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PRODUCER'S DAIRY PROPOSED DIESEL TRUCK TRAILER PARKING FACILITY AND DEMOLITION OF
SIGNIFICANT HISTORIC BUILDINGS 450 East Belmont Avenue, Fresno, California

The Tower District Specific Plan

1. On March 26, 1991, the Fresno City Council unanimously adopted the Tower District Specific Plan consisting of maps, goals, policies and implementation measures. The Plan was prepared with the assistance of a 21 member Citizens Advisory Committee. The Plan is a conservation and preservation document that protects the unique, historic character and identity of the Tower District and recognizes that these unique features are the building blocks for revitalization of our older neighborhoods.

2. The Plan specifically addressed the 1.83 acre parcel at 450 East Belmont Avenue (erroneously described in the Plan as 144 East Belmont Avenue) when Producer's applied to rezone the site. At Producer's request, the Plan approved modification of the land use from "General Commercial" to "Light Industrial," and zoning from existing "R-3" and "C-6" to "CM/cz." These changes benefitted Producer's by allowing its proposed small production facility at the site and making the existing (and non-conforming) trailer parking operation a conforming use. Approval of the new land use designation and zoning was subject to specific mitigation measures set forth in the Environmental Impact Report prepared in conjunction with the Plan. (see, Final Environmental Impact Report, No. 10108, p. 11-1 – 9 attached). Those mitigation measures included retention and rehabilitation of an historically significant building and the façade of another historic building at the site and compatibility of any new construction with the existing historic structures ("mitigation measures"). (id., p. 11-6)

The Producer's Covenant

3. In addition, as a means "to insure that the Subject Property is not developed, used, or maintained in such a way as to adversely affect adjoining properties," the City of Fresno and Producer's entered into a Statement of Covenants Affecting Land Development ("Covenant") for the site. In exchange for "favorable action on, and approval of," Producer's application to amend the land use designation and zoning classification, Producer's covenanted to adhere to the very same mitigation measures set forth in the FEIR above for the "purpose of enhancing attractiveness, usefulness, value, and desirability of the Subject Property, the surrounding property, and the public at large and to minimize possible adverse effects on the public health, safety, peace, and general welfare." (Covenant, p. 2, attached)

Producer's Toxic Diesel Truck-Trailer Project: The slow death of a neighborhood

4. For the last 27 years, Producer's has done nothing to comply with the mitigation measures adopted in the Plan and expressly agreed to in the Covenant. Rather, Producer's has continued to operate a dirty and dangerous refrigerator trailer parking lot in a sensitive residential setting and allowed deterioration of the historic buildings in violation of the Covenant. Now, Producer's seeks to change the Plan, cancel its promise in the Covenant, and further erode this historic, but fragile, neighborhood. Producer's will demolish the historic buildings and increase the trailer parking capacity at the site by 123% from the current 30 trailers to 67 with 140 diesel truck daily ingresses and egresses to the subject property. 24 HOURS A DAY. This project's dangerous and toxic air, noise, visual pollution and heavy truck traffic present significant health risks to neighborhood residents. Producer's must find another location for this dangerous industrial use.

Producer's should be a good neighbor. "Neighbors have rights too!" and "A promise is a promise!"

Recording Requested by
City Clerk, Fresno, California
No Fee-Govt. Code 6103
Return to City Clerk, Fresno

RECORDED IN OFFICIAL RECORDS OF FRESNO COUNTY, CALIFORNIA AT <u>6</u> MIN PAST <u>9 A</u> M	
JAN 28 1993	
WILLIAM C. GREENWOOD County Recorder	FEE \$ <input checked="" type="checkbox"/>

-----ABOVE SPACE FOR RECORDER'S USE-----

STATEMENT OF COVENANTS
AFFECTING LAND DEVELOPMENT
(Rezoning Application No. R-90-49)

RECITALS

A. Shehadey and Shehadey, a California General Partnership, hereinafter referred to as "the Covenantor," is the owner of that certain real property in the City of Fresno, County of Fresno, State of California, hereinafter referred to as "the Subject Property" and more particularly described:

Lots 1 through 8 inclusive and Lots 35 through 42, inclusive, in Block 1 La Sierra Tract, according to the map thereof recorded in Book 5 Page 49 of Record of Surveys, Fresno County Records.

