisions and information related to the proposed project.</p>
	<p>c. The Costco wholesale/retail project proposal is classified as; 'Large - Format Retail' and a 'Service Station,' which are conditionally permitted uses in the CC zone district and are subject to a <b>Conditional Use Permit</b>. (submittal requirements contained in Part B below) The proposal for the tire center (tire installation) services can be considered as an incidental/ancillary use to the Costco retail store project.</p>
	<p>d. The proposal for the car wash is classified as, 'Automobile/Vehicle – Washing, which is a use that is <u>not allowed</u> in the CC zone district.</p> <p>To include the car wash, the project site will need to be rezoned. Based on the proposed project uses, consider the following:</p> <ul style="list-style-type: none"> <li>• The CR (Commercial-Regional) zone district identifies 'Automobile/Vehicle – Washing' as a conditionally permitted use. Since a general plan amendment is being proposed to remove the Expressway Area (EA) overlay for a portion of W. Herndon Ave, a rezone from CC(Commercial-Community) to CR(Commercial - Regional) can be included in the plan amendment review process. Per the Development Code, the CR (Commercial-Regional) zone district is the most appropriate classification for this overall type of development proposal. (see <a href="#">Section 15-1201</a>)</li> </ul>
	<p>e. The following development code provisions identifies Specific Uses that are applicable to the project as proposed: 'Service Stations' pursuant to <a href="#">Section 15-2755</a>; and 'Automobile/Vehicle Washing' pursuant to <a href="#">Section 15-2711</a>.</p>
	<p>f. The Fresno Development Code under <a href="#">Chapter 15</a> of the Fresno Municipal Code provides the following Articles identifying code provisions and development requirements that may or will be applicable to the proposed project:</p> <ul style="list-style-type: none"> <li>• <a href="#">Article 20</a> General Site Regulations;</li> <li>• <a href="#">Article 23</a> Landscaping;</li> <li>• <a href="#">Article 24</a>, Parking &amp; Loading;</li> <li>• <a href="#">Article 25</a> Performance Standards (maintenance, lighting, noise, odors, hazardous materials, etc.) and;</li> <li>• <a href="#">Article 26</a> Signs</li> </ul> <p>Please review the provisions under these Articles and where they are applicable to the project, amend plans and operational statement to the extent necessary to achieve compliance.</p>
	<p>g. Development shall take place in accordance with the policies of the <a href="#">Fresno General Plan</a>, the <i>Bullard Community Plan</i>, and with the <i>Commercial – Community</i> planned land use designation.</p>

h.	<p>Planner Review Comments:</p> <ol style="list-style-type: none"><li>1. A proposal for a Plan Amendment/Rezone will be subject to conducting a neighborhood meeting prior to submittal of the formal project review applications. This requirement is specified under <a href="#">Section 15-5805</a> and the applicable procedures to be conducted by the applicant are specified under <a href="#">Section 15-5006</a>.</li><li>2. For a Plan Amendment/Rezone, review the provisions under <a href="#">Article 58</a>. The plan amendment/rezone application review including the project entitlements will be processed concurrently and subject to Planning Commission review with their recommendation for final review and approval by the Fresno City Council.</li><li>3. At time of planning entitlement submittal, please include verification that all property lines are depicted on the site plan per the legal description contained on the site plan and in the Title Report or Deed.</li><li>4. Label, show and dimension on the site plan all footprints of the existing and proposed structures and all parking areas, access driveways and aisle ways, including pedestrian walkways and landscaped areas. Include the locations of the PGE Transmission Towers and indicate the width of the PGE tower easement.</li><li>5. All areas on the project site shall be fully improved.</li><li>6. Submittal of landscape and irrigation plans will be required for the project. Provide landscaping on Outlot 1 and within the remaining portion of the PGE easement at the W. Spruce and N Riverside corner.<ul style="list-style-type: none"><li>• The recommendation to install landscaping for Outlot 1 will maintain an attractive appearance to the project especially from the corner view along this major roadway as well as to the surrounding residential and commercial uses.</li></ul></li><li>7. Signage for the project will be processed under a separate sign review application in accordance with the provisions under FMC <a href="#">ARTICLE 26 - SIGNS</a>. The proposed project may be subject to approval of a Master Sign Program.</li><li>8. Comply with Parking Area Development Standards per FMC <a href="#">Section 15-2416</a> - Electric Vehicle (EV) Parking Requirements will apply.</li><li>9. The project is subject to the <a href="#">City of Fresno Parking Manual</a>.</li><li>10. Review and comply with FMC <a href="#">Section 15-1203</a> – Intensity and Massing Development Standards; <a href="#">Section 15-1204</a> – Site Design Development Standards; and <a href="#">Section 15-1205</a> – Façade Design Development Standards.</li><li>11. Exterior elevations were not submitted for consideration under this preliminary review. Recommend that building designs include enhanced architectural design features with a mix of materials, treatments and colors in a manner that maintains an aesthetic appearance that will compliment the surrounding and nearby residential and retail/commercial developments. (Observation - consider incorporating design details in a manner that would be similar to the Costco located along Great Oaks Blvd in San Jose)</li><li>12. All exterior mechanical and electrical equipment (roof-top and ground</li></ol>
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		<p>mounted) shall be fully screened on all elevations from public view/street views. Provide screening that is architecturally consistent and compatible with the materials and treatments of the building. Extended parapet heights can also provide effective roof-top equipment screening.</p> <p>13. Will the location of the proposed long-term bicycle parking area be adequately secured to prevent theft and/or vandalism?</p>
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2. Public Works Department - Traffic

	a.	Development shall take place in accordance with the <a href="#">Standard Specifications</a> and <a href="#">Standard Drawings</a> of the City of Fresno Public Works Department.
	b.	Site plan shall comply with the <a href="#">Traffic Planning Submittal Requirements</a> .
	c.	See "Exhibit" for Public Works, Traffic Planning's preliminary comments.

3. Fire Department

	a.	<p>The following is based on the documents provided for the DRC process and additional comments may be needed upon review of the formally submitted entitlement.</p> <ol style="list-style-type: none"> <li>1. N. Arthur Ave. already exists as a public road two streets east of N. Fruit Ave. A new public name must be assigned by the Development Dept.</li> <li>2. Public Works has indicated that the N. Arthur public street ROW will be developed as a local street and they will support the change in street status of W. Herndon from expressway to super arterial which will enable the new road connection proposed at W. Herndon.</li> <li>3. Public Utilities has indicated that a 12" water main will be required to be installed in the N. Arthur alignment with connection to the 14" inch in W. Spruce and the 16" water main in W. Herndon.</li> <li>4. Install new public fire hydrants on the N. Arthur alignment water main; show those and the existing public hydrants along W. Spruce on the formally submitted site plan the locations indicated on the Fire site plan redline. Install two private fire hydrants at the locations shown west of north of the building with an 8 inch minimum water main. This private service will likely need two points of connection due to the separation of the private hydrant locations and the fire pump house location area where the service will likely be sought. There are existing public fire hydrants on the west side of N. Riverside, but due to building setback and the median, the hydrants indicated previously will provide the primary hydrant coverage.</li> <li>5. The two existing fire hydrants on W. Spruce were installed in 2007 in an open field and are unique base valve operated type fire hydrants that have a high potential failure rate over time. They need to be replaced with the current Water Division standard hydrant during the new road construction.</li> <li>6. Based on the orientation of the building entry, the project needs a N. Riverside address.</li> </ol>
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	<p>7. Confirm all required fire access roads shall have a 44' centerline turn radius. Required fire vehicle access are as indicated on the redline for fire lane marking.</p> <p>8. Fire lanes need to be designated along the fire access private road system with red curb and NO PARKING FIRE LANE in 3 inch white letters every 50 feet. Coordinate with Public Works on the installation of No Stopping Anytime Tow-Away signs on the west side of the public street proposed east of the building at intervals as determined by that Department. See redline for locations.</p> <p>9. Install CVC 22658 fire lane towaway warning signs at each driveway entrance.</p> <p>10. Show the proposed location of the fire pump room and associated fire department connection on the exterior wall of the minimum one-hour fire rated dedicated room.</p> <p>11. Recheck the spacing on the perimeter high piled rack storage fire access man-doors required at a maximum spacing of 125 feet on center.</p> <p>12. Provide a standard note that all-weather fire access and fire hydrants shall be installed before delivery of combustible material to the job site.</p> <p>13. Be advised the City of Fresno has a local amendment to the 2019 California Fire Code that requires fire sprinklers for all a buildings 5000 or more square feet in area and there are no exceptions for fueling canopies. Indicate the installation of a remote PIV/FDC assembly installed at the W. Spruce frontage to supply this system, see redline.</p> <p>14. Be advised that the underground fuel tank installation requires permits from the Fresno County Environmental Health Division Underground Tank Program which will conduct all inspections of the installation.</p>
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4. Building and Safety Services Division

	a. Upon entitlement approval, plans and permits will be required for the proposed project and reviewed through a separate permitting process. <a href="#">Please click on this link for more information.</a> Please submit these plans for building permits directly to the Building and Safety Services Division.
	b. 1) All building plans shall be in conformance with Current adopted California building Codes including amendments. Current Code Cycle is California Building Code, Title 24, 2019.

5. Department of Public Utilities: Solid Waste

	a. Solidwaste requirements are located in the Document section of the Planning Record under DPU CONDITIONS
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6. Department of Public Utilities: Planning and Engineering (sewer and water)

	a. Sewer requirements are located in the Document section of the Planning Record under DPU CONDITIONS
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The Regional City can and, in many cases, does have several urban centers. For example, the Bay Area has at least three: San Francisco, San Jose, and Oakland. Either multiple or singular, urban centers form the prime structure of a region. They are the business, cultural, and civic centers that provide the global identity and local focus for a region. Whereas suburbs seem to be more and more homogenous, cities remain unique—in form, scale, enterprise, and culture. They can be as different as Chicago and Portland, and their surrounding metropolis is greatly influenced by these differences in identity and focus.

### Districts

Districts are areas outside of neighborhoods and centers that accommodate uses not appropriate for a mixed-use environment. Not all uses can be of a scale, mix, and character that fits within a neighborhood or a center. Examples of such uses are plentiful: light and heavy industrial areas, airports and major seaports, “big-box” retail and distribution centers, central business districts, military bases, and university campuses. These areas are critical to the economic and cultural life of a region but functionally must be separate from the fine grain of a neighborhood or the mix of a center.

However, some single uses, correctly segregated as districts, can be closely integrated with mixed-use areas and centers—and should be. Office parks are a prime example. Under current zoning, these primary work destinations are isolated and clustered into districts near highway interchanges. Through some bizarre identification with factories, offices are seen as a poor fit with village, town, and urban centers. To the contrary, they should be integrated into our mixed-use centers. Such integration adds strength to the retail component of the center, reinforces the transit system supporting the center, and increases the value of any of its civic uses.

The challenge of integrating offices into regional mixed-use centers is often their large scale. Although there is a growing and important segment of office work in small businesses, the large corporation must not be excluded from the region’s centers. This is a design challenge that must not be sidestepped by isolating large corporations in “campus” or office-park settings. In urban centers, the solution is traditional and well established: the high-rise building. In town centers, large-scaled low-rise buildings can be integrated into a block system that respects the pedestrian while allowing efficient building footprints. Shared parking, structured parking, and reduced parking (for

transit accessibility) all can help mitigate the separations typically created by large parking lots. A hierarchy of streets can allow for a front pedestrian side of the office development and a back service and parking side.

Other examples of important uses too often isolated from mixed-use centers are cultural and civic facilities. The ubiquitous suburban civic center or entertainment zone is another lost opportunity to complete and reinforce town and village centers. Our civic buildings along with our cultural facilities should be integrated into the fabric of our communities, mixed with employment, shopping, and some housing. The modern equivalent of "courthouse square" should be a focal point of the Main Streets of the future. Theater districts and movie complexes should likewise be an essential part of the centers that draw our communities together.

In contrast, light industry, such as factories, are another matter. The low intensity of jobs in light industry and factory areas, the need for frequent truck access, and the scale of the buildings do not lend themselves to mixed-use areas. Warehouse facilities and businesses that use toxic materials also need separation into special districts. In a way, big-box retailing is a kind of light industrial use. It is in effect a warehouse that sells merchandise directly. Setting aside the debate about the negative effects of big-box stores on local and neighborhood retail viability, these uses are more appropriate in light industrial areas than in village or town centers.

Some other uses become special districts because of their functional needs. The college or university campus is a good example. Certainly, the edges of these institutions must be clear and identifiable. But the relation between such special districts and town and urban centers is a rich opportunity. The "town and gown" tension adds interest and character to many cities and towns throughout the country. And once again the transit system can be a prime connector to such districts.

### Preserves

Preserves are perhaps the most complex and controversial building block of a regional design: complex because they include so many very different elements, locations, and potential uses; controversial because the means of saving the land and the economic effects are hotly debated. Beyond those lands now protected by federal or state law (wetlands, critical habitat, and so forth), the identification of which types of rural landscapes are appropriate for preservation is a central component of a regional vision. Clearly, such open-space preserves at the edge of a region are almost universally

## Google AI Overview response to the question “How many loading docks does the average big box store have?”

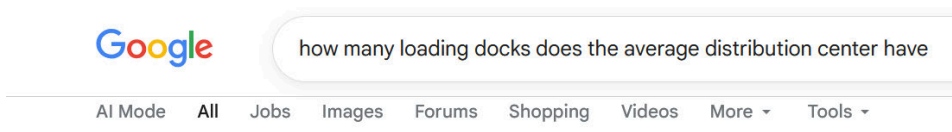
### ◆ AI Overview

The average big box store (such as [Walmart](#), Target, or Home Depot) typically features **2 to 4 loading docks**. These stores usually operate with a small backroom footprint, meaning the receiving areas are primarily used for rapid, scheduled replenishment rather than long-term storage. BCI www.buildcentral.com +4

While a massive distribution center might require 1 loading dock for every 5,000 to 10,000 square feet, retail storefronts prioritize selling space and scale their dock counts based on daily delivery volume: www.warehousesmarket.com

- **2-Dock Setup:** Standard for smaller format big box stores or locations without heavy grocery operations. One dock is usually reserved for full 53-foot truckload (TL) general merchandise trailers, while the other handles less-than-truckload (LTL) deliveries, parcel carriers, or specialized vendor trucks.
- **3 to 4-Dock Setup:** The norm for large "Supercenter" or hypermarket formats that receive high volumes of fresh and frozen groceries alongside general merchandise.
- **Drive-In Ramps:** Most big box store receiving areas also include one **drive-in or grade-level door**, which allows smaller straight trucks (like local beverage or vendor delivery trucks) or forklifts to access the building floor without a raised dock. Link Logistics +3

## Google AI Overview response to the question “How many loading docks does the average distribution center have?” (Note: changing “distribution center” to “logistics facility” results in the same response.)



### ◆ AI Overview

Rather than a single flat average, distribution centers feature loading docks scaled to their facility size and operational throughput. Industry standards typically require roughly **one dock door per 10,000 square feet**. Link Logistics +1

Common warehouse dock distributions scaling by size include:

- **100,000 sq. ft.:** ~10 to 15 dock doors
- **250,000 sq. ft.:** ~25 to 50 dock doors
- **500,000+ sq. ft.:** 100 to 200+ dock doors (typical for large regional fulfillment and cross-docking operations) Link Logistics +1

The exact number depends on the facility's specific turnaround times and shipping volume. For deeper analysis on space allocation, consult [Link Logistics' Warehouse Capacity Guide](#) or [WARE's Industrial Property Specs](#). 🔗

*References:*

<https://www.buildcentral.com/the-big-box-retailer-construction-economy-2/>

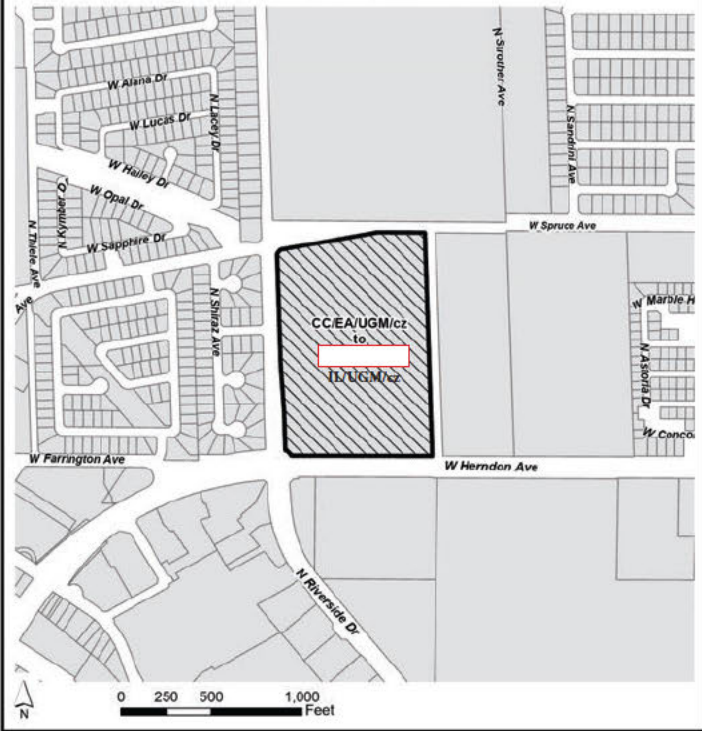
<https://www.linklogistics.com/news-insights/industrial-real-estate-101/how-to-choose-industrial-warehouse-space-essential-features-to-consider/>

<https://www.linklogistics.com/news-insights/industrial-real-estate-101/warehouse-storage-capacity-guide-to-maximizing-space/>

<https://www.warehousesmarket.com/post/docks-and-doors-your-industrial-building-s-exterior-explained>

<https://www.workplacepub.com/material-handling/loading-dock-equipment/designing-the-right-loading-dock-for-your-operation/>

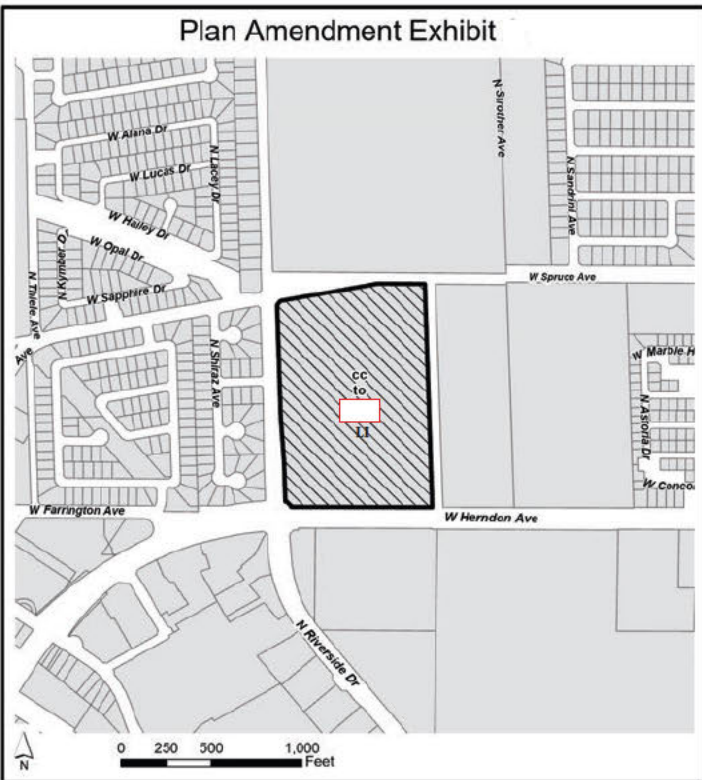
### Rezone Exhibit



P21-01960  
APN: 503-42-012  
7126 N Riverside Drive

Yup, basically just change letters on the figures. No SB 330 issues since neither zone/GP designation includes housing.

### Plan Amendment Exhibit



P21-01960  
APN: 503-42-012  
7126 N Riverside Drive

## PROJECT DATA

CLIENT: COSTCO WHOLESALE  
999 LAKE DRIVE  
ISSAQUAH, WA 98027

PROJECT ADDRESS: NEC OF I-35 & NE 36TH ST  
FRESNO, CA

ACCESSOR'S PARCEL NUMBER: 503-020-12

## SITE DATA:

COSTCO SITE AREA: 21.20 ACRES (923,869 SF)  
FUEL PARCEL AREA: 1.33 ACRES (57,753 SF)  
**TOTAL SITE AREA: 22.53 ACRES (981,622 SF)**

JURISDICTION: CITY OF FRESNO  
EXISTING ZONING: CC/EV/cz  
PROPOSED ZONING: CG/cz

SETBACKS:	REQUIRED	ACTUAL	TBD	TBD
FRONT:	TBD	FRONT:	TBD	TBD
SIDE:	TBD	SIDE:	TBD	TBD
REAR:	TBD	REAR:	TBD	TBD

## BUILDING DATA:

TOTAL BUILDING FOOTPRINT AREA: 219,216 SF

INCLUDES:

<b>GROSS WAREHOUSE</b>	<b>167,960 SF</b>
INCLUDES NET MECHANICAL / FIRE	1,188 SF
INCLUDES OPEN CANOPY	3,233 SF
GROSS MDO	46,834 SF

## PARKING DATA:

TOTAL SITE PARKING: 873 STALLS

INCLUDES:

- 10' WIDE STALLS: 808 STALLS
- ACCESSIBLE STALLS: 25 STALLS

TOTAL RECEIVING PARKING: 40 STALLS

INCLUDES:

- 10' WIDE STALLS: 40 STALLS

EV STALL PARKING: 92 STALLS

NUMBER OF STALLS PER 1000 SF OF BUILDING AREA: 3.98 STALLS

12' WIDE TRAILER PARKING: 33 STALLS

NOTES:  
EXISTING CONDITIONS TO BE FIELD VERIFIED.

ANY SURVEY MONUMENTS WITHIN THE AREA OF CONSTRUCTION SHALL BE PRESERVED OR RESET BY A PERSON LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF CALIFORNIA

REPAIR ALL DAMAGED AND/OR OFF-GRADE CONCRETE STREET IMPROVEMENTS, AS DETERMINED BY THE CONSTRUCTION MANAGEMENT ENGINEER, PRIOR TO OCCUPANCY

2 WORKING DAYS BEFORE COMMENCING EXCAVATION OPERATIONS WITHIN THE STREET RIGHT-OF-WAY AND/OR UTILITY EASEMENTS, ALL EXISTING UNDERGROUND FACILITIES SHALL HAVE BEEN LOCATED BY UNDERGROUND SERVICES ALERT (USA). CALL 1-800-642-2444

## VICINITY MAP



0 25 50 100  
1" = 50'-0"



NOVEMBER 14, 2023

CONCEPT SITE PLAN

D11-34

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# CONCEPT SITE PLAN

NOVEMBER 14, 2023

SEC. 15-1202. - USE REGULATIONS.

A. Table 15-1202 prescribes the proposed land use regulations for Commercial Districts. The regulations for the districts are established by letter designations listed below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review.

"P" designates permitted uses.

"C" designates uses that are permitted after review and approval of a Conditional Use Permit.

"(#)" numbers in parentheses refer to specific limitations listed at the end of the table.

"-" designates uses that are not permitted.

B. Land uses are defined in Article 67, Use Classifications.

C. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character per Section 15-5020, Director's Determination.

D. All permitted uses are allowed either alone or in combination with other permitted uses unless otherwise stated in this Code.

E. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are not permitted.