Together with that portion of the alley lying adjacent to the West line of Lots 6 and 7 in block 1 of La Sierra Tract and the East line of Lots 36 and 37 in Block 1 of La Sierra Tract, and lying between the North line of said Lot 6 projected Westerly and the South line of said Lot 7 projected Westerly as said lots are shown on the map of La Sierra Tract, except therefrom the South 5.0 feet and the North 10.0 feet, as vacated by the City of Fresno by Resolution #6122 recorded August 10, 1960 in Book 4425 Page 8 of Official Records, Document No. 5845.

Excepting the North 10 feet of Lots 1 through 6 and Lots 37 through 42.

The North half of Lot 32 and all of Lots 33 and 34 in Block 1 of La Sierra Tract, as per map recorded in Book 5 Page 49 of Record of Surveys, Records of Fresno County.

Lots 9 and 10 in Block 1 of La Sierra Tract, according to the map thereof recorded in Book 5 Page 49, of Record of Surveys, Fresno County Records.

B. The Covenantor hereby warrants that any and all parties having record title interest in the Subject Property which may ripen into a fee have subordinated to this instrument.

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C. All such instruments of Subordination, if any, are attached hereto and made a part of this instrument.

D. The Covenantor has applied to the City of Fresno for a district amendment changing the C-6 and R-3 Zone District classification to the C-M/cz Zone District classification for the Subject Property.

E. The City of Fresno desires to obtain covenants from the Covenantor to insure that the Subject Property is not developed, used, or maintained in such a way as to adversely affect adjoining properties.

COVENANTS, CONDITIONS, AND RESTRICTIONS

For favorable action on, and approval of, the Covenantor's application for an amendment to the Zone District classification of the Subject Property as referred to hereinabove, the Covenantor hereby covenants that the Subject Property shall be held, conveyed, encumbered, used, occupied, developed, maintained, and improved subject to the following covenants, conditions, and restrictions, which are for the purpose of enhancing attractiveness, usefulness, value, and desirability of the Subject Property, the surrounding property, and the public at large and to minimize possible adverse effects on the public health, safety, peace, and general welfare. Each of the covenants, conditions, and restrictions contained in this Statement will run with the Subject Property and shall be binding on each successive owner of the Subject Property and his heirs, administrators, successors, and assigns.

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1. Covenantor hereby covenants as follows:

- A. The project shall retain the existing building at the southwest corner of East Belmont and North Roosevelt Avenues as depicted on attached Exhibit "L-1".
- B. Retention and renovation of the facade of the existing building immediately south of the building at the southwest corner, as shown on Exhibit "L-1", as is physically possible and economically practical. If the facade fails, due to structural distress, it should be rebuilt to resemble the existing historical structure as closely as possible using the remnant bricks from the fallen facade. All precautions in concert with common practices standard to the industry shall be taken to save the facade intact. However, no implicit guarantee can be given that the facade will not fail during the demolition and renovation process.
- C. The new construction in the infill areas on the east side of the property shall be compatible with the existing structure as shown on Exhibit "L-2".
- D. The new construction contemplated immediately west of the facade described above shall be no higher than the height of the facade for a minimum of twenty feet west of the facade.
- E. The new building to be constructed immediately west of the 30' existing building at the northwest corner of the site as shown on Exhibit "L-1" shall be of a height equal to or slightly greater than the westerly portion of said building, but in no case higher than forty feet and shall be compatible with the existing structure to the east as shown on Exhibit "L-2".
- F. The owner shall provide and maintain street trees in tree wells in the sidewalk on the west side of the property south to the entry driveway. These trees and major trees planted along the remainder of the west and south sides of the property shall be a species that attain a minimum height of thirty feet (30'-0") at maturity.
- G. The future high density frozen storage building proposed for phase three shall be set back a minimum of fifty feet (50'-0") east of Ferger Avenue to the height of sixty feet (60'-0"), or sixty-six feet with a minor deviation as provided by the Fresno Municipal Code.

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H. All noise producing equipment on the building shall meet the standards of the City of Fresno. Truck noise shall not exceed the level of forty-five decibels (45db) inside adjacent residences between the hours of 10:00 p.m. and 6:00 a.m. If noise levels exceed that criteria, mediation measures shall be imposed by the City of Fresno which could include restrictions on hours of operation.

I. All truck maneuvering and parking shall take place on site and shall be subject to the requirements of the City of Fresno.