F. The table also notes additional regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Code.

**TABLE 15-1202: LAND USE REGULATIONS - COMMERCIAL DISTRICTS**

Use Classifications	CMS	CC	CR	CG	CH	CRC	Additional Regulations
...							
INDUSTRIAL USE CLASSIFICATIONS							
...							
Warehousing, Storage, and Distribution							
<b>Indoor Warehousing and Storage</b>	-	-	-	<b>C</b>	<b>C</b>	-	<i>*Limits on max. SF</i> <i>*Limits on max. # of Truck bays</i>
Personal Storage	C	C	C	C	C	C	§ 15-2747, Personal (Mini) Storage
<b>Wholesaling and Distribution</b>	-	-	-	<b>C</b>	<b>C</b>	-	<i>*Limits on max. SF</i> <i>*Limits on max. # of Truck bays</i>

Jose Valenzuela  
Supervising Planner  
City of Fresno  
2600 Fresno Street, Third Floor, Room 3043  
Fresno, CA 93721

**Subject: Costco Commercial Center Draft EIR (State Clearinghouse # 2021100443)**

Dear Mr. Valenzuela,

Presented in this letter are my comments on the Costco Commercial Center Draft EIR. The comments are organized into the following three overarching topic areas:

- 1) Comments regarding potential inconsistency between the operational characteristics identified in the proposed project description and the uses allowed by the proposed General Plan Amendment/Rezone.
- 2) Comments addressing issues and deficiencies in the analysis of specific categories of environmental effects – including Aesthetics, Biological Resources, Greenhouse Gas Emissions, Noise, and Transportation impacts.
- 3) Comments on the Draft EIR's Alternatives analysis.

As a brief prologue to these comments, I want to note that I am generally in favor of the development of a new Costco in northwest Fresno, but I have major reservations with the proposed project site location due to adverse environmental impacts that are specifically attributable to the site. My hope is that it is within the realm of possibility for Costco, the City, and community stakeholders to collaborate and find a viable alternative location that would substantially fulfill the objectives of the project while avoiding the significant costs (environmental and otherwise) that would result from development of the project at the subject location.

Sincerely,

Daniel Brannick

### Greenhouse Gas Emissions

The determination presented in the Draft EIR that the project will result in less than significant impacts involving GHG emissions is fundamentally inconsistent with the Draft EIR's determination that the project will result in significant and unavoidable transportation impacts resulting from the amount of vehicle miles traveled (VMT) associated with the project.

Appendix G of the CEQA Guidelines includes the following question for evaluating the significance of GHG emissions: "Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?"

There is an abundance of information explaining the linkages between GHG emissions and VMT, and even more of an abundance of information available discussing the effects of GHG emissions on climate change and world-wide adverse environmental impacts. While GHG emissions associated with VMT are probably most often thought of as emissions resulting from gas-powered vehicular travel, significant amounts of GHG emissions are also directly and indirectly generated through buildout and ongoing maintenance of the roadway transportation network.

Section 3.7.1 of the Draft EIR (Regulatory Setting for GHG Emissions and Climate Change) includes a list of plans, policies, and regulations concerning GHG emissions and climate change that are applicable to the proposed project. Other GHG-relevant plans, policies, and regulations appear in the Regulatory Setting for the Energy section (Section 3.6.1).

Below is a non-exhaustive list of applicable plans, policies, and regulations plus page references and excerpts with relevant and applicable content regarding the connections between GHG emissions and VMT:

- *2022 CARB SCOPING PLAN*

<https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp.pdf>

(see discussion of VMT on p. 71-72, 192-195, and 270-271)

- *FRESNO COG 2022 RTP/SCS*

<https://www.planfresno.com/sustainable-communities-strategies-fall-outreach/>

- *CITY OF FRESNO VMT GUIDELINES*

<https://www.fresno.gov/wp-content/uploads/2023/03/CEQA-Guidelines-for-Vehicle-Miles-Traveled-Final-Adopted-Version.pdf>

"The impact of transportation has shifted from congestion to climate change, and the purpose of the CEQA analysis is to disclose and ultimately reduce GHG emissions by reducing the number and length of automobile trips." (City of Fresno VMT Guidelines, p. 23)

(See additional discussion of GHG emissions in relation VMT on p. 2, 9, 13)

While the text of the Draft EIR directly mentions or references a number of applicable GHG-related plans, policies, and regulations, the actual analysis in the GHG Emissions section of the Draft EIR is essentially entirely limited to discussion and evaluation of the City of Fresno's Greenhouse Gas Reduction Plan (GHGRP). The City GHGRP

That can allow for analysis, including streamlined GHG analysis in some cases.

On p. 3.7-10, the DEIR correctly explains that streamlining is not available for this project because of the general plan and rezone involved:

*"The City has an adopted GHGRP with a checklist available for use in CEQA analyses; however, the project is amending the general plan such that the project would, by a comparative worst-case scenario analysis, have greater emissions than the land use type included in the general plan."*

The DEIR then goes on to state that the significance analysis can use the GHGRP's same BAU approach to substantiate the determinations for not one but *both* Appendix G questions:

*"Nevertheless, the city has applied the GHGRP's BAU approach to substantiate the significance determination of the project. The use of the GHGRP in determining the project's significance answers both the Appendix G questions of whether the project would directly or indirectly generate substantial GHG emissions as well as conflict with a local or statewide plan to reduce GHG emissions (in this case, the city's GHGRP)."*

There are two big issues here. First, the phrasing of this statement could lead one to believe that showing consistency with the GHGRP is the *only* step needed or the *only* applicable plan for this project. While the City's GHGRP is informed by and related to a variety of other GHG plans, policies, and regulations, it is not so fully overlapping or authoritative (especially in a non-streamlining scenario as is the case with this project) that consistency with the GHGRP equates to or supersedes consistency determinations for all other applicable GHG plans, policies, and regulations.

Second, there is language in the Draft EIR itself that appears to directly state or infer conflicts and/or inconsistencies between the project (particularly because of its VMT) and applicable GHG plans, policies, and regulations (see Draft EIR excerpts below, with underlining added for emphasis by me):

On p. 3.7-12:

*The 2022 Scoping Plan provides the framework for achieving these aggressive targets, and includes language that can be interpreted as revising the goal for 2030 to 48 percent reduction from 1990 levels as compared to the 40 percent reduction legislated in SB 32 (CARB 2022: 71).*

*The goals established in the GHGRP were designed to adhere to the, then, most current GHG reduction target mandated by SB 32 (i.e., 40 percent reduction from 1990 levels by 2030). It is therefore foreseeable that the GHGRP's existing targets could be interpreted as inconsistent with the state's current long-term GHG reduction goals for 2030 (i.e., 48 percent below 1990 levels by 2030) and 2045 (i.e., 85 percent reduction from 1990 levels and carbon neutrality).*

On p. 3.7-13:

*Additionally, the use of CAP consistency for CEQA determinations is still supported by CARB in Appendix D of the 2022 Scoping Plan (CARB 2022: 7-10). The 2022 Scoping Plan does not explicitly state that the new reduction goals of AB 1279 disqualify existing CAPs that align with the state's previous target of reducing emissions by 40 percent from the 1990 inventory.*

(Note: The appearance of this statement leads me to believe it is strongly suggested by the 2022 Scoping Plan

Further, in some places where the Draft EIR purports to show the project's consistency, there are explanations provided that are logically inconsistent and/or astonishingly misleading.

In Appendix B, Table B-1 of the DEIR's Energy technical subreport (included as Appendix E of the Draft EIR; p. 905 of the DEIR PDF) states the following:

*The Project would not conflict with the implementation of SB 375. Furthermore, the Project would be consistent with the goals of the Fresno Council of Government's (Fresno COG's) Regional Transportation Plan/Sustainable Communities Strategy, which demonstrates how the Fresno region under Fresno COG's jurisdiction will meet the emission reduction targets of SB 375.*

By exceeding the VMT threshold, the project is absolutely at odds with SB 375's GHG reduction goals and the means of achieving those goals as well as the 2022 CARB Scoping Plan, the RTP/SCS, the City of Fresno VMT Guidelines, and numerous other comprehensive GHG emissions-related pieces of policymaking and regulation that involve consideration of VMT.

Also see the project's GHG Emissions Technical Report (Appendix F of the Draft EIR; p. 1085 of the DEIR PDF). In that document, while the consistency analysis seemingly hand-waives away the project's GHG impacts resulting from its VMT because "the [VMT reduction] goal is not applicable to an individual commercial project" (a statement which warrants calling out that this proposal entails even more than that – it is a GPA/rezone along with a uniquely outsized project that can effect VMT and GHG on a citywide if not regionwide basis), the analysis goes on tout how project-specific measures to help mitigate VMT will also help reduce GHG and thus demonstrate consistency with the 2022 CARB Scoping Plan and Fresno COG RTP/SCS goals and policies to reduce VMT. This double-standard where project-specific adverse impacts seemingly do not count but project-specific benefits do count is a very problematic form of reasoning.

The concluding rationale state in part that because "the GHGRP is designed to be updated periodically, [...] it is assumed that such updates would account for the state's most recent long-term GHG reduction goals of AB 1279." (p. 3.7-13 of the Draft EIR). Future updates would not magically retroactively address significant GHG effects of this project that will be largely irreversibly set in motion upon approval of the project. It sets back efforts and shifts the reduction burdens to future projects and plans.

While GHG analyses might be the most technically-heavy and complex topics of environmental effect covered in CEQA, and VMT is a similarly esoteric topic for most people, the VMT-GHT cause-effect

relationship is unequivocally clear. There are some specific situations where it may somehow be justifiable to determine that a project with VMT exceeding the applicable threshold would not also be considered to have a significant and unavoidable (and generally there are screening criteria or other exemptions available to identify and address these situations). However, large retail/employment projects constructed in suburban edge locations like the subject project site are among the poster children for highly-impactful high-VMT projects with high GHG emissions that are squarely targeted to be addressed through GHG-reduction policymaking and regulation. It cannot be pretended that a project of this nature and this scale (“the largest Costco in the world”) – both at the project-specific and cumulative level – does not unequivocally conflict with the 2022 CARB Scoping Plan, the RTP/SCS, SB 743, and other plans, policies, and regulations that have been adopted to address GHG emissions and climate change.

In *Sierra Club v. County of Fresno* (a.k.a. the “*Friant Ranch*” case), a key part of the California Supreme Court’s ruling in that case is that an EIR must include “sufficient detail to enable those who did not participate in its preparation to understand and consider meaningfully the issues the proposed project raises.” An additional key part of the ruling, which was related to the adequacy of an EIR’s air quality analysis, is that an EIR must show a “reasonable effort to substantively connect a project’s air quality impacts to likely health consequences.” Under the same line of reasoning that follows from *Friant Ranch*, the CEQA document here is required to make reasonable effort to substantially connect the project’s VMT impacts to GHG emissions impacts and consequences; based on the foregoing information presented in these comments, it has not done so.

CEQA Guidelines section 15088.5 require a lead agency to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR. Per 15088.5, “significant new information” requiring recirculation includes:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.*
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.*

The Draft EIR’s failure to identify policy and regulatory conflicts and inconsistencies resulting from the project’s GHG-related impacts (which stem from its acknowledged threshold-exceeding VMT levels) as being significant and unavoidable impact is a major analytical and informational deficiency. Since recirculation is required in situations involving subsequent identification of a significant and unavoidable impact which was not previously identified as such, recirculation of this EIR with the necessary updated information should be required in order for the environmental review process to comply with CEQA.

As a general reminder, CEQA does not ban projects with significant and unavoidable impacts from ultimately being carried out when there are compelling reasons to do so (and those reasons, presented in a Findings of Fact and Statement of Overriding Considerations, can be pretty broad and be for legitimate and non-environmentally-centric reasons). What CEQA does require is disclosure of information in order to allow informed understanding and meaningful public participation.

City of Fresno  
2600 Fresno Street  
Fresno, CA 93721

**Subject: Costco Commercial Center Project (CEQA State Clearinghouse # 2021100443)**  
**Response to Final EIR Information and Comments**

Dear Councilmembers,

Presented in this letter are comments addressing the Response to Comments and other information provided as part of the Final EIR for the proposed Costco Commercial Center Project. I originally emailed these comments to the City's Planning Department and the City Clerk's Office for consideration at the March 7th City Council meeting but did not see them included as part of the Agenda packet for the April 18th meeting, so I am resubmitting them to ensure they are included in the record. (Note: This letter includes some minor updates from the prior letter submitted in March.)

The comments are organized into what are essentially the same three topic areas from my DEIR comment letter:

- 1) *Comments regarding inconsistency between the operational characteristics identified in the proposed project description and the uses allowed by the proposed General Plan Amendment and Rezone.*
- 2) *Comments addressing issues and deficiencies in the analysis of specific categories of environmental effects (For this letter, the comments are particularly focused on Greenhouse Gas Emissions and Transportation impacts).*
- 3) *Comments on the adequacy of the Draft EIR's Alternatives analysis.*

I appreciate that the Final EIR provided at least some information which helped provide clarity on the content and analysis from the DEIR. However, as I stated during my public comments in opposition to the proposed project at its Planning Commission hearing, "Responses are not always answers." The zoning consistency issue has not been resolved, and inadequacies in the environmental analysis persist. Some of these issues and inadequacies pertain to environmental planning and CEQA topics that are particularly technical in nature, while others involve issues that are plainly recognized – such as those related to the transportation and safety concerns expressed in numerous DEIR comments.

The comments presented in this letter are primarily intended to refer back to issues that have already been raised where additional discussion is appropriate, but a portion of the comments also address information that was discovered months after the DEIR review and comment period was completed.

[...]

### Greenhouse Gas Emissions

Response I103-5 addresses comments regarding GHG emissions and in particular purports to justify the EIR's differing significance determinations regarding the project's VMT-related transportation effects and its GHG emissions effects. This response here along with the determination regarding GHG Emissions impacts in the DEIR is simply baffling and infuriating. For reasons previously discussed in my DEIR comments, the determination that the project will have significant and unavoidable VMT-related impacts while having no significant impact regarding GHG emissions is irreconcilable.

The following additional comments are intended to further clarify the comments previously presented in my DEIR comment letter:

- 1) Conflicts and inconsistencies attributable to the project's VMT in excess of established thresholds are already identified in the EIR and its GHG Appendix (see attached pages at the end of this letter). In addition to the very direct inconsistency with Item 1(h) in the GHGRP checklist, the overall amount of references made to VMT in the consistency checklists is very demonstrative at a holistic level of how significant and important reducing VMT is to reducing GHG emissions and achieving climate goals. It is also noted that the consistency analysis seems to arbitrarily imply that the consistency items are all of equal weight and that inconsistency/conflict with an item can be offset simply by demonstrating consistency with a majority of other items. This line of apples-to-oranges reasoning is improper.
- 2) While the CEQA Guidelines Appendix G Checklist is organized such that 15061.4(b) (which was implemented by SB 743) is directly presented in the list of questions for Transportation impacts, SB 743 and the policies and regulations implemented via its adoption are absolutely about GHG emissions. This is demonstrated by the fact that SB 743 is specifically identified and discussed in the DEIR's Regulatory Setting for the Greenhouse Gas Emissions section as well as in the Greenhouse Gas Emissions Technical Report (DEIR Appendix F). This should be viewed as a complete refutation of the narrow-minded assertion in the FEIR/Response to Comments that VMT in excess of threshold levels referenced by 15061.4(b) is somehow not also in conflict/inconsistent with applicable policy and regulations intended to reduce GHG emissions, and/or that this impact should only be looked at or called out as a "Transportation" impact because of how the Appendix G Checklist is organized. This project – a large-format Costco retail store featuring 36 gas pumps that largely deters or precludes low-VMT development in its proximity due to its inherent physical and operational characteristics – is an extremely apt example of the type of project which the enactment of SB 743 sought to target through its multifaceted aim which includes reducing GHG emissions through encouragement of infill development and a diversity of uses instead of sprawl.
- 3) In addition to failing to appropriately identify the significant and unavoidable impact as required by CEQA, the rationale and comments demonstrate what arguably amounts to an attempt to willfully confuse the meaning of and/or downplay the significance of the EIR's own significant-and-unavoidable determination regarding the project's threshold-exceeding VMT levels. The approach being taken in the EIR functionally serves to keep the project's VMT impacts in the realm of "technical minutiae" and cuts against the provision of adequate information to the public and fostering of meaningful public participation.

- 4) The comment below is meant to clean up a typo/omission from my DEIR comments, specifically in the parenthetical part of the comment.

On p. 3.7-13:

*Additionally, the use of CAP consistency for CEQA determinations is still supported by CARB in Appendix D of the 2022 Scoping Plan (CARB 2022: 7-10). The 2022 Scoping Plan does not explicitly state that the new reduction goals of AB 1279 disqualify existing CAPs that align with the state's previous target of reducing emissions by 40 percent from the 1990 inventory.*

(Note: The appearance of this statement leads me to believe it is strongly suggested by the 2022 CARB Scoping Plan that older plans not accounting for AB 1279 such as the City's GHGRP are actually now out of compliance.)

Again, CEQA does not ban projects with significant and unavoidable impacts from ultimately being carried out when there are compelling reasons to do so, and the range of legitimate reasons is broad and can be for non-environmentally-centric reasons. What CEQA does require though is sufficient disclosure of information in order to allow informed understanding and meaningful public participation, and that has not happened here.

The Draft EIR's failure to identify policy and regulatory conflicts and inconsistencies resulting from the project's GHG-related impacts (which stem from its acknowledged threshold-exceeding VMT levels) as being significant and unavoidable impact is a major analytical and informational deficiency. Since recirculation is required in situations involving subsequent identification of a significant and unavoidable impact which was not previously identified as such, recirculation of this EIR with the necessary updated information should be required in order for the environmental review process to comply with CEQA.

[...]

**Table C-1. Consistency with 2022 CARB Scoping Plan Update**

Costco Commercial Center  
Fresno, California

Priority Areas	Priority GHG Reduction Strategies	Consistency
Transportation Electrification	Convert local government fleets to ZEVs and provide EV charging at public sites	<b>Consistent.</b> Although this goal is not applicable to an individual commercial development project, the Project includes an EV parking requirement and includes 45 installed EV spaces.
	Create a jurisdiction-specific ZEV ecosystem to support deployment of ZEVs statewide (such as building standards that exceed state building codes, permit streamlining, infrastructure siting, consumer education, preferential parking policies, and ZEV readiness plans)	
VMT Reduction	Reduce or eliminate minimum parking standards	<b>Consistent.</b> Although this goal is not applicable to an individual commercial development project, the Project is implementing neighborhood design improvements such as pedestrian network improvements and constructing bikeway facilities as part of the project. The Project also includes a redesignation from Expressway Area to Superarterial, which allows for multiple modes of travel traffic, including pedestrian and bikes. This could lead to further development of these types of non-vehicular facilities, including bike lanes and sidewalks, which are not currently allowed under the Expressway Area designation.  In addition, the Project plans to encourage employee commute trip reduction through a variety of strategies. The project will provide carpool incentives, partner with local agencies to provide vanpool services, subsidize transit passes and provide bicycle storage and locker rooms for employees who bike to work. This will reduce the employee VMT and provide incentives for employees to commute to work alternative ways.
	Implement Complete Streets policies and investments, consistent with general plan circulation element requirements	
	Increase access to public transit by increasing density of development near transit, improving transit service by increasing service frequency, creating bus priority lanes, reducing or eliminating fares, microtransit, etc.	
	Increase public access to clean mobility options by planning for and investing in electric shuttles, bike share, car share, and walking	
	Implement parking pricing or transportation demand management pricing strategies	
	Amend zoning or development codes to enable mixed-use, walkable, transit-oriented, and compact infill development (such as increasing the allowable density of a neighborhood)	
Building Decarbonization	Preserve natural and working lands by implementing land use policies that guide development toward infill areas and do not convert "greenfield" land to urban uses (e.g., green belts, strategic conservation easements)	<b>Consistent.</b> Although this goal is not applicable to an individual commercial development project, the Project plans to use PG&E's Solar Choice program, which provides 100% solar energy to customers. In addition, to the extent applicable to the Project, the Project would meet the CalGreen Building Standards Code in effect at the time of building permit application, which would include a number of energy saving requirements.
	Adopt all-electric new construction reach codes for residential and commercial uses	
	Adopt policies and incentive programs to implement energy efficiency retrofits for existing buildings, such as weatherization, lighting upgrades, and replacing energy-intensive appliances and equipment with more efficient systems (such as Energy Star-rated equipment and equipment controllers)	
	Adopt policies and incentive programs to electrify all appliances and equipment in existing buildings such as appliance rebates, existing building reach codes, or time of sale electrification ordinances	
	Facilitate deployment of renewable energy production and distribution and energy storage on privately owned land uses (e.g., permit streamlining, information sharing)	
Deploy renewable energy production and energy storage directly in new public projects and on existing public facilities (e.g., solar photovoltaic systems on rooftops of municipal buildings and on canopies in public parking lots, battery storage systems in municipal buildings)		

**Abbreviations:**

- CalGreen - California Green Building Standards Code
- CARB - California Air Resources Board
- EV - electric vehicle
- GHG - greenhouse gas
- PG&E - Pacific Gas & Electric
- VMT - vehicle miles traveled
- ZEV - zero emission vehicle

**Table C-2. Consistency with Fresno Regional Transportation Plan/Sustainable Communities Strategy**  
 Costco Commercial Center  
 Fresno, California

#	Goal	Policy	Consistency Analysis
1	Improved mobility and accessibility for all	<p>Encourage and prioritize full, fair, and equitable participation by all affected communities in transportation decision-making and planning processes.</p> <p>Actively work to ensure equitable distribution of the benefits and burdens of transportation projects.</p> <p>Promote the improvement and expansion of accessible transportation options to serve the needs of all residents, especially those who have historically faced disproportionate transportation burdens.</p>	<p><b>Consistent.</b> Although this goal is not applicable to an individual commercial development project, it is envisioned that Project's location will provide convenient access for nearby residences for additional retail shopping experiences. In addition, the project is implementing neighborhood design improvements such as pedestrian network improvements and constructing bikeway facilities as part of the project, and will be located in close proximity to transit stops (e.g., NW Herndon-Hayes transit stop).</p>
2	Vibrant communities that are accessible by sustainable transportation options	<p>Encourage alternatives to single-occupancy vehicles that reduce vehicle miles traveled (VMT) and greenhouse gas emissions.</p> <p>Support investment in and promotion of active transportation and transit to improve public health and mobility, especially in historically underinvested areas.</p> <p>Encourage sustainable development that focuses growth near activity centers and mobility options that achieve greater location efficiency.</p> <p>Support local jurisdictions' efforts to minimize the loss of farmland, environmentally sensitive areas, and natural resources</p> <p>Support local jurisdictions' efforts to facilitate the development of diverse housing choices for all income groups.</p> <p>Facilitate and promote interagency coordination and consistency across planning efforts.</p> <p>Incentivize and support efforts to improve air quality and minimize pollutants from transportation.</p>	<p><b>Consistent.</b> Although this goal is not applicable to an individual commercial development project, the Project includes a redesignation from Expressway Area to Superarterial, which allows for multiple modes of travel traffic, including pedestrian and bikes. This could lead to further development of these types of non-vehicular facilities, including bike lanes and sidewalks, which are not currently allowed under the Expressway Area designation.</p> <p>In addition, the project is implementing neighborhood design improvements such as pedestrian network improvements and constructing bikeway facilities as part of the project. The Project will be located nearby transit facilities such as the NW Herndon-Hayes transit stop, thus allowing for alternatives to single-occupancy vehicle visits to the Project that would support efforts to improve air quality and minimize pollutants from transportation.</p>
3	A safe, well-maintained, efficient, and climate-resilient multimodal transportation network	<p>Prioritize investment in and promote multimodal safety measures to reduce traffic fatalities and incidents in the region.</p> <p>Promote enhanced Transportation Systems Management (TSM) and Transportation Demand Management (TDM) strategies to reduce congestion and vehicle miles traveled.</p> <p>Encourage improvements in travel connections across all modes to create an integrated, accessible, and seamless transportation network.</p> <p>Maximize the cost-effectiveness of transportation improvements.</p> <p>Encourage investments that increase the system's resilience to extreme weather events, natural disasters, and pandemics.</p> <p>Preserve and maintain existing multimodal transportation assets in a state of good repair</p>	<p><b>Consistent.</b> Per the Transportation Impact Analysis, the Project would be consistent with the applicable plans, policies, and programs and would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.</p> <p>The Project plans to encourage commute trip reduction through a variety of strategies. The Project will provide carpool incentives, partner with local agencies to provide vanpool services, subsidize transit passes and provide bicycle storage and locker rooms for employees who bike to work. This will reduce the employee VMT and provide incentives for employees to commute to work alternative ways.</p> <p>The Project is implementing neighborhood design improvements such as pedestrian network improvements and constructing bikeway facilities as part of the project. In addition, the Project would be located nearby to transit stops and thus would allow for utilization of existing transit facilities to visit the Project.</p>
4	A transportation network that supports a sustainable and vibrant economy	<p>Support local and regional economic development by leveraging planning and transportation funds that foster public and private investment.</p> <p>Facilitate efficient, reliable, resilient, and sustainable goods movement.</p>	<p><b>Consistent.</b> Although this goal is not applicable to an individual commercial development project, the Project will facilitate goods movement to the Fresno area and provide approximately 165 to 175 jobs.</p>
5	A region embracing clean transportation, technology, and innovation	<p>Support innovative mobility solutions that are accessible, affordable, reduce greenhouse gas emissions, and improve air quality.</p> <p>Support efforts to expand broadband access throughout the region.</p>	<p><b>Consistent.</b> Although this goal is not applicable to an individual commercial development project, the Project would be located nearby to transit stops and thus would allow for utilization of existing transit facilities to visit the Project. In addition, the Project includes an EV parking requirement and includes 45 installed EV spaces.</p> <p><b>Not Applicable.</b></p>

**Abbreviations:**  
 EV - electric vehicle  
 NW - northwest  
 TDM - Transportation Demand Management  
 TSM - Transportation Systems Management  
 VMT - vehicle miles traveled

### 3. Greenhouse Gas (GHG) Reduction Plan Update - CEQA Project Consistency Checklist

GHG Reduction Plan Update consistency review involves the evaluation of project consistency with the applicable strategies of the GHG Reduction Plan Update. The GHG reduction strategies identified in the GHG Reduction Plan Update relies upon the General Plan and additional local measures as the basis of the development related strategies to reduce GHG emissions. This checklist is developed based on the key local GHG reduction strategies and actions identified in the GHG Reduction Plan Update that are applicable to proposed development projects. Note that not all strategies listed below will apply to all projects. For example, not all projects will meet mixed-use related policies of the General Plan, because not all projects are required to be mixed use.