2. The conditions of this Statement are intended to benefit the public and public properties. Accordingly, the City of Fresno shall have the right to enforce this Statement by any legal or equitable means against the Covenantor and such person or persons in actual possession of Subject Property who directly or who through any agent violate the terms hereof. All obligations of the Covenantor under this Statement shall inure solely to the benefit of the City of Fresno. There are no third party beneficiaries of such obligations nor shall the right of the City of Fresno be transferable in any manner to any person other than to a successor municipal corporation whose geographic boundaries include the Subject Property.

3. Covenantor covenants that, in the event of failure to comply with the conditions set forth in this Statement, Covenantor will not object to the redistricting of the Subject Property to a land use zoning district which the Council of the City of Fresno determines is proper without compliance with such conditions. In such event, Covenantor waives any right to have any uses or improvements installed subsequently to the change of land use zoning district herein requested considered, or treated as non-conforming uses or improvements after such redistricting.

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4. The foregoing conditions shall remain in full force and effect until such time as the City of Fresno, pursuant to the district amendment procedure of the Fresno Municipal Code, finds the enforcement of such condition is no longer equitable.

5. The provisions of this Statement shall be deemed independent and severable and the invalidity or partial invalidity or unenforceability of any one provision or portion thereof shall not affect the validity or enforceability of any other provision hereof. Whenever the context so requires, any gender includes the other genders, the singular includes the plural, and the plural includes the singular.

MS:nh:SENT121/+1682

DATED: 1/5/93, 1993^{1/2}

Accepted By:

CITY OF FRESNO,

By: [Signature]
Alvin P. Solis, Director
Development Department

COVENANTOR:

Shehadey and Shehadey, a
California General Partnership

LARRY & ELAYNE SHEHADEY TRUST

By: [Signature]
LARRY SHEHADEY, Trustee

ATTEST:

JACQUELINE L. RYLE

By: [Signature]
RICHARD SHEHADEY

By: [Signature]
Deputy

APPROVED AS TO FORM:

~~HARVEY WALLACE~~ JAMES P. LOUGH
City Attorney

By: [Signature] 1/20/93
Deputy

NOTARY ACKNOWLEDGMENT

State of California)
County of Fresno) ss

STATE OF CALIFORNIA
COUNTY OF Fresno

} ss.
On January 5, 1993 before me, Mary Steensen,
Notary Public (here insert name and title of the officer),
personally appeared Richard Shehadey



_____, personally known to me (or proved to me on
the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),
or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[Signature]
Signature

STATE OF CALIFORNIA

COUNTY OF Fresno

} ss.

On January 8, 1993 before me, Mary Steensen
Notary Public (here insert name and title of the officer),
personally appeared Larry Shehadey



_____, personally known to me (or ~~proved to me on~~
~~the basis of satisfactory evidence~~) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~
authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s),
or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Mary Steensen
Signature 7

(Seal)

ACKNOWLEDGMENT - All Purpose - Wolcotts Form 237CA - Rev. 1-91
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CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
)
COUNTY OF FRESNO) ss.

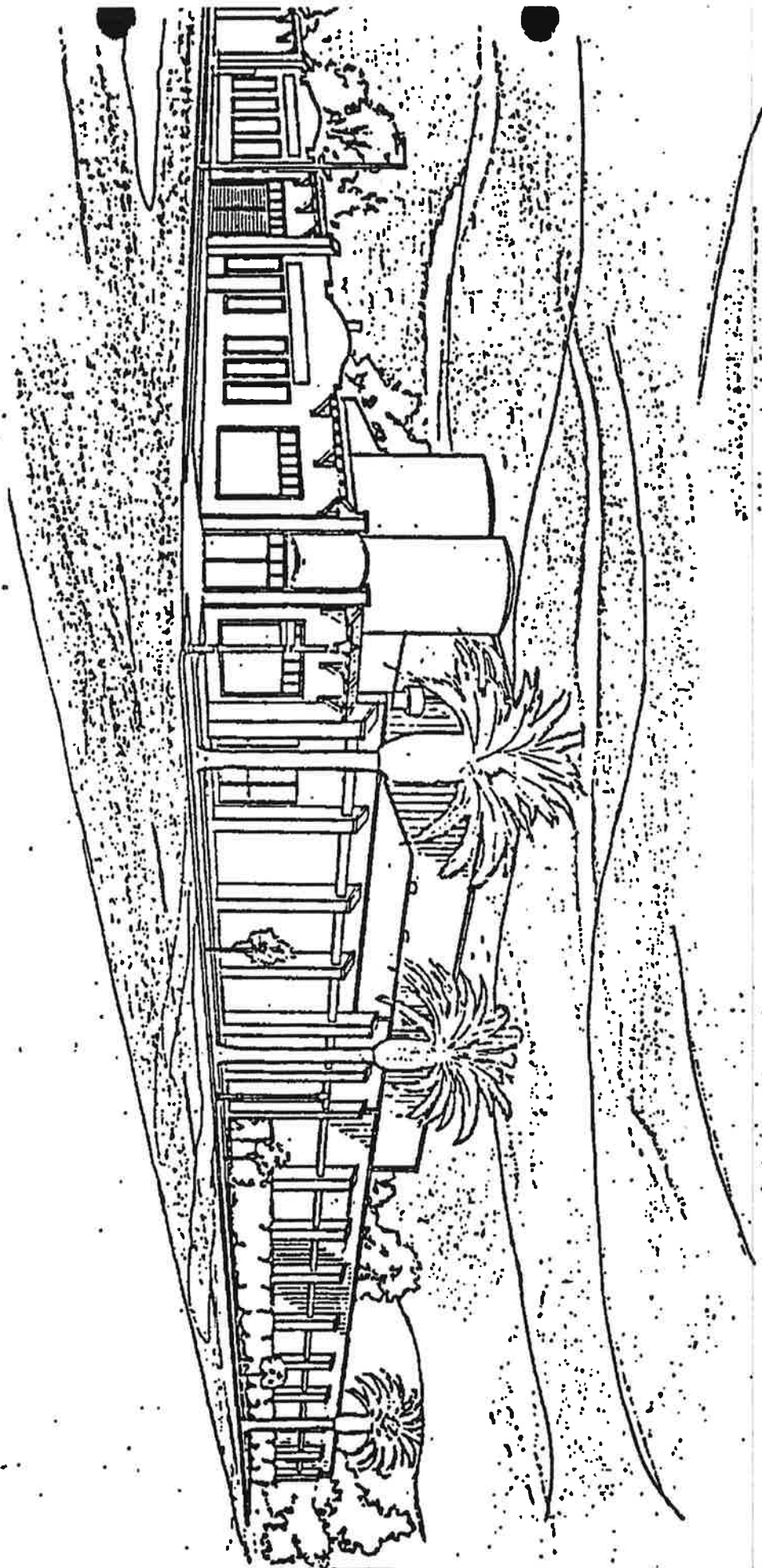
On January 27, 1993 before me, Cindy Hamby
personally appeared Alvin Solis, Development Director
personally known to me (or proved to me on the basis of satisfactory evidence) to be the
person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me
that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by
his/~~her/their~~ signature(s) on the instrument(s) the person(s), or the entity upon behalf
of the CITY OF FRESNO of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

JACQUELINE L. RYLE, CMC
CITY CLERK

By Cindy Hamby
DEPUTY

EXHIBIT "L-2"
Architectural Compatibility



Bruce A. Owdom
Attorney at Law
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Fresno, California 93744
Telephone (559) 259-0062; email: bruceaowdom@gmail.com

December 27, 2017

Mr. Mike Sanchez, Assistant Manager
City of Fresno
Department of Development and Resource Management
2600 Fresno Street
Fresno, California 93721

Delivered by email to: Mike.Sanchez@fresno.gov and by U.S. Mail

RE: Appendix L – Changes to the Final SEIR for Producers Dairy Truck Parking Lot Enlargement Project

Dear Mr. Sanchez:

I submit the following comments on “Appendix L- Changes to the Final SEIR” to the Tower District Specific Plan Final Environmental Impact Report (1991). The project includes the proposed demolition of two historic structures and enlargement of the proponent Producer’s Dairy truck trailer parking operation at 450 E. Belmont Avenue, Fresno, California, which is intended to service its production facility located at 144 E. Belmont Avenue.

Appendix L proposes modifications to the 1993 Statement of Covenants Affecting Land Development entered into by the City of Fresno and the Shehady family, the owner of the project site. (This comment will hereafter refer to the project proponent as Producer’s.) This covenant was agreed to by the City and Producer’s and recorded in the official records as a covenant running with the land. That is, any successive owner of the land would be bound by the covenants or agreements. The Covenants between the City and Producer’s allowed new construction as part of the development of the site, but also required Producer’s to rehabilitate and reuse the historic buildings and incorporate them into the new development. The agreed-upon use the property did not include massive, fleet parking of truck trailers.