Checklist Item (Check the appropriate box and provide an explanation for your answer)	Relevant General Plan Policy	Yes	No	Not Applicable (NA)	Explanation
<b>1: Land Use and Transportation Demand Strategies</b>					
a. Does the project include mixed-use, development? For GHG Reduction Plan consistency, mixed-use development is defined as pedestrian-friendly development that blends two or more residential, commercial, cultural, or institutional, uses, one of which must be residential	Policy UF-1-c, LU-3-b, Objective-UF 12, UF-12-a, UF-12-b, UF-12-d, Policy RC-2-a			NA	The project is not a mixed-use development as it does not include residential development.
b. Is the project high density? For GHG Reduction Plan consistency, is the project developed at 12 units per acre or higher?	LU-5-f			NA	The project is not high density.
c. Is the project infill development, pursuant to the General Plan definition of location within the City limits as of December 31, 2012?	LU-2-a, Objective-12, UF-12-a, UF-12-b, UF-12-d	yes			
d. Does the project implement pedestrian bicycle, and transit linkages with surrounding land uses and neighborhoods? For GHG Reduction Plan consistency, the project must include all sidewalks, paths, trails, and facilities required by the General Plan and Active Transportation Plan, as implemented through the Fresno Municipal Code and project conditions of approval.	Policy UF-1-c, UF-12-e, Policy RC-2-a, Objective MT-4,5,6, Policy MT-4-c, Policy MT-6-a, Policy POSS-7-h Objective MT 8, Policies MT-8-a, MT-8-b	yes			The project implements pedestrian, bicycle, and transit linkages to surrounding land uses and neighborhoods consistent with Fresno's General Plan and Active Transportation Plan.
e. If the project includes mixed-use or high density development, is it located within ½ mile of a High Quality Transit Area as defined in the City's CEQA Guidelines for Vehicle Miles Traveled? Or, is the project located within 500 feet of an existing or planned transit stop?	Policy UF-12-a, UF-12-b, LU-3-b, Objective MT 8, Policies MT-8-a, MT-8-b			NA	The project is not a mixed-use or high density development
f. Will the project accommodate a large employer (over 100 employees) and will it implement trip reduction programs such as increasing transit use, carpooling, vanpooling, bicycling, or other measures to reduce vehicle miles traveled pursuant to San Joaquin Valley Air Pollution Control District Rule 9410?  See the SJVAPCD website for details: <a href="https://www.vallevair.org/rules/currentrules/r9410.pdf">https://www.vallevair.org/rules/currentrules/r9410.pdf</a>	Policy MT-8-b, Objective MT-9, Policy MT-10-c, San Joaquin Valley Air Pollution Control District Rule 9410	yes			The project will implement trip reduction programs to encourage carpooling and other measures to reduce employee VMT.

Checklist Item (Check the appropriate box and provide an explanation for your answer)	Relevant General Plan Policy	Yes	No	Not Applicable (NA)	Explanation
g. If the project includes modifications to the transportation network, do those improvements meet the requirements of the City of Fresno's Complete Streets Policy, adopted in October 2019? According to the policy, a complete street is a transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users - including bicyclists, pedestrians, transit vehicles, trucks, and motorists - appropriate to the function and context of the facility while connecting to a larger transportation network.  See City of Fresno website for details: <a href="https://www.fresno.gov/publicworks/wp-content/uploads/sites/17/2019/10/Complete-Streets-091119.pdf">https://www.fresno.gov/publicworks/wp-content/uploads/sites/17/2019/10/Complete-Streets-091119.pdf</a>	MT-1-g, MT-1-h	yes			The project includes modifications to the transportation network consistent with the City's Complete Streets Policy. Such improvements include constructing sidewalk along the project frontage, constructing a multi-use path, and installing striping to better delineate the roadway cross section for different users.
h. Does the project have a less than significant VMT impact, either through satisfying screening criteria or mitigating VMT impacts, pursuant to the City's adopted VMT thresholds?  See City of Fresno website for details: <a href="https://www.fresno.gov/darm/wp-content/uploads/sites/10/2021/01/CEQA-Guidelines-for-Vehicle-Miles-Traveled-Final-Adopted-Version.pdf">https://www.fresno.gov/darm/wp-content/uploads/sites/10/2021/01/CEQA-Guidelines-for-Vehicle-Miles-Traveled-Final-Adopted-Version.pdf</a>	MT-2-b, MT-2-c	no			The project has a significant VMT impact.
<b>2: Electric Vehicle Strategies</b>					
a. For new multi-family dwelling units with parking, does the project provide EV charging spaces capable of supporting future EV supply equipment (EV capable) at 10% of the parking spaces per 2019 California Green Building Standards Code (CALGREEN, Title 24, Part 11), Section 4.106.4	Policy RC-8-j			NA	The project does not consist of multi-family dwelling units.
b. For new commercial buildings, does project provide EV charging spaces capable of supporting EV capable spaces at 4% to 10% of the parking spaces per 2019 California Green Building Standards Code (CALGREEN, Title 24, Part 11), Section 5.106.5.3	Policy RC-8-j	yes			Of 889 parking spaces, there will be 45 installed EV spaces, which is 5% of the parking spaces (in range).
<b>3: Energy Conservation Strategies</b>					
a. Does the project meet or exceed mandatory state building energy codes? If yes, does the project follow any other GreenPoint ratings such as LEED, Energy Star or others? If yes, indicate level of certification-Silver, gold, platinum if applicable?	Policy RC-5-c, Objective RC-8, Policy RC 8-a	yes			The project meets mandatory building energy codes; Costco's warehouse designs are consistent with the requirements of LEED.
b. For commercial projects, does the project achieve net zero emissions electricity?  Mark NA if project will be permitted before 2030. Mark Yes if voluntary. Add source and capacity in explanation.	Additional Recommended GHG Plan Measure, supports Objective RC-8			NA	Project buildout is in 2023.

Checklist Item (Check the appropriate box and provide an explanation for your answer)	Relevant General Plan Policy	Yes	No	Not Applicable (NA)	Explanation
<b>4: Water Conservation Strategies</b>					
<p>a. Does the project meet or exceed the mandatory outdoor water use measures of the 2019 California Green Building Standards Code (CALGREEN, Title 24, Part 11), Section 4.304?</p> <p>If the project exceeds CalGreen Code mandatory measures provide methods in excess of requirements in the explanation.</p> <p>Examples include outdoor water conservation measures such as; drought tolerant landscaping plants, compliant irrigation systems, xeriscape, replacing turf etc. Provide the conservation measure that the project will include in the explanation.</p>	Objective RC-7, Policy RC-7-a, RC-7-h	yes			The project meets the mandatory outdoor water use measures.
<p>b. Does the project meet or exceed the mandatory indoor water use measures of the 2019 California Green Building Standards Code (CALGREEN, Title 24, Part 11), Section 4.303?</p> <p>If the project exceeds CalGreen Code, mandatory measures provide methods in excess of requirements in the explanation. Examples may include water conserving devices and systems such as water leak detection system, hot water pipe insulation, pressure reducing valves, energy efficient appliances such as Energy Star Certified dishwashers, washing machines, dual flush toilets, point of use and/or tankless water heaters.</p>	Objective RC-7, Policy RC-7-a, RC-7-e	yes			The project meets the mandatory indoor water use measures. High-efficiency restroom fixtures save 40% more water.
<b>5: Waste Diversion and Recycling Strategies</b>					
<p>a. Does the project implement techniques of solid waste segregation, disposal and reduction, such as recycling, composting, waste to energy technology, and/or waste separation, to reduce the volume of solid wastes that must be sent to landfill facilities?</p>	Policy PU-9-a, RC-11-a	yes			Costco prefers full metal buildings in order to use the maximum amount of recycled material.
<p>b. During construction will the project recycle construction and demolition waste?</p>	Policy RC-11-a	yes			The project will recycle construction and demolition waste.
<p>c. Does the project provide recycling canisters in public areas where trashcans are also provided?</p>	Policy RC-11-a	yes			The project will provide recycling canisters.

Note: The GHG reduction strategies included in this checklist are based on the GHG reduction strategies identified in the Chapter 5 of the GHG Reduction Plan Update.



## 1.0 INTRODUCTION

Senate Bill (SB) 743, signed in 2013, changes the way transportation studies are conducted in California Environmental Quality Act (CEQA) documents. Vehicle miles traveled (VMT) replaces motorist delay and level of service (LOS) as the metric for impact determination. For development projects, VMT is simply the product of the daily trips generated by a new development and the distance those trips travel to their destinations. For capital projects, impacts are identified as the new VMT attributable to the added capital project, both from the installation of the facility and the induced growth—a new term in the CEQA lexicon—generated as a result of induced land use.

In January 2019, the Natural Resources Agency and the Governor’s Office of Planning and Research (OPR) codified SB 743 into the Public Resources Code (PRC) and the *State CEQA Guidelines*. *State CEQA Guidelines* Section 15064.3 subdivision (b) states:

- 1. Land Use Projects.** Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact.
- 2. Transportation Projects.** Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact. For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements. To the extent that such impacts have already been adequately addressed at a programmatic level, such as in a regional transportation plan EIR, a lead agency may tier from that analysis as provided in Section 15152.
- 3. Qualitative Analysis.** If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project’s vehicle miles traveled qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate.
- 4. Methodology.** A lead agency has discretion to choose the most appropriate methodology to evaluate a project’s vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project’s vehicle miles traveled, and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.

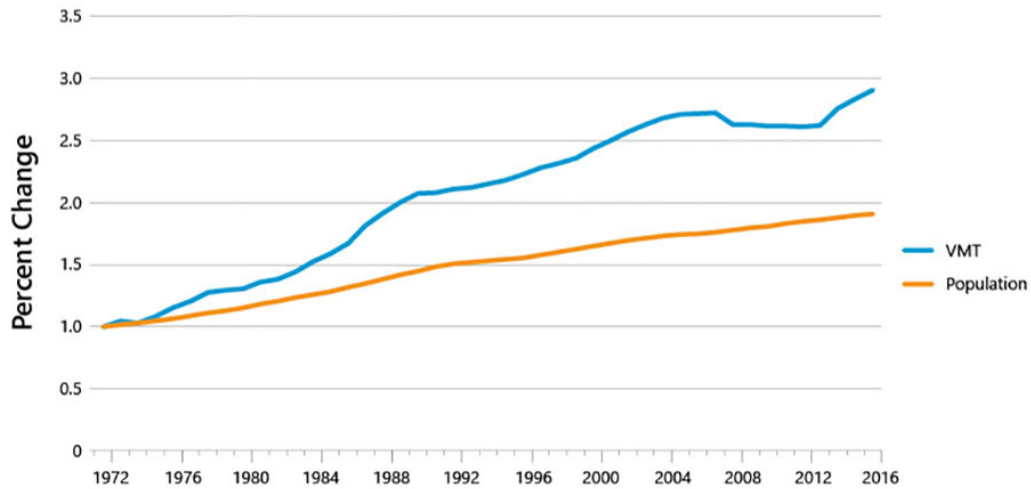
The OPR provides a Technical Advisory (TA) as a guidance document to establish thresholds for this new VMT metric. The laws and rules governing the CEQA process are contained in the CEQA statute





(PRC Section 21000 and following), the *State CEQA Guidelines* (California Code of Regulations, Title 14, Section 15000 and following), published court decisions interpreting CEQA, and locally adopted CEQA procedures. The TA is intended as a reference document; it does not have the weight of law. Yet, deviating from the TA is best undertaken with substantial evidence to support the agency action.

The State of California is committed to reducing greenhouse gas (GHG) emissions and achieving long-term climate change goals. To achieve these climate change goals, California needs to reduce VMT. As illustrated in Figure 1, over the last 40 years, with increase in statewide population, the overall VMT has also increased. As illustrated in Figure 2, transportation is the single largest sector contributing to the State’s GHG emissions. More than 40 percent of the GHG emissions come from the transportation sector, primarily passenger cars and light-duty trucks. Reducing the number of vehicle trips and reducing the length of trips are expected to result in reduced VMT and reduced GHG emissions. The new *State CEQA Guidelines* and the establishment of VMT thresholds for CEQA analyses is linked to GHG reduction strategies and overall statewide climate change goals.



Source: <https://ca50million.ca.gov/transportation/>

**Figure 1: VMT Per Capita Compared to Population in California**



## 4.0 SIGNIFICANCE THRESHOLDS FOR DEVELOPMENT PROJECTS

The TA states that SB 743 and all CEQA VMT transportation analyses refer to automobiles. Here, the term automobile refers to on-road passenger vehicles, specifically cars and light duty trucks (page. 4). Heavy-duty trucks can be addressed in other CEQA sections (air quality, greenhouse gas, noise, and health risk assessment analysis) and are subject to regulation in a separate collection of rules under CARB jurisdiction. This approach was amplified by Chris Ganson, Senior Advisor for Transportation at OPR, in a recent presentation at the Fresno COG (October 23, 2019) and by Ellen Greenberg, the California Department of Transportation (Caltrans) Deputy Director for Sustainability, at the San Joaquin Valley Regional Planning Agencies' Directors' Committee meeting (January 9, 2020).

The OPR has identified the subject of the thresholds as the primary trips in the home-based typology: specifically, home-based work tours. This includes residential uses, office uses, and retail uses. The home-based work tour type is the primary tourmaking during the peak hours of commuter traffic in the morning and evening periods.

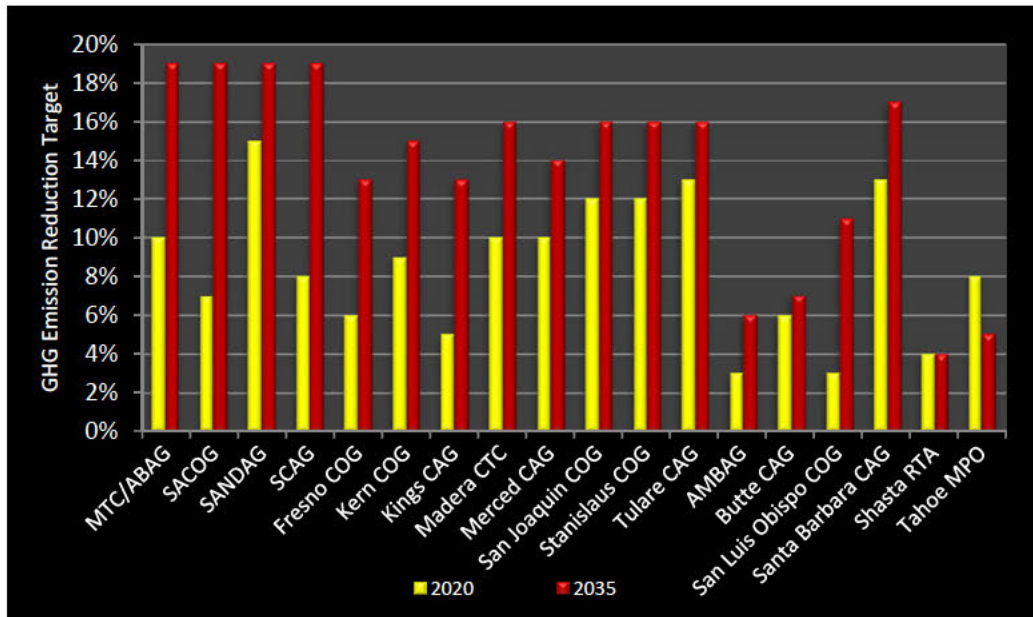
The impact of transportation has shifted from congestion to climate change, and the purpose of the CEQA analysis is to disclose and ultimately reduce GHG emissions by reducing the number and length of automobile trips. As part of the SB 375 land use/transportation integration process and the GHG goal setting, the State and Regional Transportation Planning Agencies (RTPA) have agreed to reduce GHG through integrated land use and transportation planning by a statewide average of approximately 15 percent by 2035. Figure 8 illustrates the SB 375 regional GHG emission reduction targets for all the 18 Metropolitan Planning Organizations (MPOs) in California that was established by the CARB in 2018. Furthermore, in its 2017 Scoping Plan-Identified VMT Reductions and Relationship to State Climate Goals, the CARB recommends total VMT per capita rates approximately 15 percent below existing conditions.

The TA therefore recommends:

*A proposed (residential) project exceeding a level of 15 percent below existing regional average VMT per capita may indicate a significant transportation impact.*

*A similar threshold would apply to office projects (15 percent below existing regional average VMT per employee).*

*VMT generated by retail projects would indicate a significant impact for any net increase in total VMT.*



Source: <https://ww2.arb.ca.gov/our-work/programs/sustainable-communities-program/regional-plan-targets>

**Figure 8: SB 375 Regional Plan Climate Targets for the 18 California MPOs**

It is noted that the aggregate GHG emission reduction sought after by CARB in the SB 375 protocols is 15 percent statewide. This is one reason OPR believes the 15 percent reduction in VMT is appropriate. The aggregate 15 percent GHG emission reduction applies across all land use and transportation activities and would indicate that the State and its individual MPOs are compliant with the SB 375 goals, the overall State climate change strategy, and Scoping Plan objectives.

CARB establishes GHG targets for each of the 18 MPOs in the State, reviews the SCSs and makes a determination whether the SCS would be able to achieve GHG reduction targets if implemented. Fresno COG’s 2018 RTP/SCS demonstrated a GHG reduction of 10 percent by 2035 through the integrated land use and transportation initiatives and capital projects listing, which meets targets set by the CARB. Fresno COG’s 2018 RTP/SCS was approved by all reviewing Federal and State authorities, including the CARB. In the spring of 2018, CARB adopted new GHG targets for all the 18 MPOs in the State based on the 2017 Scoping Plan and other new data. CARB established a 13 percent GHG reduction target for 2035 for the Fresno region’s third RTP/SCS. The State of California recognizes Fresno County’s contribution to the aggregate 15 percent statewide GHG emission reduction is 13 percent. Other regions may achieve greater reductions to achieve the aggregate statewide goal.<sup>5</sup> As such, reduction in GHG directly corresponds to reduction in VMT. In order to reach the statewide GHG reduction goal of 15 percent, the City must reduce GHG by 13 percent. The method of reducing GHG by 13 percent is to reduce VMT by 13 percent as well.

<sup>5</sup> The latest GHG targets by region can be found at: <https://ww2.arb.ca.gov/our-work/programs/sustainable-communities-program/regional-plan-targets>.

## VMT REDUCTION PROGRAM COSTS

As previously indicated, VMT-reducing projects from the City's plan documents that had funding gaps were included in the VMT Reduction Program. Several variables were identified in coordination with the stakeholders to evaluate and prioritize the VMT-reducing projects. The goal of the project evaluation and prioritization process was to maximize VMT reduction while being cost effective and meeting the needs of the community.

### FISCAL FRAMEWORK

Based on coordination with the City and stakeholders, the VMT Reduction Program will be based on a VMT Mitigation Bank Framework in terms of establishing the method of calculating the VMT mitigation fee within the traditional structure of an impact fee program where the costs of impacts for development projects are assessed and the VMT Reduction Program will act as a clearinghouse for mitigations and acceptance of payments according to established transactional terms. The VMT Reduction Program will implement prioritized VMT-reducing projects once enough funds are collected. In that regard, the program should incorporate two key capacities:

- **VMT Pricing:** The program should establish a price for VMT impacts that can be linked to mitigation investments.
- **Enabling Transactions:** the program should establish a means of exchange (e.g., dollars or credits) to facilitate the mitigation obligations.

The bank would require units of VMT pricing for ease of implementation. In coordination with the City and stakeholders, the cost (\$) to reduce one vehicle mile traveled was selected as the unit of VMT mitigation bank credit or VMT pricing.

### Determination of VMT Fee

In order to determine the cost to reduce one vehicle mile traveled, total costs of all the VMT-reducing projects and the amount of required VMT reduction were estimated.

The VMT reduction project costs were obtained from planning documents, and City staff estimated project costs where project costs were not readily available. The initial VMT-reducing project list consisted of over 100 projects (transit, non-motorized, and travel demand management). For each of the VMT-reducing projects, the stakeholders identified the source type and funding available from the primary funding source. It should be noted that while primary funding sources are available for these projects, they were not fully funded. For example, 80 percent of the funding was identified through various sources for most of the transit projects, which required 20 percent local match. The funding gap that was required to make the project funding complete was included in the VMT Reduction Program costs. The VMT mitigation bank only included costs for construction / implementation of the projects and does not include costs for operation and maintenance of the projects or monitoring of their performance.

Total citywide unmitigated VMT from the City’s General Plan scenario was obtained from the Fresno COG Activity Based Model (ABM) and was used as the VMT to be mitigated by the VMT reducing projects. The total unmitigated VMT was estimated from the growth of origin-destination (OD) VMT between General Plan and existing (base year) conditions after considering the population and employment growth in the region. The following steps describe the estimation process in detail:

1. Citywide OD VMT per service population (population + employment) was estimated for the existing conditions.
2. Horizon year (General Plan scenario) service population and existing OD VMT per service population were used to estimate desired citywide OD VMT for the horizon year. This is the target VMT that the City needed to achieve to avoid a significant VMT impact for the City’s General Plan.
3. Citywide OD VMT from the ABM was calculated for the General Plan scenario.
4. Difference in OD VMT between steps 3 and 2 resulted in the total unmitigated OD VMT, which was used in the development of unit VMT pricing.

Based on the VMT reducing project costs and unmitigated citywide OD VMT, the cost for reducing one VMT/VMT reduction credit was estimated to be \$295. This fee was estimated using the total unfunded cost of projects from the project list and the total unmitigated VMT as shown below.

$$\frac{\text{Total Cost of Project List } (\$19,891,686)}{\text{Total Unmitigated VMT } (67,429)} \approx \$295$$

As previously indicated, the VMT Reduction Program will be implemented as an impact fee program. The fee would apply to new residential and non-residential developments in the city that are subject to VMT analysis under CEQA and are shown to generate VMT over the City’s threshold of significance. If a project screens out of VMT analysis, the impact fee would not be applicable. Similarly, if the project can demonstrate less than significant VMT impact using the ABM, the impact fee would not be applicable. For development projects that have a significant VMT impact, these projects can reduce VMT through utilizing the UDC and implementing project design features. If a development project still demonstrates significant VMT impact after utilization of the UDC, the project will be required to mitigate the VMT overage (amount of VMT that is over the City’s thresholds). The development projects can estimate their total fees as a product of cost to reduce one VMT (\$295) and the amount of VMT overage. Because the VMT mitigation fee is tied to a project’s impact, the fee is by design proportionate, therefore smaller developments are not charged disproportionate fees.