As the Covenants state in pertinent part,

“E. The City of Fresno desires to obtain covenants from the Covenantor [Producer’s] to insure that the Subject Property is not developed, used, or maintained in such a way as to adversely affect adjoining properties.”

....." [T]he Covenantor hereby covenants that the Subject Property shall be held, conveyed, encumbered, used, occupied, developed, maintained, and improved subject to the to the following covenants, conditions, and restrictions, which are for the purpose of enhancing attractiveness, usefulness, value, and desirability of the Subject Property, the surrounding property, and the public at large and to minimize possible adverse effects on the public health, safety, peace and general welfare...."

"2. The conditions of this Statement are intended to benefit the public and public properties. Accordingly, the City of Fresno shall have the right to enforce this Statement by any legal or equitable means against the Covenantor and such person or persons in actual possession of the Subject Property who directly or who through any agent violate the terms hereof....."

.....

"4. The foregoing conditions shall remain in full force and effect until such time as the City of Fresno, pursuant to the district amendment procedure of the Fresno Municipal Code, finds the enforcement of such condition (sic) is no longer equitable." Therefore, the conditions shall be enforced until the City finds the conditions no longer equitable.

The Covenants, now under attack by this project, is an integral part of the larger plan and enforcement mechanism of the overarching Tower District Specific Plan. The TDSP supersedes other general zoning laws. Therefore, this project also requires the TDSP to be amended, for the sole reason to allow this project.

As we have previously commented, as part of the adoption of the TDSP, Producer's was allowed to rezone the subject property to make it consistent with the truck trailer parking that was then occurring on the site. (Covenants, para. D.) The then-existing zoning did not permit trailer parking. The rezone was allowed only if Producer's agreed to the Covenants' conservation conditions on the site. Producer's so agreed. The City wanted to insure that Producer's complied with the conditions to rehab and reuse the historic structures and therefore required Producer's to enter into the Covenants to ensure that Producer's would comply with the conditions and the TDSP. For the last 26 years, Producer's has benefitted from its consistent land use and zoning but has done nothing to comply with the conditions of development of the site as it agreed to do in the Covenants and in the TDSP. Now, Producer's wants to renege blatantly on its promise and agreement to develop this site in a way that benefits "the public and public properties." Rather Producer's intends to industrialize further this historic residential neighborhood with all the attendant pollutants and risks of environmental and social harm that we have repeatedly recited in this review process.

Inexplicably, the City's staff in this matter completely abdicates its responsibility to protect the public and the nearby neighborhood despite overwhelming equities in their favor. Appendix L simply provides for swapping out the conditions that Producer's does not like and substituting ones that it does like. Nowhere in this process, has the City identified, analyzed or even discussed the equities in favor of the public and neighborhood residents. Unless, there is such analysis of the equities, there can be no factual basis for any City body to conclude that enforcement of the conditions in the covenant are no longer equitable. ✓

Mr. Mike Sanchez, Assistant Manager

December 27, 2017

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By its terms, the Covenant may be modified only when the COF finds the enforcement of the conditions "no longer equitable." One is strained to find equities in favor of Producer's. It can be conceded that it owns the property and has an economic interest in using this site as it chooses. However, consider the residents and the "public." Residents living in this La Sierra Tract neighborhood have overwhelming equities in favor of enforcement of the existing conditions of development set forth in the Covenant relating to their health, safety, economic opportunity, and peace and quiet that would be undermined by the proposed project. The impacts of noise, air (including PM2.5), sound and view pollution, other health and safety risks and diminution in value of nearby properties, associated with this project were detailed in earlier comments and are incorporated here by reference.

In addition, there are other equities in favor of maintaining the status quo. Council Member Baines has announced that he will initiate negotiations between the principals of Producer's and the neighbors to reach a resolution. Council Member Soria has indicated that the covenant should remain in place until other options are considered. We are informed that the California High Speed Rail Authority has indicated a willingness to assist further in locating another, more suitable site for this project.

Please forward these comments to each member of the Planning Commission along with a copy of the Covenants. Thank you.