The cost per VMT mitigation/VMT reduction credit is the same across the entire City of Fresno. However, the approach indirectly considers a development project’s geographic location. For example, development projects that are closer to other developments or developments that provide complementary land use types to the surrounding land uses will demonstrate a lower magnitude of impact and thus will pay a lower mitigation fee. Similarly, development projects that are in the less urban areas may have higher VMT overage, thereby paying higher VMT mitigation fees. A fee-based

approach is the most straightforward to administer and efficient in terms of investment, as it allows bank administrators and/or exchange participating parties to select the highest level of VMT mitigation per dollar of impact (controlling for other project prioritization factors) based on a transparent price per VMT. The VMT Reduction Program should review and update VMT pricing to account for variables such as inflation.

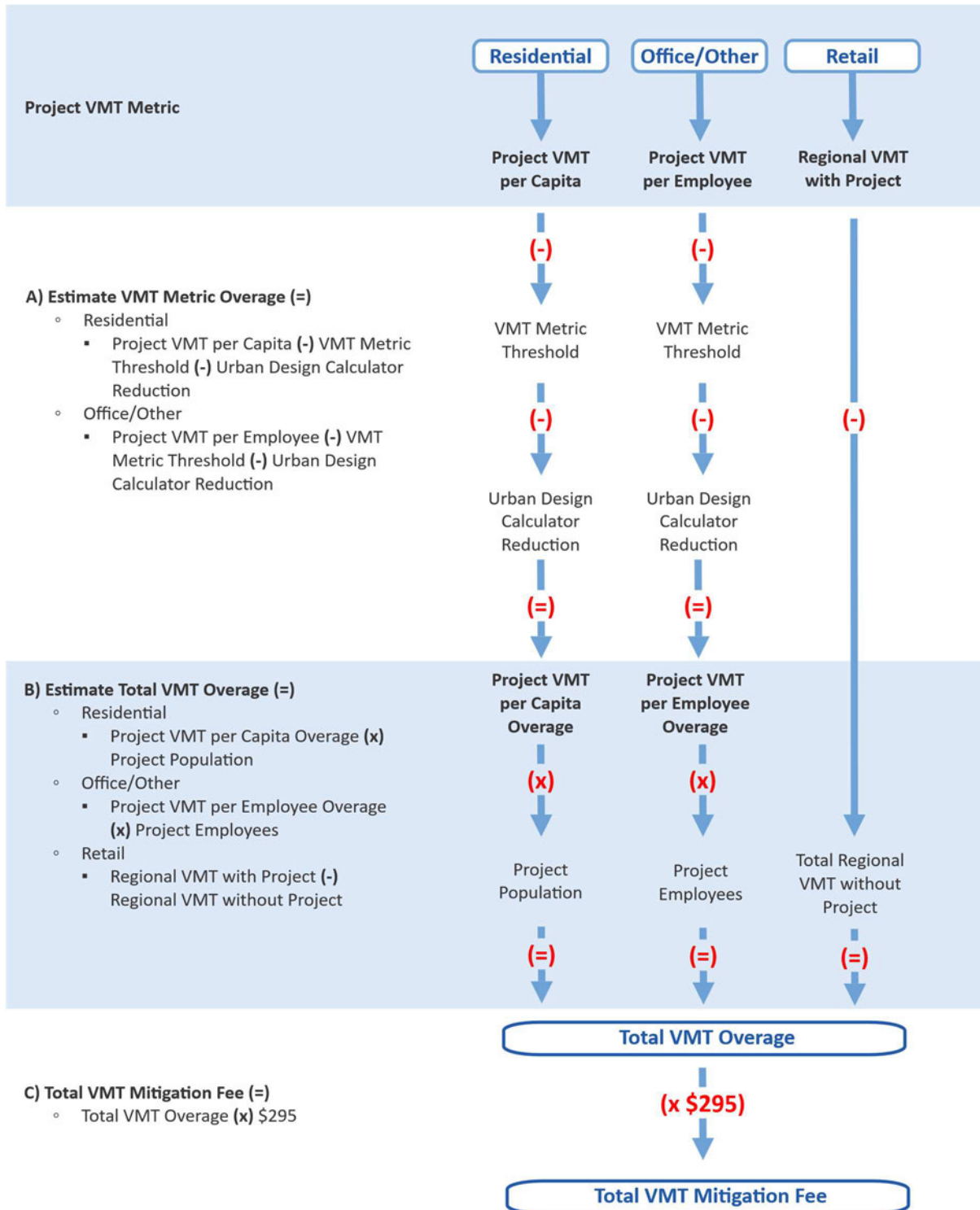
## CALCULATION OF PROJECT MITIGATION FEE

### Steps to Calculate VMT Mitigation Fee

Figure 4 illustrates the estimation of VMT mitigation fees for a development project that demonstrates a significant VMT impact after inclusion of project design improvements from the City's UDC. The steps are described in detail below:

1. Estimate the total project land use quantities (e.g., dwelling units, employees). This information is available from the project description. For non-residential projects, typically thousand square feet (TSF) information is available which would be converted to the number of employees for conducting the project's VMT analysis using the Fresno COG ABM.
2. Calculate the appropriate project VMT metric (e.g., VMT per capita, VMT per employee, total regional VMT) based on the project land use type. This information is included in the City's CEQA Guidelines for Vehicle Miles Traveled (2020).
3. Compare the project VMT metric with the established threshold from the City's guidelines. If the project VMT metric is lower than the threshold, as indicated before, the project does not have to pay VMT mitigation fees. In case the project's VMT analysis results in a significant impact, the following steps need to be conducted.
4. The project VMT metric can be adjusted if the project proposes any design element improvements identified in the City's UDC. The types of suggested design improvements and corresponding reduction in VMT are available from the City's UDC. If the project can reduce its VMT impact to less than significant using the UDC, the project will not be required to pay any VMT mitigation fees. The following steps are applicable if the project VMT metric is greater than the threshold after application of the UDC.
5. Estimate the project VMT metric overage compared to the established threshold. As shown in Step A from the flow diagram, the project VMT metric overage would be:
  - A.  $\text{Project VMT metric overage} = \text{Project VMT metric from ABM} - \text{VMT reduction from UDC} - \text{VMT per capita threshold}$
6. Estimate the total project VMT overage as shown in Step B of the flow diagram. The project VMT metric is multiplied by the project population/employees (population for residential uses and employees for non-residential uses) for efficiency metrics. For example,
  - A. For residential projects:

**Figure 4: Estimation of VMT Mitigation Fee for Development Projects with Significant VMT Impact**



- i. Total VMT overage = VMT per capita overage from step 5 \* Total project population which can be obtained from ABM
- For office and non-residential projects:
- i. Total VMT overage = VMT per employee overage from step 5\* Total project employees which can also be obtained from ABM
- B. For retail projects:
- i. Total VMT overage = Regional roadway VMT with project – Regional roadway VMT without project (Roadway VMT from the model can be estimated as a product of roadway volumes and roadway segment length within Fresno County)
7. Multiply the total VMT overage by the unit VMT mitigation fee to obtain the total project VMT mitigation fees.

### Sample Calculation of VMT Mitigation Fee

Estimations of project VMT mitigation fees were conducted for sample projects to illustrate the magnitude of VMT mitigation fees in comparison to the City's other fees. Calculation of VMT mitigation fees for a sample single family residential project is shown below.

1. Obtain the number of dwelling units/households (project households = 200) from the project description/site plan.
2. Estimate project population (project population = 610). Fresno COG ABM will include this information during the model run.
3. Calculate project VMT per capita (project VMT per capita = 17.6) using the Fresno COG ABM model run given the project is a residential project.
4. For the sample project's analysis, no VMT reduction from the City's UDC was assumed as a conservative approach. However, that step needs to be incorporated as previously described to determine the project's VMT overage.
5. Compare project VMT per capita (17.6) with the City's VMT per capita threshold (14.0) to estimate project VMT metric overage (VMT per capita overage =  $17.6 - 14.0 = 3.6$ )
6. Convert VMT per capita overage into total VMT overage by multiplying the VMT per capita overage with project population (total VMT overage:  $3.6 * 610 = 2,196$  VMT)
7. Estimate total VMT mitigation fees by multiplying unit VMT fees with total VMT overage (total project VMT mitigation fees:  $2,196 * \$295 = \$647,809$ )

The total VMT mitigation fee for the sample single family residential project with 200 dwelling units is \$647,809. The VMT mitigation fee was compared to other existing fees for a typical single family

## Statements by City of Fresno Officials During Fresno City Council Hearings Regarding the VMT Mitigation Fee Program

### Fresno City Council Hearing — October 16, 2025

Video: [Fresno City Council Meeting \(Oct. 16, 2025\)](#)

*Start of VMT Presentation: 2:05:00*

2:13:08 - Sophia Pagoulatos, Planning Manager: "The 67,429 number represents the number of miles Fresno residents drive daily that are beyond the City's VMT threshold."

2:50:30 - Jennifer Clark, Planning Director: "[O]nce the City determines that a VMT fee program is feasible - is a feasible mitigation measure - you cannot do your own EIR to wipe it out, to say it's not feasible, unless you can prove that it's not feasible..."

2:51:59 - "It's not that the project cannot be self-mitigating, it is that we [the City] would not be able to do a separate EIR to say 'Meh we don't want to do it.'"

2:52:08 - Georgeanne White, City Manager: Can no longer say mitigating for VMT is "not feasible" because "we [the City] have developed a program that says it is feasible [to pay the fee]."

### Fresno City Council Hearing — November 6, 2025

Video: [Fresno City Council Meeting \(Nov. 6, 2025\)](#)

*Start of VMT Presentation: 6:37:14*

7:05:31 - Jennifer Clark, Planning Director: "The first thing that's really important to note is that VMT calculation for a program on a city-wide basis is intended to evaluate and look at our entire VMT in excess of that threshold. So city-wide, our excess VMT is 67,000 VMT per capita per day. The \$295 is based on the project over the five-year program divided by the 67,000 VMT per capita per day."

7:06:14 - "Projects are assessed based on their overages over thresholds."

7:06:14 - "So anything that is subject to CEQA - so a discretionary action of the City council, which is subject to CEQA - would require that we actually look at this."

7:12:30 - Georgeanne White, City Manager: "The State wants to dictate what development looks like so that it's more dense, more compact, more uses to get people out of their cars... They meant quite clear - quite, you know, right out there in public - that if you want to reduce GHG in the state, and one of the main ways you do that is to get people out of their cars. And one of the ways you can get people out of their cars is to have multiple uses within a very confined space, or provide alternate modes of transportation other than cars - buses, trails, walking, etc."

@ 7:28:30

Perea talking about when the VMT fee will apply, i.e., projects with vesting maps/vesting right or some kind of approval

7:28:46 - Jennifer Clark [In response to question from Councilmember Annalisa Perea about the time of when the VMT fee will apply]: "The program itself has several areas where it wouldn't apply..." [lists vesting rights, development agreement]... "The Resolution that you would be considering today says that if you have already completed CEQA and it has been circulated for public review, it [the VMT Fee Program] would not apply because you've already done your VMT assessment prior to the adoption of this program."

7:29:25 - Councilmember Annalisa Perea: "So if a project is already in the pipeline, has been deemed complete, and is in the processing stage, we kind of have to put a pause on it, go back and kind of restart CEQA all over again?"

Jennifer Clark: If CEQA has not already been completed and publicly circulated, then t, VMT, would need to be reviewed under the lens of the program.

[Perea asks about whether an amendment be made to exempt projects in the pipeline that have been deemed complete for processing]

7:30:12 - Jennifer Clark: I don't know... I would have to defer to the City Attorney's Office. In discussions previously, that was not the preferred method. However, I don't know if that impacts the program substantially."

7:32:11 - City Attorney: "Our recommendation is that we [CAO] would have to look into it and the item should be referred back to staff to take a look." [Note: *The Resolution was ultimately adopted without such an amendment.*]

7:40:23 - Jennifer Clark: "This [the VMT Mitigation fee program] is a CEQA mitigation for an environmental impact. Once a lead agency like the City of Fresno determines there is a feasible mitigation program, it must be used."

"[A] project could identify its own mitigation which, through substantial evidence in the record, shows it can mitigate all of the VMT. Typically, this is what the Urban Design Calculator is for,

but maybe there's something else the project come up with that isn't in that. So they could do an EIR and propose alternate mitigation that the City Council would have to determine is sufficient and there is substantial evidence in the record for that."

"You can, through an EIR, say that a mitigation measure is infeasible. In this case it is a fee. Therefore there would have to be a financial analysis showing the project and essentially opening up the books of the project - here is why it is infeasible."

7:42:43 - Jennifer Clark [Responding to question from Councilmember Mike Karbassi about a statement of overriding consideration]: "In this case, it [the VMT fee] is a financial mitigation. You're paying a fee. So the evidence in the record would have to be a financial analysis of the project."

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May 19, 2026

Fresno City Council  
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Fresno City Hall,  
2600 Fresno Street,  
Fresno, CA 93721

**RE: May 21, 2026, Council Meeting Agenda item ID 26-428**  
**Consideration of Costco Project**

Honorable Councilmembers,

I submit these comments on behalf of Herndon-Riverside Coalition for Responsible Planning and Development (“the Coalition”) concerning the partially-recirculated 2026 Final EIR (“PRFEIR”) for the proposed Costco Commercial Center Project located at the northeast corner of Herndon Avenue and Riverside Drive (CEQA State Clearinghouse No. 2021100443).

As set forth below, it appears that despite the recirculation, the City’s analysis and review of this project remains unlawful and inadequate.

**The proposed MDO Distribution Facility is not an allowable use in the General Commercial zone.**

The Coalition has consistently maintained that the MDO could not be approved as a component of the Project under the current zoning because it does not meet the definition of an “accessory” use under the City Code. The Coalition has pointed out that the City could propose a General Plan/Zoning amendment to

accommodate the MDO because as a “warehouse,” the MDO is not allowed use in any commercially zoned district.

Under Fresno’s Development Code,

An accessory use shall be incidental, related, appropriate, and clearly subordinate to the principal use or building to which it relates; **under the same regulations applied to the principal use in any zoning district**; and where the accessory use does not alter the principal use. These regulations are found in the use regulations tables in Part II, Base and Overlay Districts, and may be subject to specific standards found in this article or within each district, as specified in the tables. Accessory uses and structures are also subject to the development and site regulations found in Article 20, General Site Regulations. (RJN, Exhibit A.)

The Final Recirculated EIR recognizes that as set forth in Section 15-2703, to be permissible as an “accessory,” the use must be “under the same regulation in any zoning district.” However, the PRFEIR claims because “Fresno Municipal Code Table 15-1202 specifically allows for accessory uses in all commercial zones including General Commercial (CG), it is not necessary for the MDO to be expressly identified as a stand-alone permitted or conditionally permitted use in the General Commercial district to be an accessory use to a permitted large-format retail use.”

This analysis is incorrect. Under the Fresno Municipal Development Code (MDC), the MDO is considered an “industrial” use because it meets the general definition of “Warehousing, Storage, and Distribution” set forth MDC Section 15-6705, which is defined as a “[s]torage and distribution facilities without sales to the public on-site or direct public access ....” (*Ibid.*)

“Table 15-1202 prescribes the proposed land use regulations for Commercial Districts.” MDC 15-1202 (A). “The regulations for the districts are established by letter designations listed below. **These designations apply strictly to the permissibility of land uses**; applications for buildings or structures may require discretionary review. "P" designates permitted uses. "C" designates uses that are permitted after review and approval of a Conditional Use Permit. "(#)" numbers in

parentheses refer to specific limitations listed at the end of the table. "-" designates uses that are not permitted." MDO is not an allowable accessory in a commercial district because it is not listed as a permitted use in Table 15-1202.

MDC 15-6705 defines **Wholesaling and Distribution** as follows:

Indoor storage and sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. They normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic. This classification does not include wholesale sale of building materials.

The Costco MDO meets the MDC's definition of a wholesale and distribution business because (1) it includes 47,000 square feet of floor space dedicated to the storage of goods, (2) the purpose of the facility is "distribution" of goods (3) no direct onsite sale to the public is proposed or (4) no direct public access is proposed. Accordingly, because the MDO walks like a wholesaling and distribution center, it is a warehouse distribution center.

Moreover, the list of industrial use classifications is meant to be illustrative, and not exhaustive. MDC 12-1202, Table 15-202, specifically limits "industrial" accessories in a General Commercial district to personal storage, or "substantially similar" uses. MDC 1202(E) specifically provides that "[u]se classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are not permitted." The reference to "substantially similar to the uses below" shows that the drafters of the MDC recognized that the list of types of subcategories within each category such as "warehouse, storage and distribution" is not exhaustive.

Ignoring the MDC, the response to comments insists that accessory uses" are specifically allowed uses in all the city's commercial districts, including the General Commercial zone. This claim ignores the fact that the text of 15-2703 specifically limits accessory uses to those that are "under the same regulations applied to the

principal use in any zoning district” which is not the case here because the MDO fits the definition of a warehousing and distribution center which is not allowed in a commercial zone. According to MDC 15-1202, Table 15-202, only personal storage businesses can operate as an accessory use in a commercial district.

Accordingly, the MDO cannot be allowed as an accessory to the main Costco large-format retail warehouse store.

Nor can the MDO be allowed as a “fully integrated” component of the Project. The PRFEIR response to comments spends a lot of breath explaining how lately Costco and other retailers have been attempting to integrate an MDO distribution facility into the main retail store for the sake of convenience and operational efficiency. But that as it may, it does not follow that the MDO is allowed under the Fresno MDC as a “fully integrated” component. The PRFEIR fails to cite any City regulation of MDC to justify its insistence that just because Costco is now attempting to bring the MDO under the same roof, Fresno can approve the MDO under its current zoning regulation.

The response to comments attempts to blur the difference between and MDO and a retail store, but the distinction exists in the City MDC and therefore cannot be ignored, even if the PRFEIR admits that the City may have already violated the limitations on the General Commercial zone by approving a Walmart Superstore that may have included an MDO element. The fact that the City may have violated the zoning ordinance once does not mean it is legally proper to do it again.

Moreover, the big difference between the operation of the MDO and a large retail store is that most of the items purchased delivered to residences by Costco delivery trucks are bought online. In this regard, the PRFEIR admits that “members can purchase and return items in-person at the retail warehouse, and members can view additional items either in person or at digital kiosks or online.”

In what appears to be a self-serving justification for the MDO, the PRFEIR heaps praise on the MDO component of the Project to support an argument that having an MDO under the same roof as the retail store in a GC zone is actually good for the consumers. This debate, however, is irrelevant to the question of

whether the City can lawfully approve an MDO that meets the definition of warehouse in a commercial zone.

**The EIR’s Analysis of Greenhouse Gas and Climate Change Impacts is inadequate and violates CEQA.**

The PRFEIR’s’ analysis of the Project’s impact on a changing climate fails as an informational document and its conclusion that the Project would not result in a significant impact on climate change is not supported by substantial evidence. Much of the analysis is not informative and merely attempts to understate the magnitude of the Project’s contribution to climate change.

Table 3.7-4 shows that of the Project’s almost the entire 22,428 MT CO<sub>2</sub>e/yr total GHG emissions are attributed to mobile sources. Yet, the PRFEIR claims the Project’s significant increase in VMT does not equate to a significant impact on climate change because there are some electric vehicles on the ground. This analysis flies in the face of the 2022 CARB Scoping Plan which identifies VMT reduction as one of the three main priority strategies.

Attempting to obscure the Project’s massive quantity of GHG emissions, the PRFEIR tries to undermine its own analysis by offering reasons why the total emissions and net increase in VMTs should not be considered significant:

[T]he VMT analysis does not take into account the Costco trips “replacing” existing trips currently going to other retailers. Furthermore, the project would allow customers to have multiple needs served in one trip, including but not limited to: eye exams, purchase of household goods and groceries, furniture store, appliance store, liquor store, car washes, and refueling at a gas station. Given these factors, it is possible that Costco members make fewer total retail shopping trips in a month or a year when they have the option of shopping at the proposed expanded Costco than they would make if they did not have a Costco nearby. The VMT modeling does not measure the benefit of one Costco trip potentially replacing multiple trips, which makes the quantified inventory conservative. (2026 FEIR p. 2-4)

Moreover, PRFEIR's analysis of the significance of the Project's GHG emissions is not supported by substantial evidence. This analysis is based on the argument that the Project is consistent with the Fresno COG RTP/SCS and the 2022 CARB scoping plan because the Project does not violate any regulations or break any laws. This is not the standard for consistency, however. To be consistent with the 2022 CARB scoping plan, the Project would need to include mitigation measures to reduce the Project's projected VMTs. Yet the Project does not include any such measure. In fact, the Project makes no effort to reduce its VMTs or otherwise meaningfully reduce its GHG emissions.

Imposing a VMT Mitigation Fee would reduce the significance of the Project's VMTs

The original EIR admitted that the Project's transportation impact is significant, but claimed that no feasible mitigation measure existed to reduce the significance of that impact. However, now that the City has developed a VMT mitigation fee program the City apparently is reluctant to require Costco to mitigate the Project's significant transportation impact by participating in that program.

The response to comments claims the VMT reduction program does not apply to this Project because the ordinance was written in such a way that does not apply to projects whose environmental review was published and available for review prior to the adoption by the City Council of the VMT reduction program. However, the release of the current PRFEIR so close to the effective date of the VMT Reduction Program appears to have been carefully planned to provide the City with a justification not to require Costco to mitigate its substantial impact on transportation.

Sincerely,

Babak Naficy

May 19, 2026

Dear Fresno City Councilmembers,

Presented here are comments regarding the 2026 Final EIR, Findings of Fact, and other documents associated with the proposed Costco Commercial Center Project located at the northeast corner of Herndon Avenue and Riverside Drive (CEQA State Clearinghouse No. 2021100443).

As described herein, the issues which led to the project being invalidated by court order have not been resolved.

It is frustrating because there are readily identifiable ways for both the Zoning/General Plan consistency and CEQA issues to be resolved, yet City administration and/or Costco have insisted on proceeding as if the mistakes are merely clerical or procedural.

All prior comments and information should be considered incorporated by reference.

Daniel Brannick  
Herndon-Riverside Coalition for  
Responsible Planning and Development

## Zoning and General Plan Inconsistency of the MDO Distribution Facility

Although the Final EIR states that the planning and zoning consistency issues concerning the MDO Distribution Facility do not require discussion under CEQA, FEIR Responses O3-1 through O3-6 are devoted to addressing the issue. In these responses, the City and Costco have essentially taken the position that they neglected to follow a procedural formality but that there was nothing substantively wrong with finding that the MDO Distribution Facility is an allowed land use within the proposed zoning, either as “fully integrated” with the large-format commercial retail use or as an accessory use. For reasons previously discussed and which are still applicable, neither approach complies with the City’s Development Code due to the prohibition of Warehousing, Storage, and Distribution (“WSD”) uses in Commercial zones such as General Commercial (“CG”) and Community Commercial (“CC”).

The responses and findings continue to peddle the phrase “fully integrated” - a self-serving term of art which appears to have been reflexively invented on the fly; regardless of its origins, it does not resolve the zoning consistency issue. For instance, even if the car wash was “fully integrated” into the structure of the warehouse building, it would still require a rezone because the car wash use does not become something different just because of proximity to (or “integration with”) another structure - the “use” is still the use. This same principle holds true for the MDO Distribution Facility. The operational activities represent a fundamentally different form of physical and economic activity than public-facing retail sales that take place in CG and CC zone districts (among other reasons, because of the more intensive truck traffic that will be entailed).

A cursory review of the zoning ordinances of other cities (e.g., Sacramento, San Jose, Long Beach, Madera, Visalia - plus Costco’s corporate headquarters location of Issaquah, WA) appears to corroborate the general practice of treating WSD uses as “light industrial” or similar designation and keeping such uses separate from more community oriented, public facing commercial uses. Attached is an excerpt from *The Regional City* by Peter Calthorpe and Bill Fulton, which speaks to the compatibility (or lack thereof) of light industrial uses in areas of mixed residential and commercial use.

Again, the MDO’s actual use is a use that is already defined in the City’s zoning ordinance. It would be like if I tried to convince the City to allow me to operate a commercial automotive repair business out of my house by calling it an “accessory garage operation” - whatever euphemistic name I might want to call it, the use is still the use. While locating warehousing/distribution activities in the same building as large-format retail is not *per se* bad as a concept, it is just clearly and simply not permitted under the City’s Development Code in the CG zone.

Response O3-3 attempts to discredit the Car Wash comparison, albeit poorly. Something else that should be mentioned: If the rezone was truly only needed for the Car Wash, and the Car Wash will be constructed on a to-be-created separate parcel, then why not simply rezone just that parcel and leave the larger remaining parcel as Community Commercial? It is further

evidence that the City and Proponents are scrambling to back in any way they might see possible to justify a colossal oversight about the zoning.

Response O3-4 takes a fear-mongering approach to the possibility of rezoning the parcel to Light Industrial. Response O3-4 ignores the possibility of placing Conditions of Zoning on the site (“cz”), which is a common local practice for Industrially-zoned sites in the City of Fresno to ensure the sites are not converted to un contemplated, incompatible uses. As an example, the rezoning for project-as-proposed includes Conditions of Zoning.

Response O3-5 states, among other things, that “the MDO is less than 20 percent of the entire retail warehouse.” This is incorrect. Based on numbers presented in Exhibit C-1, the MDO is approximately 21.4 percent of total building footprint square footage. It is noted that the project was revised to reduce square footage, it was the retail warehouse portion of the store that was reduced in size; on the other hand, the MDO’s square footage stayed the same.

Response O3-6 mischaracterizes the comparison between the physical characteristics of the existing Costco MDO facility located in an industrial area on Central Avenue near Malaga as a matter of aesthetic differences. The architectural features at the existing facility (clearly viewed in pictures or in person) depict the clear differences in function and operational utilization that would occur as part of the proposed MDO Distribution Facility versus a “normal” Costco Wholesale retail warehouse store.

In Responses O3-2 and O3-5, an attempt is made to analogize the MDO’s operations with delivery activities associated with other local large-format retail stores – specifically the Walmart Supercenter on West Shaw Avenue as well as Best Buy, Dick’s Sporting Goods, Lowes, and Home Depot. To begin with, while the responses imply that many of these home deliveries are originating directly from retail store locations, it is likely they are originating from distribution centers. However, the number of truck bays at each of these stores (not to mention all other CG-zoned and CC-zoned areas of the City) is a fraction of what is proposed for the Costco project to accommodate shipping and receiving activities. Based on a Google query and review of Street View imagery of existing big-box stores in Fresno along Shaw Avenue and Blackstone Avenue, the average big-box store has 2 to 4 loading docks. In contrast, the project as proposed includes 24 loading docks. Based on a separate Google query, this number of loading docks is more consistent with building specifications for a 250,000 square-foot distribution center. (See attachments for reference.)

In that context, it is not out of the realm of possibility that Costco could effectively operate the project as a “shadow distribution center”. Given that Costco designs its stores in a “warehouse” format to begin with, it would not be out of the question for the 219,000+ square feet “retail” space to be surreptitiously modified to function in practice as distribution center space. This is why the number of truck bays is such a distinct, significant, and alarming feature of the project as proposed.

As a reminder, the planning and zoning consistency issues raised here are not limited specifically to the proposed Costco project. If approval of the project goes through, it effectively sets a precedent that applies to every property zoned CG and CC in the City. The rationale employed here, if applied elsewhere in the City, could function as an end-around to dodge emerging restrictions on the development of distribution centers - restrictions enacted to curb the adverse effects on communities and the environment . If a commercial retail building could suddenly be permitted by-right to have dozens of truck bays, under Fresno's local regulatory framework there appears to be essentially no mechanism to limit the "retail" space from being effectively converted to "WSD" space.

### *How and Why Did This Happen?*

What became clear from reviewing hearing testimony by Costco's representatives and the project's Administrative Record is not only that the project has been in the works since 2017-18 but just how that early-in-time commitment appears to have led us to where we are today: They initially settled on a site, and the site selection decision made a greater level of sense at the moment in time (i.e., pre-Veterans Boulevard) and based on the initial design and mix of uses for the project (i.e., a large-format retail store and a gas station - no car wash, and more importantly no MDO Distribution Facility). But then not long afterward, multiple significant revisions were made to the project (a series of revisions to the site layout, then adding the car wash, more site layout revisions, and then adding the MDO). These revisions were at tension with the already stressed adequacy of the proposed site to accommodate such a project. It appears at some point, however, that the City and/or Costco decided the project was simply too far along to turn back.

Attached are comments from Planning staff which provide some further context regarding the early project review stages and decision-making processes.

### *How Might the Zoning and General Plan Consistency Issue be Resolved?*

There appears to be at least three ways to resolve the consistency issue other than the current approach of essentially ignoring the Development Code as written and pushing through the project in a way that amounts to a *de facto* text amendment. These options are:

- 1) Rezone the project site to "IL"- Light Industrial zoning. More specifically, rezone to "IL/UGM/CZ", and amend the corresponding General Plan designation to light industrial.
- 2) Remove the MDO Distribution Facility from the project. In practice, this could consist of eliminating the 18 truck bays specific to the MDO and repurposing the "MDO" square footage as additional large-format retail space.
- 3) Prepare and adopt a Citywide Text Amendment to update the Development Code and Use Table to allow for at least some limited form of WSD uses in Commercial General zoning. If pursued, the revised zoning should require a CUP and have strict limitations on storage space square footage (both in total and as a percentage of non-storage

building space) as well as a limit on the number of truck bays. Additionally, the Text Amendment would occur via a proper local legislative process.

In an effort to better illustrate the relative simplicity of these options, attached are exhibits which visually demonstrate the changes that would be entailed.

## **Unresolved Greenhouse Gas Emissions and Climate Change Issues**

*As a preliminary note regarding instances where the FEIR/RTC says that comments on the PR-DEIR “provide no support” or are unsubstantiated, it bears mentioning that numerous prior comments on the DEIR and FEIR provide additional support and elaboration regarding issues with the GHG impact analysis that remain relevant and applicable. While the City and the report writers are undoubtedly aware of these comments, and those prior comments should already be automatically incorporated as part of the record, for posterity’s sake a copy of prior comments from the 2024 DEIR and FEIR related to Greenhouse Gas Emissions is included as an attachment to this letter.*

The EIR’s revised analysis of GHG Emissions and Climate Change Impacts remains inadequate because its analysis is fundamentally flawed, materially misleading, and the significance determination reached is not supported by substantial evidence.

The revised EIR purports to have complied with court order by removing references to the City’s invalidated 2021 Greenhouse Gas Reduction Plan<sup>1</sup>, switching to new significance thresholds that align with the questions in CEQA Guidelines Appendix G, presenting updated/ revised quantitative emissions estimates for the project (plus estimates for the city and state), and then qualitatively analyzing in comparison to the City of Fresno’s 2014 GHGRP (the plan which the City reverted back to after the 2021 GHGRP was invalidated) and other GHG-related plans – specifically the 2022 CARB Scoping Plan, Fresno COG RTP/SCS, and Fresno COG Priority Climate Action Plan (PCAP).

Although updated quantitative data is included, the determination that the project will have less than significant GHG impacts is reached by using a qualitative approach to show consistency with applicable plans, policies, and regulations. Once again though, the determination of “less than significant, no mitigation required” is fundamentally incompatible with the EIR’s significance determination regarding Vehicle Miles Traveled (VMT) and not supported by substantial evidence.

The revised analysis uses data in part derived from the 2014 GHGRP and also presents a qualitative consistency analysis with policies from the 2014 GHGRP. Similar to what is discussed more below, the qualitative analysis is self-serving and cherry-picked, but the bigger

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<sup>1</sup> As a side note, while the litigation concerning City’s GP PEIR Update and 2021 GHGRP litigation was ongoing during original Costco review, it was never mentioned in EIR or elsewhere as part of the project’s initial environmental review process.

issue here is that the 2014 GHGRP is simply too dated to be validly relied upon. Much like calling something “on fleek”, the policies are no longer sufficiently in step in 2026. In California, local plans must account for updated, aggressive legislation (such as SB 32 and AB 1279, not to mention SB 743), requiring newer blueprints like the CARB Scoping Plan to achieve carbon neutrality. Since the 2014 GHGRP predates major updates in GHG-related legislation and the CARB Scoping Plan, it is too old and stale to be definitively relied upon. The PR-DEIR acknowledges that to a degree, which is why it also includes a qualitative evaluation of other documents to substantiate its evaluation of impacts. However, the other documents cited in the PR-DEIR all include VMT reduction as part of the major goals, strategies, and/or measures related to GHG reduction:

*2022 CARB Scoping Plan:* VMT Reduction is one of the Scoping Plan’s three main priority strategies.

*Fresno COG RTP/SCS:* Key component is to encourage alternatives to single-occupancy vehicles that reduce vehicle miles traveled (VMT) and greenhouse gas emissions.

*Fresno COG PCAP:* Sets GHG Emission Reduction Targets (including Sector-Specific Targets, among them being Transportation) and therein discusses VMT in context of SB 375 and the necessity of reducing VMT to meet the requirements/targets.

Instead of acknowledging the fundamental and significant effect of the project’s excessive VMT on the ability to meet GHG- and climate-related goals and mandates, the EIR’s “consistency analysis” is marked by a self-serving, cherry-picked narrative to reach a desired outcome rather than a good-faith, reasoned, and candid consistency review. For example:

*[T]he VMT analysis does not take into account the Costco trips “replacing” existing trips currently going to other retailers. Furthermore, the project would allow customers to have multiple needs served in one trip, including but not limited to: eye exams, purchase of household goods and groceries, furniture store, appliance store, liquor store, car washes, and refueling at a gas station. Given these factors, it is possible that Costco members make fewer total retail shopping trips in a month or a year when they have the option of shopping at the proposed expanded Costco than they would make if they did not have a Costco nearby. The VMT modeling does not measure the benefit of one Costco trip potentially replacing multiple trips, which makes the quantified inventory conservative. (2026 FEIR p. 2-4)*

Not only is this statement clearly misrepresentative of the project’s consistency (or lack thereof) with GHG- and climate change-related policies and regulations which mandate reductions in VMT, it (along with other statements like it) effectively obscures and undermines the VMT significance determination reached in the Transportation section of the EIR. Statements like these are demonstrative of deeply flawed reasoning and/or bad faith – to such a degree that it

violates CEQA's requirements for informed decisionmaking and meaningful public participation. Under CEQA, even if decisionmakers ultimately want to go forward with the project, the environmental effects associated with the project need to be adequately disclosed so that the decisionmakers are able to weigh in on an informed basis and that the public can meaningfully participate and readily hold accountable the decisionmakers for their decisions.

Response O3-8 asserts that the comments critiquing the lack of requisite evidentiary support fail "to acknowledge the evidence, the detailed impact evaluation, or the substantial evidence included throughout Section 3.7 of the PR-DEIR and its technical appendices that supports the City's conclusion that the project would result in a less-than-significant impact with respect to GHG emissions."

Like the DEIR before it, the PR-DEIR ends up only having the "aesthetic" of substantial evidence (i.e., a report that looks comprehensive but is analytically flawed). The analysis departs from logic and reason and contorts itself to reach the preferred outcome (i.e., declaring the GHG and Climate Change impacts to be less than significant, with no mitigation required). While substantial evidence is deferential to agency decisionmaking, mere "incantation" is not sufficient, nor is evidence that is "outside the bounds of reason."

Response O3-11 states: "A finding that a particular project is consistent with applicable plans and policies requires only that the proposed project be in agreement or harmony with the terms of the applicable plan, not in rigid conformity with every detail of it." Here, the problem is that the effects of threshold-exceeding VMT effects are so fundamentally and materially incompatible that it amounts to outright conflict with said plans and policies.

VMT is not merely a component of determining project-specific mobile source emissions; it is an important proxy for how auto-dependent a given land use project is going to be compared to existing conditions, and it is indicative of how easy or difficult it will be for other future projects (both land use projects and transportation projects) to be designed or incorporate features to reduce VMT. The proposed Costco project's VMT is so significant, both as a raw VMT number and the degree to which it exceeds its applicable threshold, that it "locks in" inefficiencies and "locks out" opportunities for future growth and development to incorporate VMT-reducing features - e.g., by deterring co-location of VMT-efficient land uses, and/or by deterring development and implementation of VMT-efficient (i.e., non-automotive) infrastructure improvements), and/or by detrimentally impacting the efficacy of future VMT-reducing infrastructure improvements. Despite what is proffered in Response O3-12, no technical expertise is necessary to readily and accurately observe that shopping at Costco is one of the most car-dependent activities in American culture. That type of response, in addition to being insufficient to show GHG-related consistency, once again functions to undermine the VMT significance determination made in the Transportation section of the EIR.

Response O3-14 states: "As set forth in SB 743, CEQA Guidelines Section 15064.3(b) directs lead agencies to use VMT as a threshold of significance to evaluate transportation impacts (and only transportation impacts)." The parenthetical part of this sentence is again extremely

misleading because VMT significance is essentially an implied threshold in determining whether a project will or will not conflict with the body of plans, policies, and regulations that have been adopted to address GHG emissions and climate change. While the VMT threshold appears in the Transportation section, the basis for the threshold is entirely derived from state GHG and climate change policies and regulations.

The following content from the City of Fresno VMT Guidelines explains how the VMT thresholds that have been set for the City (as well as the region), i.e. why they are essentially also measures of GHG significance:

*The OPR provides a Technical Advisory (TA) as a guidance document to establish thresholds for this new VMT metric. The laws and rules governing the CEQA process are contained in the CEQA statute (PRC Section 21000 and following), the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 and following), published court decisions interpreting CEQA, and locally adopted CEQA procedures. The TA is intended as a reference document; it does not have the weight of law. Yet, deviating from the TA is best undertaken with substantial evidence to support the agency action.*

*The State of California is committed to reducing greenhouse gas (GHG) emissions and achieving long-term climate change goals. To achieve these climate change goals, California needs to reduce VMT. As illustrated in Figure 1, over the last 40 years, with increase in statewide population, the overall VMT has also increased.... [T]ransportation is the single largest sector contributing to the State's GHG emissions. More than 40 percent of the GHG emissions come from the transportation sector, primarily passenger cars and light-duty trucks. Reducing the number of vehicle trips and reducing the length of trips are expected to result in reduced VMT and reduced GHG emissions. The new State CEQA Guidelines and the establishment of VMT thresholds for CEQA analyses is linked to GHG reduction strategies and overall statewide climate change goals.*

City of Fresno VMT Guidelines p. 1 and 2

*The impact of transportation has shifted from congestion to climate change, and the purpose of the CEQA analysis is to disclose and ultimately reduce GHG emissions by reducing the number and length of automobile trips. As part of the SB 375 land use/transportation integration process and the GHG goal setting, the State and Regional Transportation Planning Agencies (RTPA) have agreed to reduce GHG through integrated land use and transportation planning by a statewide average of approximately 15 percent by 2035.... [T]he CARB recommends total VMT per capita rates approximately 15 percent below existing conditions.*

[...]

*The TA therefore recommends:*

*A proposed (residential) project exceeding a level of 15 percent below existing regional average VMT per capita may indicate a significant transportation impact.*

*A similar threshold would apply to office projects (15 percent below existing regional average VMT per employee).*

*VMT generated by retail projects would indicate a significant impact for any net increase in total VMT.*

*CARB establishes GHG targets for each of the 18 MPOs in the State, reviews the SCSs and makes a determination whether the SCS would be able to achieve GHG reduction targets if implemented... CARB established a 13 percent GHG reduction target for 2035 for the Fresno region's third RTP/SCS.... [R]eduction in GHG directly corresponds to reduction in VMT. In order to reach the statewide GHG reduction goal of 15 percent, the City must reduce GHG by 13 percent. The method of reducing GHG by 13 percent is to reduce VMT by 13 percent as well.*

City of Fresno VMT Guidelines p. 23

*[Note: Pages cited above from the City's VMT Guidelines are also attached to this letter]*

While exceeding the VMT threshold can arguably, in and of itself, be treated as a conflict with a GHG/Climate Change plan, policy, and/or regulation, it most definitely amounts to essentially irrefutable evidence of a material conflict with the entire plan, policy, and regulation framework for GHG emissions and Climate Change.

While implications related to the City's adoption of a VMT Reduction Fee Program are discussed in greater detail later on, some information provided as part of that documentation bears discussing here. Response O3-13 includes the following: "[T]he comment incorrectly asserts that the City of Fresno needs a reduction of 67,429 average daily VMT to meet its citywide reduction target." The VMT Reduction Program describes 67,429 units of VMT associated with future development that are projected to be unmitigated, as calculated by the Fresno COG Activity Based Model."

See the quote below and pages attached from Fresno VMT Reduction Program which explain the source of the value of 67,429 units of daily VMT:

"Total citywide unmitigated VMT from the City's General Plan scenario was obtained from the Fresno COG Activity Based Model (ABM) and was used as the VMT to be mitigated by the VMT reducing projects. The total unmitigated VMT was estimated from

the growth of origin-destination (OD) VMT between General Plan and existing (base year) conditions after considering the population and employment growth in the region."

If it means something different, the City should clarify beyond "that's not the right number" without providing the right number.

Either way, the proposed Costco project's VMT has not been accounted for in the Fresno COG ABM. Moreover, this information further puts into context just how massive the project's VMT increase will be in relation to VMT occurring in the entire City, which further demonstrates how and why it amounts to a significant GHG impact. This response does nothing to discount the magnitude of the Costco project's impacts are nearly double that of the City's entire VMT reduction target.

Allowing this project to skirt by under a determination of "less than significant (without mitigation)" unfairly shifts the burden of meeting and complying with GHG-related mandates onto future projects and development. Allowing the Costco project to go forward, unmitigated, may lead to a larger gap on progress towards meeting mandated reductions, which in turn could lead to even more stringent VMT reduction thresholds or other measures necessary to meet the mandates. For instance, a future housing project could end up having to mitigate 20-25 percent of its VMT rather than 13 percent because the City falls off pace with meeting its GHG reduction targets (a cause of which could be the Costco project's outsized unmitigated impact).

It is only incorrect in the sense that the City may actually need *greater than* the 67,429 average daily VMT to meet its GHG reduction goals. (Note: If the City is capable of meeting VMT reduction goals with a lesser number, the City should clarify what that number is as part of its response.)

VMT reduction is so fundamental to the entire GHG regulatory and policy framework that having a significant and unavoidable VMT impact (i.e., exceeding the established ) necessarily results in conflict with that framework.

The project's VMT threshold exceedance is either in its own right a conflict with plan, policy, or regulation to reduce GHG emissions, or it is irrefutable evidence of a broad and fundamental conflict with the regulatory and policy framework for GHG emissions.

***The Availability of the City's VMT Mitigation Fee Program Constitutes a CEQA Mitigation Measure for Project's Significant Greenhouse Gas and Climate Change Impacts***

*Attached for reference are pages from the City's VMT Mitigation Fee Program as well as excerpts from City of Fresno staff during City Council hearings leading up to the adoption of the VMT Mitigation Fee Program*

The EIR and Responses to Comments fail to adequately address the significance of the City's newly adopted VMT Mitigation Fee Program as a feasible mitigation measure for the project's significant GHG Emissions and Climate Change impacts.

The City's adoption of the VMT Mitigation Fee Program and supporting nexus study constitutes significant new information and a materially changed circumstance relevant to CEQA review. During 2023 and 2024 when the earlier iterations of the EIR were prepared and certified no such adopted program existed. Now however, the City has formally adopted a VMT mitigation framework supported by technical analysis and findings establishing a nexus between project-generated VMT and the need for mitigation measures intended to reduce associated environmental impacts, including impacts related to GHG emissions and climate change.

Under CEQA, agencies are required to adopt all feasible mitigation measures capable of substantially lessening significant environmental impacts. (Pub. Resources Code §§ 21002, 21002.1; CEQA Guidelines §§ 15091, 15126.4.) Where substantial evidence demonstrates that a mitigation measure is feasible and capable of reducing a significant impact, the agency must either adopt the measure or provide substantial evidence demonstrating why the measure is infeasible.

Here, it is undisputed that the project's excessively high level of VMT would result in significant VMT-related impacts, which are directly connected to significant GHG emissions and climate change impacts. The relationship between VMT and GHG emissions is foundational to California's climate regulatory framework, including SB 743 and CEQA Guidelines section 15064.3. As previously noted, the PR-DEIR itself relies extensively on VMT-related plans, policies, and regulations in its discussion of GHG consistency and climate-related impacts.

The Responses to Comments incorrectly attempt to compartmentalize VMT as solely a "Transportation" issue on the basis that VMT analysis appears within the Transportation section of Appendix G and CEQA Guidelines section 15064.3. That position is inconsistent with both CEQA and the underlying policy basis for SB 743. VMT is not exclusively a transportation metric; it is also a core indicator of climate-related environmental impacts because increased vehicle travel directly contributes to increased GHG emissions.

The placement of VMT analysis within the Transportation section of CEQA was intended, in substantial part, to replace outdated Level of Service ("LOS") methodologies and promote transportation and land use patterns that reduce vehicle travel and associated emissions. SB 743 was expressly intended to encourage low-VMT development patterns and discourage

projects that substantially increase VMT and associated emissions. Accordingly, the fact that VMT is discussed in the Transportation section does not preclude its consideration as part of the Project's GHG and Climate Change analysis.

The FEIR and responses focus primarily on the assertion that the City's VMT fee ordinance may not automatically apply to this project as a matter of local ordinance because the project application predates adoption of the fee program. However, this does not resolve the relevant CEQA question.

A distinction exists between whether a local ordinance independently requires payment of a fee as a matter of municipal code administration versus whether CEQA independently requires implementation of a feasible mitigation measure to reduce a significant environmental impact.

Even assuming that the City's ordinance does not require payment of the fee for this project, that does not establish that payment of equivalent VMT mitigation fees is legally prohibited, infeasible, or unavailable as CEQA mitigation. The City's VMT Mitigation Fee Program, nexus study, and supporting findings provide substantial evidence demonstrating that such mitigation is feasible and environmentally justified.

Nor does the record support any conclusion that payment of VMT mitigation fees would be legally infeasible. The Responses to Comments identify no provision of state law or local ordinance prohibiting the City from imposing equivalent mitigation requirements pursuant to CEQA. At most, the City appears to argue only that the ordinance itself may not automatically compel payment. That is not the same as a prohibition on imposing mitigation pursuant to CEQA's independent statutory mandates.

This distinction is especially important given the procedural posture of the project. The original EIR and approvals were invalidated and set aside pursuant to court order. As a result, the recirculated EIR must evaluate the project based on current environmental conditions, current regulatory frameworks, and currently available mitigation measures at the time of recertification and project approval. CEQA review following decertification cannot ignore subsequently adopted mitigation programs that bear directly on the significance and mitigation of the project's impacts.

The City's newly adopted VMT Mitigation Fee Program therefore constitutes significant new information and a substantially changed circumstance relevant to the project's GHG Emissions and Climate Change analysis and mitigation framework. The City must evaluate whether payment into the VMT mitigation program would reduce the project's significant GHG and climate-related impacts and, if so, either adopt the mitigation or provide substantial evidence demonstrating that such mitigation is infeasible.

If the City intends to conclude that payment of the VMT mitigation fee would be partially or wholly infeasible, CEQA requires that conclusion to be supported by substantial evidence. As indicated by the Planning Director during City Council hearings for the , such evidence would

require project-specific economic or financial analysis demonstrating why implementation of the mitigation measure cannot feasibly occur. A conclusory assertion that the fee is “not applicable” under the ordinance does not satisfy CEQA’s separate and independent feasibility requirements.

Finally, the City and applicant cannot avoid reconsideration of VMT-related mitigation merely because portions of the original Transportation analysis were not specifically ordered recirculated. VMT is directly relevant to the recirculated GHG Emissions and Climate Change section itself. The PR-DEIR repeatedly relies upon VMT-related plans, policies, regulations, and thresholds in evaluating climate impacts and consistency with statewide emissions-reduction objectives. Because VMT is intertwined with the Project’s climate impacts, mitigation measures addressing VMT remain squarely within the scope of the recirculated CEQA review.

**From:** Ralph Kachadourian [REDACTED] >  
**Sent:** Tuesday, March 09, 2021 5:31 PM PST  
**To:** Mike Sanchez [REDACTED] >  
**Subject:** RE: Costco Project Info

Hope so, but the CUP may be able to cover it. Yes, the tire installation can be associated with the fuel station use, and tire sales are retail inside the store.

---

**From:** Mike Sanchez  
**Sent:** Tuesday, March 09, 2021 5:17 PM  
**To:** Ralph Kachadourian  
**Subject:** RE: Costco Project Info

We need to make a determination if the car wash is an ancillary use. I am not too worried about the tire sales

---

**From:** Ralph Kachadourian  
**Sent:** Tuesday, March 9, 2021 3:58 PM  
**To:** Mike Sanchez  
**Subject:** Costco Project Info

Mike, you may already know this and maybe the CUP process will cover, but the tire center (minor auto repair use) and the car wash are not permitted in the CC zone district.

Ralph Kachadourian  
Supervising Planner



Planning & Development Department  
Development Services Division

[REDACTED]

[REDACTED]

*Due to the current COVID-19 pandemic, City Hall offices are closed to the public and public count services have been suspended. During this rapidly changing environment we find ourselves in, we are all being challenged to provide essential services to our community under difficult circumstances. Planning Division staff has been working remotely to provide public services and will continue to do so electronically and via telephone in as timely a manner as possible. We appreciate your patience. For additional information please see the City of Fresno website <https://www.fresno.gov/>.*



2600 Fresno Street, Room 3043  
Fresno, California 93721-3604  
(559) 621-8277  
[www.fresno.gov](http://www.fresno.gov)

Jennifer K. Clark, AICP, HDFP  
Director

March 17, 2021

Brandon Northart  
[Redacted]  
(sent via e-mail only)

*Please reply to:*  
Mindi Mariboho  
DRC Coordinator  
[Redacted]

**SUBJECT:** Preliminary Review Application No. P21-00978.

**PROJECT:** Proposal for construction of an approximately 168,661sq.ft. COSTCO wholesale retail facility that would also include an attached tire center, as well as a detached gas station and a drive-through car wash. The subject property is located on a 23.26-acre undeveloped parcel located on the east side of N. Riverside Dr between W. Herndon Ave and W. Spruce Ave (APN: 50302012).

The project also includes a General Plan Amendment to remove the Expressway Area (EA) overlay encompassing the approximately 15-acre southern portion of the parcel along West Herndon Avenue and reclassify that portion of Herndon Avenue fronting the project site to Super-Arterial (SA) roadway classification.

On 02/26/2021, the proposed project submittal was routed electronically to the Development Review Committee (DRC) for their review along with the additional WebEx meeting held on 3/9/2021, and this letter provides preliminary project comments/recommendations/conditions. This letter and attached documents constitute(s) an initial listing of these review comments and corrections necessary before you formally submit your application electronically through the FASTER system. A submittal checklist is provided at the end of this letter (Part B).

Please be advised this letter and all related comments do not represent any approval of the project, nor do they encompass any mandatory or discretionary conditions that may be required. The intent is to provide only feedback so that a complete application can be submitted. If you have any concerns about any of the preliminary comments contained, please do not hesitate to contact me at the email above.

**Please note:** The information that follows is best viewed electronically as it contains numerous internet links to access more information. *These links are underlined and in blue.*

**PART A: INITIAL COMMENTS/CORRECTION LIST**

1. Zoning and Land Use Requirements (Planning Division)

	a.	<b>Address all items, listed in this DRC letter, by revising your Operational Statement and/or site plans, prior to formal application submittal of the proposed project.</b>
--	----	---

	<p>b. The subject site is zoned CC/EA/UGM/cz (<i>Commercial Community District/ Expressway Overlay/Urban Growth Management/conditions of zoning</i>) and with a general plan land use designation of <i>Commercial Community</i>. Go to the <a href="#">Municode Website</a> for Fresno Municipal Code (FMC) to access Chapter 15, under <a href="#">Article 12</a> and <a href="#">Article 16</a> for additional Development Code provisions and information related to the proposed project.</p>
	<p>c. The Costco wholesale/retail project proposal is classified as; ‘Large - Format Retail’ and a ‘Service Station,’ which are conditionally permitted uses in the CC zone district and are subject to a <b>Conditional Use Permit</b>. (submittal requirements contained in Part B below) The proposal for the tire center (tire installation) services can be considered as an incidental/ancillary use to the Costco retail store project.</p>
	<p>d. The proposal for the car wash is classified as, ‘Automobile/Vehicle – Washing, which is a use that is <u>not allowed</u> in the CC zone district.</p> <p>To include the car wash, the project site will need to be rezoned. Based on the proposed project uses, consider the following:</p> <ul style="list-style-type: none"> <li>• The CR (Commercial-Regional) zone district identifies ‘Automobile/Vehicle – Washing’ as a conditionally permitted use. Since a general plan amendment is being proposed to remove the Expressway Area (EA) overlay for a portion of W. Herndon Ave, a rezone from CC(Commercial-Community) to CR(Commercial - Regional) can be included in the plan amendment review process. Per the Development Code, the CR (Commercial-Regional) zone district is the most appropriate classification for this overall type of development proposal. (see <a href="#">Section 15-1201</a>)</li> </ul>
	<p>e. The following development code provisions identifies Specific Uses that are applicable to the project as proposed: ‘Service Stations’ pursuant to <a href="#">Section 15-2755</a>; and ‘Automobile/Vehicle Washing’ pursuant to <a href="#">Section 15-2711</a>.</p>
	<p>f. The Fresno Development Code under <a href="#">Chapter 15</a> of the Fresno Municipal Code provides the following Articles identifying code provisions and development requirements that may or will be applicable to the proposed project:</p> <ul style="list-style-type: none"> <li>• <a href="#">Article 20</a> General Site Regulations;</li> <li>• <a href="#">Article 23</a> Landscaping;</li> <li>• <a href="#">Article 24</a>, Parking &amp; Loading;</li> <li>• <a href="#">Article 25</a> Performance Standards (maintenance, lighting, noise, odors, hazardous materials, etc.) and;</li> <li>• <a href="#">Article 26</a> Signs</li> </ul> <p>Please review the provisions under these Articles and where they are applicable to the project, amend plans and operational statement to the extent necessary to achieve compliance.</p>
	<p>g. Development shall take place in accordance with the policies of the <a href="#">Fresno General Plan</a>, the <i>Bullard Community Plan</i>, and with the <i>Commercial – Community</i> planned land use designation.</p>

	<p>h. Planner Review Comments:</p> <ol style="list-style-type: none"><li>1. A proposal for a Plan Amendment/Rezone will be subject to conducting a neighborhood meeting prior to submittal of the formal project review applications. This requirement is specified under <a href="#">Section 15-5805</a> and the applicable procedures to be conducted by the applicant are specified under <a href="#">Section 15-5006</a>.</li><li>2. For a Plan Amendment/Rezone, review the provisions under <a href="#">Article 58</a>. The plan amendment/rezone application review including the project entitlements will be processed concurrently and subject to Planning Commission review with their recommendation for final review and approval by the Fresno City Council.</li><li>3. At time of planning entitlement submittal, please include verification that all property lines are depicted on the site plan per the legal description contained on the site plan and in the Title Report or Deed.</li><li>4. Label, show and dimension on the site plan all footprints of the existing and proposed structures and all parking areas, access driveways and aisle ways, including pedestrian walkways and landscaped areas. Include the locations of the PGE Transmission Towers and indicate the width of the PGE tower easement.</li><li>5. All areas on the project site shall be fully improved.</li><li>6. Submittal of landscape and irrigation plans will be required for the project. Provide landscaping on Outlot 1 and within the remaining portion of the PGE easement at the W. Spruce and N Riverside corner.<ul style="list-style-type: none"><li>• The recommendation to install landscaping for Outlot 1 will maintain an attractive appearance to the project especially from the corner view along this major roadway as well as to the surrounding residential and commercial uses.</li></ul></li><li>7. Signage for the project will be processed under a separate sign review application in accordance with the provisions under FMC <a href="#">ARTICLE 26 - SIGNS</a>. The proposed project may be subject to approval of a Master Sign Program.</li><li>8. Comply with Parking Area Development Standards per FMC <a href="#">Section 15-2416</a> - Electric Vehicle (EV) Parking Requirements will apply.</li><li>9. The project is subject to the <a href="#">City of Fresno Parking Manual</a>.</li><li>10. Review and comply with FMC <a href="#">Section 15-1203</a> – Intensity and Massing Development Standards; <a href="#">Section 15-1204</a> – Site Design Development Standards; and <a href="#">Section 15-1205</a> – Façade Design Development Standards.</li><li>11. Exterior elevations were not submitted for consideration under this preliminary review. Recommend that building designs include enhanced architectural design features with a mix of materials, treatments and colors in a manner that maintains an aesthetic appearance that will compliment the surrounding and nearby residential and retail/commercial developments. (Observation - consider incorporating design details in a manner that would be similar to the Costco located along Great Oaks Blvd in San Jose)</li><li>12. All exterior mechanical and electrical equipment (roof-top and ground</li></ol>
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		<p>mounted) shall be fully screened on all elevations from public view/street views. Provide screening that is architecturally consistent and compatible with the materials and treatments of the building. Extended parapet heights can also provide effective roof-top equipment screening.</p> <p>13. Will the location of the proposed long-term bicycle parking area be adequately secured to prevent theft and/or vandalism?</p>
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2. Public Works Department - Traffic

a.	Development shall take place in accordance with the <a href="#">Standard Specifications</a> and <a href="#">Standard Drawings</a> of the City of Fresno Public Works Department.
b.	Site plan shall comply with the <a href="#">Traffic Planning Submittal Requirements</a> .
c.	See "Exhibit" for Public Works, Traffic Planning's preliminary comments.

3. Fire Department

a.	<p>The following is based on the documents provided for the DRC process and additional comments may be needed upon review of the formally submitted entitlement.</p> <ol style="list-style-type: none"> <li>1. N. Arthur Ave. already exists as a public road two streets east of N. Fruit Ave. A new public name must be assigned by the Development Dept.</li> <li>2. Public Works has indicated that the N. Arthur public street ROW will be developed as a local street and they will support the change in street status of W. Herndon from expressway to super arterial which will enable the new road connection proposed at W. Herndon.</li> <li>3. Public Utilities has indicated that a 12" water main will be required to be installed in the N. Arthur alignment with connection to the 14" inch in W. Spruce and the 16" water main in W. Herndon.</li> <li>4. Install new public fire hydrants on the N. Arthur alignment water main; show those and the existing public hydrants along W. Spruce on the formally submitted site plan the locations indicated on the Fire site plan redline. Install two private fire hydrants at the locations shown west of north of the building with an 8 inch minimum water main. This private service will likely need two points of connection due to the separation of the private hydrant locations and the fire pump house location area where the service will likely be sought. There are existing public fire hydrants on the west side of N. Riverside, but due to building setback and the median, the hydrants indicated previously will provide the primary hydrant coverage.</li> <li>5. The two existing fire hydrants on W. Spruce were installed in 2007 in an open field and are unique base valve operated type fire hydrants that have a high potential failure rate over time. They need to be replaced with the current Water Division standard hydrant during the new road construction.</li> <li>6. Based on the orientation of the building entry, the project needs a N. Riverside address.</li> </ol>
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	<p>7. Confirm all required fire access roads shall have a 44' centerline turn radius. Required fire vehicle access are as indicated on the redline for fire lane marking.</p> <p>8. Fire lanes need to be designated along the fire access private road system with red curb and NO PARKING FIRE LANE in 3 inch white letters every 50 feet. Coordinate with Public Works on the installation of No Stopping Anytime Tow-Away signs on the west side of the public street proposed east of the building at intervals as determined by that Department. See redline for locations.</p> <p>9. Install CVC 22658 fire lane towaway warning signs at each driveway entrance.</p> <p>10. Show the proposed location of the fire pump room and associated fire department connection on the exterior wall of the minimum one-hour fire rated dedicated room.</p> <p>11. Recheck the spacing on the perimeter high piled rack storage fire access man-doors required at a maximum spacing of 125 feet on center.</p> <p>12. Provide a standard note that all-weather fire access and fire hydrants shall be installed before delivery of combustible material to the job site.</p> <p>13. Be advised the City of Fresno has a local amendment to the 2019 California Fire Code that requires fire sprinklers for all a buildings 5000 or more square feet in area and there are no exceptions for fueling canopies. Indicate the installation of a remote PIV/FDC assembly installed at the W. Spruce frontage to supply this system, see redline.</p> <p>14. Be advised that the underground fuel tank installation requires permits from the Fresno County Environmental Health Division Underground Tank Program which will conduct all inspections of the installation.</p>
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4. Building and Safety Services Division

	a. Upon entitlement approval, plans and permits will be required for the proposed project and reviewed through a separate permitting process. <a href="#">Please click on this link for more information.</a> Please submit these plans for building permits directly to the Building and Safety Services Division.
	b. 1) All building plans shall be in conformance with Current adopted California building Codes including amendments. Current Code Cycle is California Building Code, Title 24, 2019.

5. Department of Public Utilities: Solid Waste

	a. Solidwaste requirements are located in the Document section of the Planning Record under DPU CONDITIONS
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6. Department of Public Utilities: Planning and Engineering (sewer and water)

	a. Sewer requirements are located in the Document section of the Planning Record under DPU CONDITIONS
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The Regional City can and, in many cases, does have several urban centers. For example, the Bay Area has at least three: San Francisco, San Jose, and Oakland. Either multiple or singular, urban centers form the prime structure of a region. They are the business, cultural, and civic centers that provide the global identity and local focus for a region. Whereas suburbs seem to be more and more homogenous, cities remain unique—in form, scale, enterprise, and culture. They can be as different as Chicago and Portland, and their surrounding metropolis is greatly influenced by these differences in identity and focus.

### Districts

Districts are areas outside of neighborhoods and centers that accommodate uses not appropriate for a mixed-use environment. Not all uses can be of a scale, mix, and character that fits within a neighborhood or a center. Examples of such uses are plentiful: light and heavy industrial areas, airports and major seaports, “big-box” retail and distribution centers, central business districts, military bases, and university campuses. These areas are critical to the economic and cultural life of a region but functionally must be separate from the fine grain of a neighborhood or the mix of a center.

However, some single uses, correctly segregated as districts, can be closely integrated with mixed-use areas and centers—and should be. Office parks are a prime example. Under current zoning, these primary work destinations are isolated and clustered into districts near highway interchanges. Through some bizarre identification with factories, offices are seen as a poor fit with village, town, and urban centers. To the contrary, they should be integrated into our mixed-use centers. Such integration adds strength to the retail component of the center, reinforces the transit system supporting the center, and increases the value of any of its civic uses.

The challenge of integrating offices into regional mixed-use centers is often their large scale. Although there is a growing and important segment of office work in small businesses, the large corporation must not be excluded from the region's centers. This is a design challenge that must not be sidestepped by isolating large corporations in “campus” or office-park settings. In urban centers, the solution is traditional and well established: the high-rise building. In town centers, large-scaled low-rise buildings can be integrated into a block system that respects the pedestrian while allowing efficient building footprints. Shared parking, structured parking, and reduced parking (for

transit accessibility) all can help mitigate the separations typically created by large parking lots. A hierarchy of streets can allow for a front pedestrian side of the office development and a back service and parking side.

Other examples of important uses too often isolated from mixed-use centers are cultural and civic facilities. The ubiquitous suburban civic center or entertainment zone is another lost opportunity to complete and reinforce town and village centers. Our civic buildings along with our cultural facilities should be integrated into the fabric of our communities, mixed with employment, shopping, and some housing. The modern equivalent of "courthouse square" should be a focal point of the Main Streets of the future. Theater districts and movie complexes should likewise be an essential part of the centers that draw our communities together.

In contrast, light industry, such as factories, are another matter. The low intensity of jobs in light industry and factory areas, the need for frequent truck access, and the scale of the buildings do not lend themselves to mixed-use areas. Warehouse facilities and businesses that use toxic materials also need separation into special districts. In a way, big-box retailing is a kind of light industrial use. It is in effect a warehouse that sells merchandise directly. Setting aside the debate about the negative effects of big-box stores on local and neighborhood retail viability, these uses are more appropriate in light industrial areas than in village or town centers.

Some other uses become special districts because of their functional needs. The college or university campus is a good example. Certainly, the edges of these institutions must be clear and identifiable. But the relation between such special districts and town and urban centers is a rich opportunity. The "town and gown" tension adds interest and character to many cities and towns throughout the country. And once again the transit system can be a prime connector to such districts.

### Preserves

Preserves are perhaps the most complex and controversial building block of a regional design: complex because they include so many very different elements, locations, and potential uses; controversial because the means of saving the land and the economic effects are hotly debated. Beyond those lands now protected by federal or state law (wetlands, critical habitat, and so forth), the identification of which types of rural landscapes are appropriate for preservation is a central component of a regional vision. Clearly, such open-space preserves at the edge of a region are almost universally

## Google AI Overview response to the question “How many loading docks does the average big box store have?”

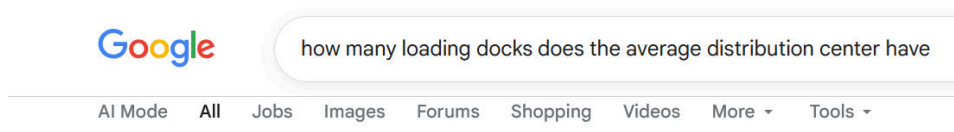
### ◆ AI Overview

The average big box store (such as [Walmart](#), Target, or Home Depot) typically features **2 to 4 loading docks**. These stores usually operate with a small backroom footprint, meaning the receiving areas are primarily used for rapid, scheduled replenishment rather than long-term storage. BCI www.buildcentral.com +4

While a massive distribution center might require 1 loading dock for every 5,000 to 10,000 square feet, retail storefronts prioritize selling space and scale their dock counts based on daily delivery volume: www.warehousesmarket.com

- **2-Dock Setup:** Standard for smaller format big box stores or locations without heavy grocery operations. One dock is usually reserved for full 53-foot truckload (TL) general merchandise trailers, while the other handles less-than-truckload (LTL) deliveries, parcel carriers, or specialized vendor trucks.
- **3 to 4-Dock Setup:** The norm for large "Supercenter" or hypermarket formats that receive high volumes of fresh and frozen groceries alongside general merchandise.
- **Drive-In Ramps:** Most big box store receiving areas also include one **drive-in or grade-level door**, which allows smaller straight trucks (like local beverage or vendor delivery trucks) or forklifts to access the building floor without a raised dock. Link Logistics +3

## Google AI Overview response to the question “How many loading docks does the average distribution center have?” (Note: changing “distribution center” to “logistics facility” results in the same response.)



### ◆ AI Overview

Rather than a single flat average, distribution centers feature loading docks scaled to their facility size and operational throughput. Industry standards typically require roughly **one dock door per 10,000 square feet**. Link Logistics +1

Common warehouse dock distributions scaling by size include:

- **100,000 sq. ft.:** ~10 to 15 dock doors
- **250,000 sq. ft.:** ~25 to 50 dock doors
- **500,000+ sq. ft.:** 100 to 200+ dock doors (typical for large regional fulfillment and cross-docking operations) Link Logistics +1

The exact number depends on the facility's specific turnaround times and shipping volume. For deeper analysis on space allocation, consult [Link Logistics' Warehouse Capacity Guide](#) or [WARE's Industrial Property Specs](#). 🔗

*References:*

<https://www.buildcentral.com/the-big-box-retailer-construction-economy-2/>

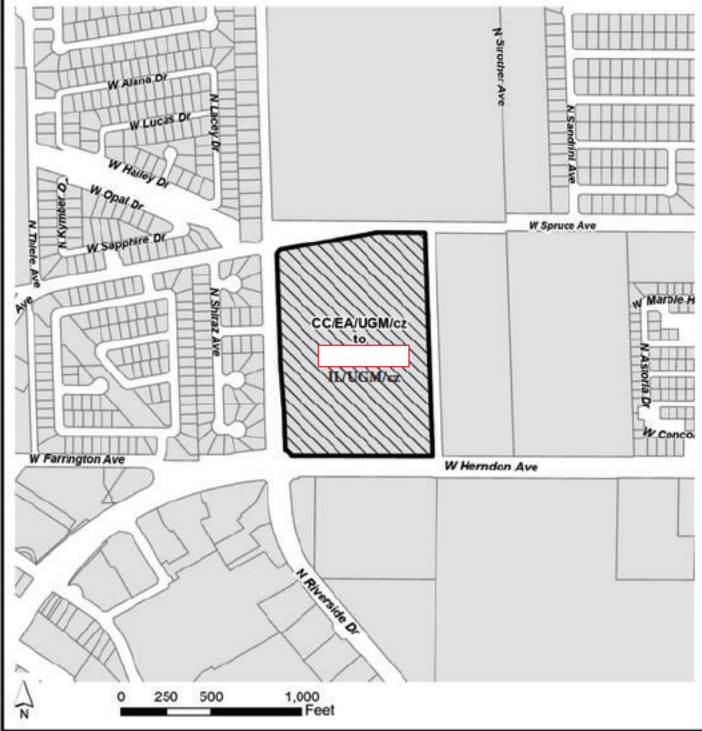
<https://www.linklogistics.com/news-insights/industrial-real-estate-101/how-to-choose-industrial-warehouse-space-essential-features-to-consider/>

<https://www.linklogistics.com/news-insights/industrial-real-estate-101/warehouse-storage-capacity-guide-to-maximizing-space/>

<https://www.warehousesmarket.com/post/docks-and-doors-your-industrial-building-s-exterior-explained>

<https://www.workplacepub.com/material-handling/loading-dock-equipment/designing-the-right-loading-dock-for-your-operation/>

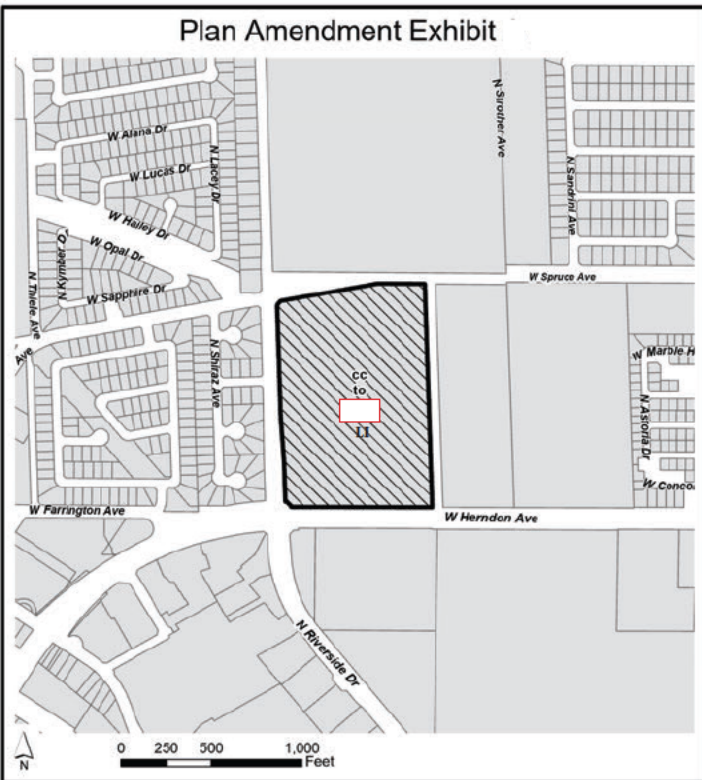
### Rezone Exhibit



P21-01960  
APN: 503-42-012  
7126 N Riverside Drive

Yup, basically just change letters on the figures. No SB 330 issues since neither zone/GP designation includes housing.

### Plan Amendment Exhibit



P21-01960  
APN: 503-42-012  
7126 N Riverside Drive

## PROJECT DATA

CLIENT: COSTCO WHOLESALE  
999 LAKE DRIVE  
ISSAQUAH, WA 98027

PROJECT ADDRESS: NEC OF I-35 & NE 36TH ST  
FRESNO, CA

ACCESSOR'S PARCEL NUMBER: 503-020-12

## SITE DATA:

COSTCO SITE AREA: 21.20 ACRES (923,869 SF)  
FUEL PARCEL AREA: 1.33 ACRES (57,753 SF)  
**TOTAL SITE AREA: 22.53 ACRES (981,622 SF)**

JURISDICTION: CITY OF FRESNO  
EXISTING ZONING: CC/EV/cz  
PROPOSED ZONING: CG/cz

SETBACKS:	REQUIRED	ACTUAL	TBD	TBD
FRONT:	TBD	FRONT:	TBD	TBD
SIDE:	TBD	SIDE:	TBD	TBD
REAR:	TBD	REAR:	TBD	TBD

## BUILDING DATA:

TOTAL BUILDING FOOTPRINT AREA:	219,216 SF
INCLUDES:	
<b>GROSS WAREHOUSE</b>	<b>167,960 SF</b>
INCLUDES NET MECHANICAL / FIRE	1,188 SF
INCLUDES OPEN CANOPY	3,233 SF
GROSS MDO	46,834 SF

## PARKING DATA:

TOTAL SITE PARKING:	873 STALLS
INCLUDES:	
10' WIDE STALLS	808 STALLS
ACCESSIBLE STALLS	25 STALLS
TOTAL RECEIVING PARKING:	40 STALLS
INCLUDES:	
10' WIDE STALLS	40 STALLS
EV STALL PARKING	92 STALLS
NUMBER OF STALLS PER 1000 SF OF BUILDING AREA:	3.98 STALLS
12' WIDE TRAILER PARKING	33 STALLS

NOTES:  
EXISTING CONDITIONS TO BE FIELD VERIFIED.

ANY SURVEY MONUMENTS WITHIN THE AREA OF CONSTRUCTION SHALL BE PRESERVED OR RESET BY A PERSON LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF CALIFORNIA

REPAIR ALL DAMAGED AND/OR OFF-GRADE CONCRETE STREET IMPROVEMENTS, AS DETERMINED BY THE CONSTRUCTION MANAGEMENT ENGINEER, PRIOR TO OCCUPANCY

2 WORKING DAYS BEFORE COMMENCING EXCAVATION OPERATIONS WITHIN THE STREET RIGHT-OF-WAY AND/OR UTILITY EASEMENTS, ALL EXISTING UNDERGROUND FACILITIES SHALL HAVE BEEN LOCATED BY UNDERGROUND SERVICES ALERT (USA). CALL 1-800-642-2444

## VICINITY MAP



0 25 50 100  
1" = 50'-0"



NOVEMBER 14, 2023

CONCEPT SITE PLAN

D11-34

10/11/23 10:00 AM



# CONCEPT SITE PLAN

NOVEMBER 14, 2023

SEC. 15-1202. - USE REGULATIONS.

A. Table 15-1202 prescribes the proposed land use regulations for Commercial Districts. The regulations for the districts are established by letter designations listed below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review.

"P" designates permitted uses.

"C" designates uses that are permitted after review and approval of a Conditional Use Permit.

"(#)" numbers in parentheses refer to specific limitations listed at the end of the table.

"-" designates uses that are not permitted.

B. Land uses are defined in Article 67, Use Classifications.

C. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character per Section 15-5020, Director's Determination.

D. All permitted uses are allowed either alone or in combination with other permitted uses unless otherwise stated in this Code.

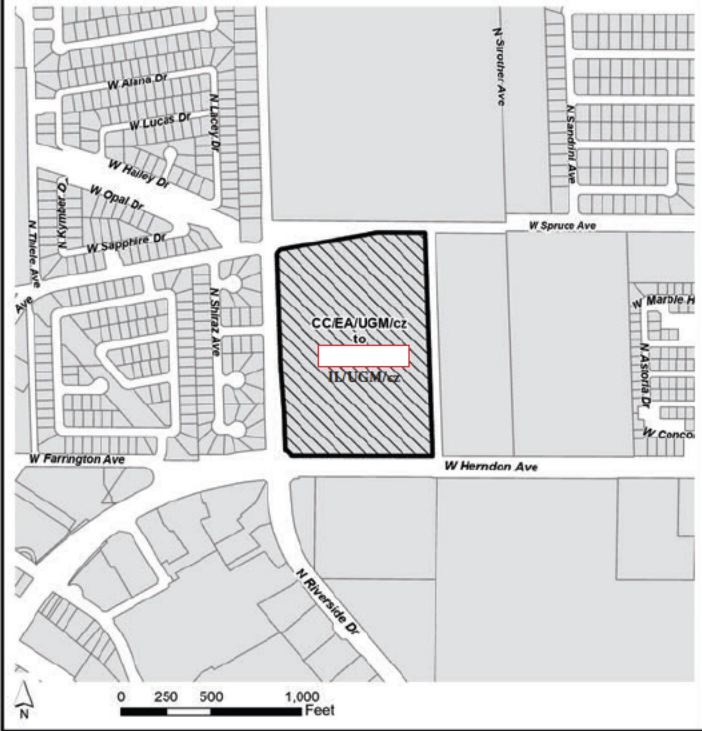
E. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are not permitted.

F. The table also notes additional regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Code.

**TABLE 15-1202: LAND USE REGULATIONS - COMMERCIAL DISTRICTS**

Use Classifications	CMS	CC	CR	CG	CH	CRC	Additional Regulations
...							
INDUSTRIAL USE CLASSIFICATIONS							
...							
Warehousing, Storage, and Distribution							
<b><i>Indoor Warehousing and Storage</i></b>	-	-	-	<b>C</b>	<b>C</b>	-	<i>*Limits on max. SF</i> <i>*Limits on max. # of Truck bays</i>
Personal Storage	C	C	C	C	C	C	§ 15-2747, Personal (Mini) Storage
<b><i>Wholesaling and Distribution</i></b>	-	-	-	<b>C</b>	<b>C</b>	-	<i>*Limits on max. SF</i> <i>*Limits on max. # of Truck bays</i>

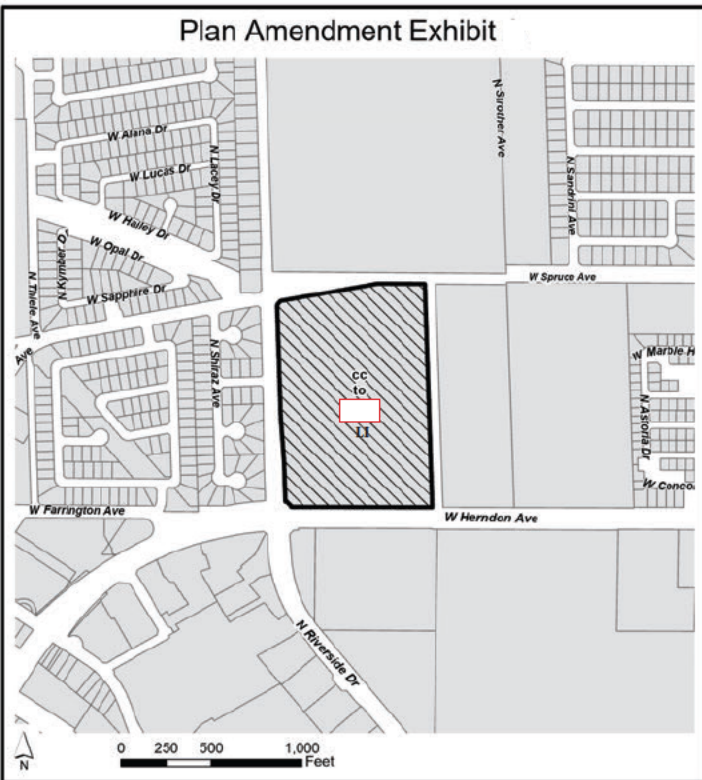
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7126 N Riverside Drive

SEC. 15-1202. - USE REGULATIONS.

A. Table 15-1202 prescribes the proposed land use regulations for Commercial Districts. The regulations for the districts are established by letter designations listed below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review.

"P" designates permitted uses.

"C" designates uses that are permitted after review and approval of a Conditional Use Permit.

"(#)" numbers in parentheses refer to specific limitations listed at the end of the table.

"-" designates uses that are not permitted.

B. Land uses are defined in Article 67, Use Classifications.

C. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character per Section 15-5020, Director's Determination.

D. All permitted uses are allowed either alone or in combination with other permitted uses unless otherwise stated in this Code.

E. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are not permitted.

F. The table also notes additional regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Code.

**TABLE 15-1202: LAND USE REGULATIONS - COMMERCIAL DISTRICTS**

Use Classifications	CMS	CC	CR	CG	CH	CRC	Additional Regulations
...							
INDUSTRIAL USE CLASSIFICATIONS							
...							
Warehousing, Storage, and Distribution							
<b><i>Indoor Warehousing and Storage</i></b>	-	-	-	<b>C</b>	<b>C</b>	-	<i>*Limits on max. SF</i> <i>*Limits on max. # of Truck bays</i>
Personal Storage	C	C	C	C	C	C	§ 15-2747, Personal (Mini) Storage
<b><i>Wholesaling and Distribution</i></b>	-	-	-	<b>C</b>	<b>C</b>	-	<i>*Limits on max. SF</i> <i>*Limits on max. # of Truck bays</i>

Jose Valenzuela  
Supervising Planner  
City of Fresno  
2600 Fresno Street, Third Floor, Room 3043  
Fresno, CA 93721

**Subject: Costco Commercial Center Draft EIR (State Clearinghouse # 2021100443)**

Dear Mr. Valenzuela,

Presented in this letter are my comments on the Costco Commercial Center Draft EIR. The comments are organized into the following three overarching topic areas:

- 1) Comments regarding potential inconsistency between the operational characteristics identified in the proposed project description and the uses allowed by the proposed General Plan Amendment/Rezone.
- 2) Comments addressing issues and deficiencies in the analysis of specific categories of environmental effects – including Aesthetics, Biological Resources, Greenhouse Gas Emissions, Noise, and Transportation impacts.
- 3) Comments on the Draft EIR's Alternatives analysis.

As a brief prologue to these comments, I want to note that I am generally in favor of the development of a new Costco in northwest Fresno, but I have major reservations with the proposed project site location due to adverse environmental impacts that are specifically attributable to the site. My hope is that it is within the realm of possibility for Costco, the City, and community stakeholders to collaborate and find a viable alternative location that would substantially fulfill the objectives of the project while avoiding the significant costs (environmental and otherwise) that would result from development of the project at the subject location.

Sincerely,

Daniel Brannick

### Greenhouse Gas Emissions

The determination presented in the Draft EIR that the project will result in less than significant impacts involving GHG emissions is fundamentally inconsistent with the Draft EIR's determination that the project will result in significant and unavoidable transportation impacts resulting from the amount of vehicle miles traveled (VMT) associated with the project.

Appendix G of the CEQA Guidelines includes the following question for evaluating the significance of GHG emissions: "Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?"

There is an abundance of information explaining the linkages between GHG emissions and VMT, and even more of an abundance of information available discussing the effects of GHG emissions on climate change and world-wide adverse environmental impacts. While GHG emissions associated with VMT are probably most often thought of as emissions resulting from gas-powered vehicular travel, significant amounts of GHG emissions are also directly and indirectly generated through buildout and ongoing maintenance of the roadway transportation network.

Section 3.7.1 of the Draft EIR (Regulatory Setting for GHG Emissions and Climate Change) includes a list of plans, policies, and regulations concerning GHG emissions and climate change that are applicable to the proposed project. Other GHG-relevant plans, policies, and regulations appear in the Regulatory Setting for the Energy section (Section 3.6.1).

Below is a non-exhaustive list of applicable plans, policies, and regulations plus page references and excerpts with relevant and applicable content regarding the connections between GHG emissions and VMT:

- *2022 CARB SCOPING PLAN*

<https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp.pdf>

(see discussion of VMT on p. 71-72, 192-195, and 270-271)

- *FRESNO COG 2022 RTP/SCS*

<https://www.planfresno.com/sustainable-communities-strategies-fall-outreach/>

- *CITY OF FRESNO VMT GUIDELINES*

<https://www.fresno.gov/wp-content/uploads/2023/03/CEQA-Guidelines-for-Vehicle-Miles-Traveled-Final-Adopted-Version.pdf>

"The impact of transportation has shifted from congestion to climate change, and the purpose of the CEQA analysis is to disclose and ultimately reduce GHG emissions by reducing the number and length of automobile trips." (City of Fresno VMT Guidelines, p. 23)

(See additional discussion of GHG emissions in relation VMT on p. 2, 9, 13)

While the text of the Draft EIR directly mentions or references a number of applicable GHG-related plans, policies, and regulations, the actual analysis in the GHG Emissions section of the Draft EIR is essentially entirely limited to discussion and evaluation of the City of Fresno's Greenhouse Gas Reduction Plan (GHGRP). The City GHGRP

That can allow for analysis, including streamlined GHG analysis in some cases.

On p. 3.7-10, the DEIR correctly explains that streamlining is not available for this project because of the general plan and rezone involved:

*"The City has an adopted GHGRP with a checklist available for use in CEQA analyses; however, the project is amending the general plan such that the project would, by a comparative worst-case scenario analysis, have greater emissions than the land use type included in the general plan."*

The DEIR then goes on to state that the significance analysis can use the GHGRP's same BAU approach to substantiate the determinations for not one but *both* Appendix G questions:

*"Nevertheless, the city has applied the GHGRP's BAU approach to substantiate the significance determination of the project. The use of the GHGRP in determining the project's significance answers both the Appendix G questions of whether the project would directly or indirectly generate substantial GHG emissions as well as conflict with a local or statewide plan to reduce GHG emissions (in this case, the city's GHGRP)."*

There are two big issues here. First, the phrasing of this statement could lead one to believe that showing consistency with the GHGRP is the *only* step needed or the *only* applicable plan for this project. While the City's GHGRP is informed by and related to a variety of other GHG plans, policies, and regulations, it is not so fully overlapping or authoritative (especially in a non-streamlining scenario as is the case with this project) that consistency with the GHGRP equates to or supersedes consistency determinations for all other applicable GHG plans, policies, and regulations.

Second, there is language in the Draft EIR itself that appears to directly state or infer conflicts and/or inconsistencies between the project (particularly because of its VMT) and applicable GHG plans, policies, and regulations (see Draft EIR excerpts below, with underlining added for emphasis by me):

On p. 3.7-12:

*The 2022 Scoping Plan provides the framework for achieving these aggressive targets, and includes language that can be interpreted as revising the goal for 2030 to 48 percent reduction from 1990 levels as compared to the 40 percent reduction legislated in SB 32 (CARB 2022: 71).*

*The goals established in the GHGRP were designed to adhere to the, then, most current GHG reduction target mandated by SB 32 (i.e., 40 percent reduction from 1990 levels by 2030). It is therefore foreseeable that the GHGRP's existing targets could be interpreted as inconsistent with the state's current long-term GHG reduction goals for 2030 (i.e., 48 percent below 1990 levels by 2030) and 2045 (i.e., 85 percent reduction from 1990 levels and carbon neutrality).*

On p. 3.7-13:

*Additionally, the use of CAP consistency for CEQA determinations is still supported by CARB in Appendix D of the 2022 Scoping Plan (CARB 2022: 7-10). The 2022 Scoping Plan does not explicitly state that the new reduction goals of AB 1279 disqualify existing CAPs that align with the state's previous target of reducing emissions by 40 percent from the 1990 inventory.*

(Note: The appearance of this statement leads me to believe it is strongly suggested by the 2022 Scoping Plan

Further, in some places where the Draft EIR purports to show the project's consistency, there are explanations provided that are logically inconsistent and/or astonishingly misleading.

In Appendix B, Table B-1 of the DEIR's Energy technical subreport (included as Appendix E of the Draft EIR; p. 905 of the DEIR PDF) states the following:

*The Project would not conflict with the implementation of SB 375. Furthermore, the Project would be consistent with the goals of the Fresno Council of Government's (Fresno COG's) Regional Transportation Plan/Sustainable Communities Strategy, which demonstrates how the Fresno region under Fresno COG's jurisdiction will meet the emission reduction targets of SB 375.*

By exceeding the VMT threshold, the project is absolutely at odds with SB 375's GHG reduction goals and the means of achieving those goals as well as the 2022 CARB Scoping Plan, the RTP/SCS, the City of Fresno VMT Guidelines, and numerous other comprehensive GHG emissions-related pieces of policymaking and regulation that involve consideration of VMT.

Also see the project's GHG Emissions Technical Report (Appendix F of the Draft EIR; p. 1085 of the DEIR PDF). In that document, while the consistency analysis seemingly hand-waives away the project's GHG impacts resulting from its VMT because "the [VMT reduction] goal is not applicable to an individual commercial project" (a statement which warrants calling out that this proposal entails even more than that – it is a GPA/rezone along with a uniquely outsized project that can effect VMT and GHG on a citywide if not regionwide basis), the analysis goes on tout how project-specific measures to help mitigate VMT will also help reduce GHG and thus demonstrate consistency with the 2022 CARB Scoping Plan and Fresno COG RTP/SCS goals and policies to reduce VMT. This double-standard where project-specific adverse impacts seemingly do not count but project-specific benefits do count is a very problematic form of reasoning.

The concluding rationale state in part that because "the GHGRP is designed to be updated periodically, [...] it is assumed that such updates would account for the state's most recent long-term GHG reduction goals of AB 1279." (p. 3.7-13 of the Draft EIR). Future updates would not magically retroactively address significant GHG effects of this project that will be largely irreversibly set in motion upon approval of the project. It sets back efforts and shifts the reduction burdens to future projects and plans.

While GHG analyses might be the most technically-heavy and complex topics of environmental effect covered in CEQA, and VMT is a similarly esoteric topic for most people, the VMT-GHT cause-effect

relationship is unequivocally clear. There are some specific situations where it may somehow be justifiable to determine that a project with VMT exceeding the applicable threshold would not also be considered to have a significant and unavoidable (and generally there are screening criteria or other exemptions available to identify and address these situations). However, large retail/employment projects constructed in suburban edge locations like the subject project site are among the poster children for highly-impactful high-VMT projects with high GHG emissions that are squarely targeted to be addressed through GHG-reduction policymaking and regulation. It cannot be pretended that a project of this nature and this scale (“the largest Costco in the world”) – both at the project-specific and cumulative level – does not unequivocally conflict with the 2022 CARB Scoping Plan, the RTP/SCS, SB 743, and other plans, policies, and regulations that have been adopted to address GHG emissions and climate change.

In *Sierra Club v. County of Fresno* (a.k.a. the “*Friant Ranch*” case), a key part of the California Supreme Court’s ruling in that case is that an EIR must include “sufficient detail to enable those who did not participate in its preparation to understand and consider meaningfully the issues the proposed project raises.” An additional key part of the ruling, which was related to the adequacy of an EIR’s air quality analysis, is that an EIR must show a “reasonable effort to substantively connect a project’s air quality impacts to likely health consequences.” Under the same line of reasoning that follows from *Friant Ranch*, the CEQA document here is required to make reasonable effort to substantially connect the project’s VMT impacts to GHG emissions impacts and consequences; based on the foregoing information presented in these comments, it has not done so.

CEQA Guidelines section 15088.5 require a lead agency to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR. Per 15088.5, “significant new information” requiring recirculation includes:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.*
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.*

The Draft EIR’s failure to identify policy and regulatory conflicts and inconsistencies resulting from the project’s GHG-related impacts (which stem from its acknowledged threshold-exceeding VMT levels) as being significant and unavoidable impact is a major analytical and informational deficiency. Since recirculation is required in situations involving subsequent identification of a significant and unavoidable impact which was not previously identified as such, recirculation of this EIR with the necessary updated information should be required in order for the environmental review process to comply with CEQA.

As a general reminder, CEQA does not ban projects with significant and unavoidable impacts from ultimately being carried out when there are compelling reasons to do so (and those reasons, presented in a Findings of Fact and Statement of Overriding Considerations, can be pretty broad and be for legitimate and non-environmentally-centric reasons). What CEQA does require is disclosure of information in order to allow informed understanding and meaningful public participation.

City of Fresno  
2600 Fresno Street  
Fresno, CA 93721

**Subject: Costco Commercial Center Project (CEQA State Clearinghouse # 2021100443)**  
**Response to Final EIR Information and Comments**

Dear Councilmembers,

Presented in this letter are comments addressing the Response to Comments and other information provided as part of the Final EIR for the proposed Costco Commercial Center Project. I originally emailed these comments to the City's Planning Department and the City Clerk's Office for consideration at the March 7th City Council meeting but did not see them included as part of the Agenda packet for the April 18th meeting, so I am resubmitting them to ensure they are included in the record. (Note: This letter includes some minor updates from the prior letter submitted in March.)

The comments are organized into what are essentially the same three topic areas from my DEIR comment letter:

- 1) *Comments regarding inconsistency between the operational characteristics identified in the proposed project description and the uses allowed by the proposed General Plan Amendment and Rezone.*
- 2) *Comments addressing issues and deficiencies in the analysis of specific categories of environmental effects (For this letter, the comments are particularly focused on Greenhouse Gas Emissions and Transportation impacts).*
- 3) *Comments on the adequacy of the Draft EIR's Alternatives analysis.*

I appreciate that the Final EIR provided at least some information which helped provide clarity on the content and analysis from the DEIR. However, as I stated during my public comments in opposition to the proposed project at its Planning Commission hearing, "Responses are not always answers." The zoning consistency issue has not been resolved, and inadequacies in the environmental analysis persist. Some of these issues and inadequacies pertain to environmental planning and CEQA topics that are particularly technical in nature, while others involve issues that are plainly recognized – such as those related to the transportation and safety concerns expressed in numerous DEIR comments.

The comments presented in this letter are primarily intended to refer back to issues that have already been raised where additional discussion is appropriate, but a portion of the comments also address information that was discovered months after the DEIR review and comment period was completed.

[...]

### Greenhouse Gas Emissions

Response I103-5 addresses comments regarding GHG emissions and in particular purports to justify the EIR's differing significance determinations regarding the project's VMT-related transportation effects and its GHG emissions effects. This response here along with the determination regarding GHG Emissions impacts in the DEIR is simply baffling and infuriating. For reasons previously discussed in my DEIR comments, the determination that the project will have significant and unavoidable VMT-related impacts while having no significant impact regarding GHG emissions is irreconcilable.

The following additional comments are intended to further clarify the comments previously presented in my DEIR comment letter:

- 1) Conflicts and inconsistencies attributable to the project's VMT in excess of established thresholds are already identified in the EIR and its GHG Appendix (see attached pages at the end of this letter). In addition to the very direct inconsistency with Item 1(h) in the GHGRP checklist, the overall amount of references made to VMT in the consistency checklists is very demonstrative at a holistic level of how significant and important reducing VMT is to reducing GHG emissions and achieving climate goals. It is also noted that the consistency analysis seems to arbitrarily imply that the consistency items are all of equal weight and that inconsistency/conflict with an item can be offset simply by demonstrating consistency with a majority of other items. This line of apples-to-oranges reasoning is improper.
- 2) While the CEQA Guidelines Appendix G Checklist is organized such that 15061.4(b) (which was implemented by SB 743) is directly presented in the list of questions for Transportation impacts, SB 743 and the policies and regulations implemented via its adoption are absolutely about GHG emissions. This is demonstrated by the fact that SB 743 is specifically identified and discussed in the DEIR's Regulatory Setting for the Greenhouse Gas Emissions section as well as in the Greenhouse Gas Emissions Technical Report (DEIR Appendix F). This should be viewed as a complete refutation of the narrow-minded assertion in the FEIR/Response to Comments that VMT in excess of threshold levels referenced by 15061.4(b) is somehow not also in conflict/inconsistent with applicable policy and regulations intended to reduce GHG emissions, and/or that this impact should only be looked at or called out as a "Transportation" impact because of how the Appendix G Checklist is organized. This project – a large-format Costco retail store featuring 36 gas pumps that largely deters or precludes low-VMT development in its proximity due to its inherent physical and operational characteristics – is an extremely apt example of the type of project which the enactment of SB 743 sought to target through its multifaceted aim which includes reducing GHG emissions through encouragement of infill development and a diversity of uses instead of sprawl.
- 3) In addition to failing to appropriately identify the significant and unavoidable impact as required by CEQA, the rationale and comments demonstrate what arguably amounts to an attempt to willfully confuse the meaning of and/or downplay the significance of the EIR's own significant-and-unavoidable determination regarding the project's threshold-exceeding VMT levels. The approach being taken in the EIR functionally serves to keep the project's VMT impacts in the realm of "technical minutiae" and cuts against the provision of adequate information to the public and fostering of meaningful public participation.

- 4) The comment below is meant to clean up a typo/omission from my DEIR comments, specifically in the parenthetical part of the comment.

On p. 3.7-13:

*Additionally, the use of CAP consistency for CEQA determinations is still supported by CARB in Appendix D of the 2022 Scoping Plan (CARB 2022: 7-10). The 2022 Scoping Plan does not explicitly state that the new reduction goals of AB 1279 disqualify existing CAPs that align with the state's previous target of reducing emissions by 40 percent from the 1990 inventory.*

(Note: The appearance of this statement leads me to believe it is strongly suggested by the 2022 CARB Scoping Plan that older plans not accounting for AB 1279 such as the City's GHGRP are actually now out of compliance.)

Again, CEQA does not ban projects with significant and unavoidable impacts from ultimately being carried out when there are compelling reasons to do so, and the range of legitimate reasons is broad and can be for non-environmentally-centric reasons. What CEQA does require though is sufficient disclosure of information in order to allow informed understanding and meaningful public participation, and that has not happened here.

The Draft EIR's failure to identify policy and regulatory conflicts and inconsistencies resulting from the project's GHG-related impacts (which stem from its acknowledged threshold-exceeding VMT levels) as being significant and unavoidable impact is a major analytical and informational deficiency. Since recirculation is required in situations involving subsequent identification of a significant and unavoidable impact which was not previously identified as such, recirculation of this EIR with the necessary updated information should be required in order for the environmental review process to comply with CEQA.

[...]

**Table C-1. Consistency with 2022 CARB Scoping Plan Update**

Costco Commercial Center  
Fresno, California

Priority Areas	Priority GHG Reduction Strategies	Consistency
Transportation Electrification	Convert local government fleets to ZEVs and provide EV charging at public sites	<b>Consistent.</b> Although this goal is not applicable to an individual commercial development project, the Project includes an EV parking requirement and includes 45 installed EV spaces.
	Create a jurisdiction-specific ZEV ecosystem to support deployment of ZEVs statewide (such as building standards that exceed state building codes, permit streamlining, infrastructure siting, consumer education, preferential parking policies, and ZEV readiness plans)	
VMT Reduction	Reduce or eliminate minimum parking standards	<b>Consistent.</b> Although this goal is not applicable to an individual commercial development project, the Project is implementing neighborhood design improvements such as pedestrian network improvements and constructing bikeway facilities as part of the project. The Project also includes a redesignation from Expressway Area to Superarterial, which allows for multiple modes of travel traffic, including pedestrian and bikes. This could lead to further development of these types of non-vehicular facilities, including bike lanes and sidewalks, which are not currently allowed under the Expressway Area designation.  In addition, the Project plans to encourage employee commute trip reduction through a variety of strategies. The project will provide carpool incentives, partner with local agencies to provide vanpool services, subsidize transit passes and provide bicycle storage and locker rooms for employees who bike to work. This will reduce the employee VMT and provide incentives for employees to commute to work alternative ways.
	Implement Complete Streets policies and investments, consistent with general plan circulation element requirements	
	Increase access to public transit by increasing density of development near transit, improving transit service by increasing service frequency, creating bus priority lanes, reducing or eliminating fares, microtransit, etc.	
	Increase public access to clean mobility options by planning for and investing in electric shuttles, bike share, car share, and walking	
	Implement parking pricing or transportation demand management pricing strategies	
	Amend zoning or development codes to enable mixed-use, walkable, transit-oriented, and compact infill development (such as increasing the allowable density of a neighborhood)	
Building Decarbonization	Preserve natural and working lands by implementing land use policies that guide development toward infill areas and do not convert "greenfield" land to urban uses (e.g., green belts, strategic conservation easements)	<b>Consistent.</b> Although this goal is not applicable to an individual commercial development project, the Project plans to use PG&E's Solar Choice program, which provides 100% solar energy to customers. In addition, to the extent applicable to the Project, the Project would meet the CalGreen Building Standards Code in effect at the time of building permit application, which would include a number of energy saving requirements.
	Adopt all-electric new construction reach codes for residential and commercial uses	
	Adopt policies and incentive programs to implement energy efficiency retrofits for existing buildings, such as weatherization, lighting upgrades, and replacing energy-intensive appliances and equipment with more efficient systems (such as Energy Star-rated equipment and equipment controllers)	
	Adopt policies and incentive programs to electrify all appliances and equipment in existing buildings such as appliance rebates, existing building reach codes, or time of sale electrification ordinances	
	Facilitate deployment of renewable energy production and distribution and energy storage on privately owned land uses (e.g., permit streamlining, information sharing)	
Deploy renewable energy production and energy storage directly in new public projects and on existing public facilities (e.g., solar photovoltaic systems on rooftops of municipal buildings and on canopies in public parking lots, battery storage systems in municipal buildings)		

**Abbreviations:**

- CalGreen - California Green Building Standards Code
- CARB - California Air Resources Board
- EV - electric vehicle
- GHG - greenhouse gas
- PG&E - Pacific Gas & Electric
- VMT - vehicle miles traveled
- ZEV - zero emission vehicle

**Table C-2. Consistency with Fresno Regional Transportation Plan/Sustainable Communities Strategy**  
 Costco Commercial Center  
 Fresno, California

#	Goal	Policy	Consistency Analysis
1	Improved mobility and accessibility for all	<p>Encourage and prioritize full, fair, and equitable participation by all affected communities in transportation decision-making and planning processes.</p> <p>Actively work to ensure equitable distribution of the benefits and burdens of transportation projects.</p> <p>Promote the improvement and expansion of accessible transportation options to serve the needs of all residents, especially those who have historically faced disproportionate transportation burdens.</p>	<p><b>Consistent.</b> Although this goal is not applicable to an individual commercial development project, it is envisioned that Project's location will provide convenient access for nearby residences for additional retail shopping experiences. In addition, the project is implementing neighborhood design improvements such as pedestrian network improvements and constructing bikeway facilities as part of the project, and will be located in close proximity to transit stops (e.g., NW Herndon-Hayes transit stop).</p>
2	Vibrant communities that are accessible by sustainable transportation options	<p>Encourage alternatives to single-occupancy vehicles that reduce vehicle miles traveled (VMT) and greenhouse gas emissions.</p> <p>Support investment in and promotion of active transportation and transit to improve public health and mobility, especially in historically underinvested areas.</p> <p>Encourage sustainable development that focuses growth near activity centers and mobility options that achieve greater location efficiency.</p> <p>Support local jurisdictions' efforts to minimize the loss of farmland, environmentally sensitive areas, and natural resources</p> <p>Support local jurisdictions' efforts to facilitate the development of diverse housing choices for all income groups.</p> <p>Facilitate and promote interagency coordination and consistency across planning efforts.</p> <p>Incentivize and support efforts to improve air quality and minimize pollutants from transportation.</p>	<p><b>Consistent.</b> Although this goal is not applicable to an individual commercial development project, the Project includes a redesignation from Expressway Area to Superarterial, which allows for multiple modes of travel traffic, including pedestrian and bikes. This could lead to further development of these types of non-vehicular facilities, including bike lanes and sidewalks, which are not currently allowed under the Expressway Area designation.</p> <p>In addition, the project is implementing neighborhood design improvements such as pedestrian network improvements and constructing bikeway facilities as part of the project. The Project will be located nearby transit facilities such as the NW Herndon-Hayes transit stop, thus allowing for alternatives to single-occupancy vehicle visits to the Project that would support efforts to improve air quality and minimize pollutants from transportation.</p>
3	A safe, well-maintained, efficient, and climate-resilient multimodal transportation network	<p>Prioritize investment in and promote multimodal safety measures to reduce traffic fatalities and incidents in the region.</p> <p>Promote enhanced Transportation Systems Management (TSM) and Transportation Demand Management (TDM) strategies to reduce congestion and vehicle miles traveled.</p> <p>Encourage improvements in travel connections across all modes to create an integrated, accessible, and seamless transportation network.</p> <p>Maximize the cost-effectiveness of transportation improvements.</p> <p>Encourage investments that increase the system's resilience to extreme weather events, natural disasters, and pandemics.</p> <p>Preserve and maintain existing multimodal transportation assets in a state of good repair</p>	<p><b>Consistent.</b> Per the Transportation Impact Analysis, the Project would be consistent with the applicable plans, policies, and programs and would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.</p> <p>The Project plans to encourage commute trip reduction through a variety of strategies. The Project will provide carpool incentives, partner with local agencies to provide vanpool services, subsidize transit passes and provide bicycle storage and locker rooms for employees who bike to work. This will reduce the employee VMT and provide incentives for employees to commute to work alternative ways.</p> <p>The Project is implementing neighborhood design improvements such as pedestrian network improvements and constructing bikeway facilities as part of the project. In addition, the Project would be located nearby to transit stops and thus would allow for utilization of existing transit facilities to visit the Project.</p>
4	A transportation network that supports a sustainable and vibrant economy	<p>Support local and regional economic development by leveraging planning and transportation funds that foster public and private investment.</p> <p>Facilitate efficient, reliable, resilient, and sustainable goods movement.</p>	<p><b>Consistent.</b> Although this goal is not applicable to an individual commercial development project, the Project will facilitate goods movement to the Fresno area and provide approximately 165 to 175 jobs.</p>
5	A region embracing clean transportation, technology, and innovation	<p>Support innovative mobility solutions that are accessible, affordable, reduce greenhouse gas emissions, and improve air quality.</p> <p>Support efforts to expand broadband access throughout the region.</p>	<p><b>Consistent.</b> Although this goal is not applicable to an individual commercial development project, the Project would be located nearby to transit stops and thus would allow for utilization of existing transit facilities to visit the Project. In addition, the Project includes an EV parking requirement and includes 45 installed EV spaces.</p> <p><b>Not Applicable.</b></p>

**Abbreviations:**  
 EV - electric vehicle  
 NW - northwest  
 TDM - Transportation Demand Management  
 TSM - Transportation Systems Management  
 VMT - vehicle miles traveled

### 3. Greenhouse Gas (GHG) Reduction Plan Update - CEQA Project Consistency Checklist

GHG Reduction Plan Update consistency review involves the evaluation of project consistency with the applicable strategies of the GHG Reduction Plan Update. The GHG reduction strategies identified in the GHG Reduction Plan Update relies upon the General Plan and additional local measures as the basis of the development related strategies to reduce GHG emissions. This checklist is developed based on the key local GHG reduction strategies and actions identified in the GHG Reduction Plan Update that are applicable to proposed development projects. Note that not all strategies listed below will apply to all projects. For example, not all projects will meet mixed-use related policies of the General Plan, because not all projects are required to be mixed use.

Checklist Item (Check the appropriate box and provide an explanation for your answer)	Relevant General Plan Policy	Yes	No	Not Applicable (NA)	Explanation
<b>1: Land Use and Transportation Demand Strategies</b>					
a. Does the project include mixed-use, development? For GHG Reduction Plan consistency, mixed-use development is defined as pedestrian-friendly development that blends two or more residential, commercial, cultural, or institutional, uses, one of which must be residential	Policy UF-1-c, LU-3-b, Objective-UF 12, UF-12-a, UF-12-b, UF-12-d, Policy RC-2-a			NA	The project is not a mixed-use development as it does not include residential development.
b. Is the project high density? For GHG Reduction Plan consistency, is the project developed at 12 units per acre or higher?	LU-5-f			NA	The project is not high density.
c. Is the project infill development, pursuant to the General Plan definition of location within the City limits as of December 31, 2012?	LU-2-a, Objective-12, UF-12-a, UF-12-b, UF-12-d	yes			
d. Does the project implement pedestrian bicycle, and transit linkages with surrounding land uses and neighborhoods? For GHG Reduction Plan consistency, the project must include all sidewalks, paths, trails, and facilities required by the General Plan and Active Transportation Plan, as implemented through the Fresno Municipal Code and project conditions of approval.	Policy UF-1-c, UF-12-e, Policy RC-2-a, Objective MT-4,5,6, Policy MT-4-c, Policy MT-6-a, Policy POSS-7-h Objective MT 8, Policies MT-8-a, MT-8-b	yes			The project implements pedestrian, bicycle, and transit linkages to surrounding land uses and neighborhoods consistent with Fresno's General Plan and Active Transportation Plan.
e. If the project includes mixed-use or high density development, is it located within ½ mile of a High Quality Transit Area as defined in the City's CEQA Guidelines for Vehicle Miles Traveled? Or, is the project located within 500 feet of an existing or planned transit stop?	Policy UF-12-a, UF-12-b, LU-3-b, Objective MT 8, Policies MT-8-a, MT-8-b			NA	The project is not a mixed-use or high density development
f. Will the project accommodate a large employer (over 100 employees) and will it implement trip reduction programs such as increasing transit use, carpooling, vanpooling, bicycling, or other measures to reduce vehicle miles traveled pursuant to San Joaquin Valley Air Pollution Control District Rule 9410?  See the SJVAPCD website for details: <a href="https://www.vallevair.org/rules/curmtrules/r9410.pdf">https://www.vallevair.org/rules/curmtrules/r9410.pdf</a>	Policy MT-8-b, Objective MT-9, Policy MT-10-c, San Joaquin Valley Air Pollution Control District Rule 9410	yes			The project will implement trip reduction programs to encourage carpooling and other measures to reduce employee VMT.

Checklist Item (Check the appropriate box and provide an explanation for your answer)	Relevant General Plan Policy	Yes	No	Not Applicable (NA)	Explanation
g. If the project includes modifications to the transportation network, do those improvements meet the requirements of the City of Fresno's Complete Streets Policy, adopted in October 2019? According to the policy, a complete street is a transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users - including bicyclists, pedestrians, transit vehicles, trucks, and motorists - appropriate to the function and context of the facility while connecting to a larger transportation network.  See City of Fresno website for details: <a href="https://www.fresno.gov/publicworks/wp-content/uploads/sites/17/2019/10/Complete-Streets-091119.pdf">https://www.fresno.gov/publicworks/wp-content/uploads/sites/17/2019/10/Complete-Streets-091119.pdf</a>	MT-1-g, MT-1-h	yes			The project includes modifications to the transportation network consistent with the City's Complete Streets Policy. Such improvements include constructing sidewalk along the project frontage, constructing a multi-use path, and installing striping to better delineate the roadway cross section for different users.
h. Does the project have a less than significant VMT impact, either through satisfying screening criteria or mitigating VMT impacts, pursuant to the City's adopted VMT thresholds?  See City of Fresno website for details: <a href="https://www.fresno.gov/darm/wp-content/uploads/sites/10/2021/01/CEQA-Guidelines-for-Vehicle-Miles-Traveled-Final-Adopted-Version.pdf">https://www.fresno.gov/darm/wp-content/uploads/sites/10/2021/01/CEQA-Guidelines-for-Vehicle-Miles-Traveled-Final-Adopted-Version.pdf</a>	MT-2-b, MT-2-c	no			The project has a significant VMT impact.
<b>2: Electric Vehicle Strategies</b>					
a. For new multi-family dwelling units with parking, does the project provide EV charging spaces capable of supporting future EV supply equipment (EV capable) at 10% of the parking spaces per 2019 California Green Building Standards Code (CALGREEN, Title 24, Part 11), Section 4.106.4	Policy RC-8-j			NA	The project does not consist of multi-family dwelling units.
b. For new commercial buildings, does project provide EV charging spaces capable of supporting EV capable spaces at 4% to 10% of the parking spaces per 2019 California Green Building Standards Code (CALGREEN, Title 24, Part 11), Section 5.106.5.3	Policy RC-8-j	yes			Of 889 parking spaces, there will be 45 installed EV spaces, which is 5% of the parking spaces (in range).
<b>3: Energy Conservation Strategies</b>					
a. Does the project meet or exceed mandatory state building energy codes? If yes, does the project follow any other GreenPoint ratings such as LEED, Energy Star or others? If yes, indicate level of certification-Silver, gold, platinum if applicable?	Policy RC-5-c, Objective RC-8, Policy RC 8-a	yes			The project meets mandatory building energy codes; Costco's warehouse designs are consistent with the requirements of LEED.
b. For commercial projects, does the project achieve net zero emissions electricity?  Mark NA if project will be permitted before 2030. Mark Yes if voluntary. Add source and capacity in explanation.	Additional Recommended GHG Plan Measure, supports Objective RC-8			NA	Project buildout is in 2023.

Checklist Item (Check the appropriate box and provide an explanation for your answer)	Relevant General Plan Policy	Yes	No	Not Applicable (NA)	Explanation
<b>4: Water Conservation Strategies</b>					
<p>a. Does the project meet or exceed the mandatory outdoor water use measures of the 2019 California Green Building Standards Code (CALGREEN, Title 24, Part 11), Section 4.304?</p> <p>If the project exceeds CalGreen Code mandatory measures provide methods in excess of requirements in the explanation.</p> <p>Examples include outdoor water conservation measures such as; drought tolerant landscaping plants, compliant irrigation systems, xeriscape, replacing turf etc. Provide the conservation measure that the project will include in the explanation.</p>	Objective RC-7, Policy RC-7-a, RC-7-h	yes			The project meets the mandatory outdoor water use measures.
<p>b. Does the project meet or exceed the mandatory indoor water use measures of the 2019 California Green Building Standards Code (CALGREEN, Title 24, Part 11), Section 4.303?</p> <p>If the project exceeds CalGreen Code, mandatory measures provide methods in excess of requirements in the explanation. Examples may include water conserving devices and systems such as water leak detection system, hot water pipe insulation, pressure reducing valves, energy efficient appliances such as Energy Star Certified dishwashers, washing machines, dual flush toilets, point of use and/or tankless water heaters.</p>	Objective RC-7, Policy RC-7-a, RC-7-e	yes			The project meets the mandatory indoor water use measures. High-efficiency restroom fixtures save 40% more water.
<b>5: Waste Diversion and Recycling Strategies</b>					
<p>a. Does the project implement techniques of solid waste segregation, disposal and reduction, such as recycling, composting, waste to energy technology, and/or waste separation, to reduce the volume of solid wastes that must be sent to landfill facilities?</p>	Policy PU-9-a, RC-11-a	yes			Costco prefers full metal buildings in order to use the maximum amount of recycled material.
<p>b. During construction will the project recycle construction and demolition waste?</p>	Policy RC-11-a	yes			The project will recycle construction and demolition waste.
<p>c. Does the project provide recycling canisters in public areas where trashcans are also provided?</p>	Policy RC-11-a	yes			The project will provide recycling canisters.

Note: The GHG reduction strategies included in this checklist are based on the GHG reduction strategies identified in the Chapter 5 of the GHG Reduction Plan Update.

## Statements by City of Fresno Officials During Fresno City Council Hearings Regarding the VMT Mitigation Fee Program

### Fresno City Council Hearing — October 16, 2025

Video: [Fresno City Council Meeting \(Oct. 16, 2025\)](#)

*Start of VMT Presentation: 2:05:00*

2:13:08 - Sophia Pagoulatos, Planning Manager: "The 67,429 number represents the number of miles Fresno residents drive daily that are beyond the City's VMT threshold."

2:50:30 - Jennifer Clark, Planning Director: "[O]nce the City determines that a VMT fee program is feasible - is a feasible mitigation measure - you cannot do your own EIR to wipe it out, to say it's not feasible, unless you can prove that it's not feasible..."

2:51:59 - "It's not that the project cannot be self-mitigating, it is that we [the City] would not be able to do a separate EIR to say 'Meh we don't want to do it.'"

2:52:08 - Georgeanne White, City Manager: Can no longer say mitigating for VMT is "not feasible" because "we [the City] have developed a program that says it is feasible [to pay the fee]."

### Fresno City Council Hearing — November 6, 2025

Video: [Fresno City Council Meeting \(Nov. 6, 2025\)](#)

*Start of VMT Presentation: 6:37:14*

7:05:31 - Jennifer Clark, Planning Director: "The first thing that's really important to note is that VMT calculation for a program on a city-wide basis is intended to evaluate and look at our entire VMT in excess of that threshold. So city-wide, our excess VMT is 67,000 VMT per capita per day. The \$295 is based on the project over the five-year program divided by the 67,000 VMT per capita per day."

7:06:14 - "Projects are assessed based on their overages over thresholds."

7:06:14 - "So anything that is subject to CEQA - so a discretionary action of the City council, which is subject to CEQA - would require that we actually look at this."

7:12:30 - Georgeanne White, City Manager: "The State wants to dictate what development looks like so that it's more dense, more compact, more uses to get people out of their cars... They meant quite clear - quite, you know, right out there in public - that if you want to reduce GHG in the state, and one of the main ways you do that is to get people out of their cars. And one of the ways you can get people out of their cars is to have multiple uses within a very confined space, or provide alternate modes of transportation other than cars - buses, trails, walking, etc."

@ 7:28:30

Perea talking about when the VMT fee will apply, i.e., projects with vesting maps/vesting right or some kind of approval

7:28:46 - Jennifer Clark [In response to question from Councilmember Annalisa Perea about the time of when the VMT fee will apply]: "The program itself has several areas where it wouldn't apply..." [lists vesting rights, development agreement]... "The Resolution that you would be considering today says that if you have already completed CEQA and it has been circulated for public review, it [the VMT Fee Program] would not apply because you've already done your VMT assessment prior to the adoption of this program."

7:29:25 - Councilmember Annalisa Perea: "So if a project is already in the pipeline, has been deemed complete, and is in the processing stage, we kind of have to put a pause on it, go back and kind of restart CEQA all over again?"

Jennifer Clark: If CEQA has not already been completed and publicly circulated, then t, VMT, would need to be reviewed under the lens of the program.

[Perea asks about whether an amendment be made to exempt projects in the pipeline that have been deemed complete for processing]

7:30:12 - Jennifer Clark: I don't know... I would have to defer to the City Attorney's Office. In discussions previously, that was not the preferred method. However, I don't know if that impacts the program substantially."

7:32:11 - City Attorney: "Our recommendation is that we [CAO] would have to look into it and the item should be referred back to staff to take a look." [Note: *The Resolution was ultimately adopted without such an amendment.*]

7:40:23 - Jennifer Clark: "This [the VMT Mitigation fee program] is a CEQA mitigation for an environmental impact. Once a lead agency like the City of Fresno determines there is a feasible mitigation program, it must be used."

"[A] project could identify its own mitigation which, through substantial evidence in the record, shows it can mitigate all of the VMT. Typically, this is what the Urban Design Calculator is for,

but maybe there's something else the project come up with that isn't in that. So they could do an EIR and propose alternate mitigation that the City Council would have to determine is sufficient and there is substantial evidence in the record for that."

"You can, through an EIR, say that a mitigation measure is infeasible. In this case it is a fee. Therefore there would have to be a financial analysis showing the project and essentially opening up the books of the project - here is why it is infeasible."

7:42:43 - Jennifer Clark [Responding to question from Councilmember Mike Karbassi about a statement of overriding consideration]: "In this case, it [the VMT fee] is a financial mitigation. You're paying a fee. So the evidence in the record would have to be a financial analysis of the project."