Very truly yours,

[s/ Bruce A. Owdom]

Bruce A. Owdom, Attorney

cc: Michael Murphy, SOAR (at) mimurphy@soarhere.com

Bruce A. Owdom
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August 30, 2017

Mr. Mike Sanchez, Assistant Manager
City of Fresno
Department of Development and Resource Management
2600 Fresno Street, Room 3065
Fresno, California 93721

Delivered by email to: Mike.Sanchez@fresno.gov and by U.S. Mail

RE: REIVSED DRAFT Supplement to the Tower District Specific Plan Final Environmental Impact Report (1991) for Producers Dairy Truck Parking Lot Enlargement Project prepared July 2017

Dear Mr. Sanchez:

Paul E. Pierce and I submit the following comments on the Revised Draft Supplement to the Tower District Specific Plan Final Environmental Impact Report (1991) prepared July 2017 (RDSEIR) for the proposed demolition of two historic structures and enlargement of the proponent Producer's Dairy truck trailer parking operation at 450 E. Belmont Avenue, Fresno, California, which is intended to service its production facility located at 144 E. Belmont Avenue.

On December 31, 2016, we commented at length on the Initial Study (IS) for this project. On April 24, 2017, we also commented on the inadequacy of the Draft Supplemental Environmental Impact Report (DSEIR). Unfortunately, our suggestion to revise the IS because of its glaring inadequacies was rejected, and the applicant chose to continue the environmental review process without completely describing and analyzing the proposed project in a revised IS. Just as the DSEIR failed to address the December 31, 2016 comments, our comments to DSEIR, dated April 24, 2017, that the DSEIR inadequately describes the "project," the RDSEIR fails again to completely describe the project and analyze its impacts. Further, the RDSEIR repeats fundamental flaws in its review and analysis. That fundamental flaw is the that the "project" actually involves a huge expansion at its production facilities in this neighborhood for which Producer's seeks a 123% increase in parking capacity for storage of its truck trailers at the 450 E. Belmont Avenue location.

We reiterate our repeated requests to receive and review, and to have incorporated in the official record of these proceedings, the full history of the contract under which the environmental work for this project is being performed, including all drafts, revisions, notes, and correspondence regarding the contract, by or among any agents or representatives of the City of Fresno, SOAR Environmental Consulting, Inc., and

Mr. Mike Sanchez, Assistant Manager

August 30, 2017

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/or Producers Dairy. As we have mentioned, we are concerned that this contract may violate Public Resources Code section 21082.1(a), which requires that:

“Any draft environmental impact report, environmental impact report, negative declaration, or mitigated negative declaration prepared pursuant to the requirements of this division shall be prepared directly by, or under contract to, a public agency.” [Emphasis added.]

We are informed that this contract is not so formed. Rather, the contract is formed between the consultant SOAR and the project applicant, Producers Dairy. The resulting IS, DEIR and DRSEIR and their biases in favor of the proposed project is astonishing. Please provide the requested documents immediately. Although Producers may have provided the actual contract between Producer’s and its consultant, SOAR, the notes and other written history of this contract have not been provided. In addition, the distribution list of notices regarding this project has not been provided and thus, we are unable to confirm that persons entitled to notice have received it. Accordingly, we reserve our right to object that notice of this action has not complied with the law.

We renew our repeated requests to receive and review legible site plans with dimensions and to scale, for both the subject property at 450 E. Belmont Avenue and 302 N. Thorne Avenue, the latter of which is the previous location of the applicant’s permanent truck trailer parking. Although a portion of the Thorne Avenue property was apparently purchased by the High Speed Rail Authority, the City staff report prepared for the Council meeting on February 26, 2016, indicated that “[o]nce work is complete the current leased site (302 N. Thorne) truck parking will again be available.” Neither the applicant nor the consultant have disputed this statement. RDSEIR, Response to Comments, Response, Seir1-5 states that “site plans for 1752 G Street and 302 N. Thorne Avenue are private plans and are not part of the proposed Project.” Therefore, the RDSEIR has failed to disclose this critically important information.

The Resp. 1-5 also reveals only that the 302 N. Thorne Avenue site is “currently not used for delivery trailer parking. Therefore, site plans for the two sites do not fall under the scope of the Draft SEIR.” However, truck trailer parking is not the defining feature of this project. The total scope of this project includes the integration of this grossly over-parked, proposed project and the production facility at 250 E. Belmont Avenue, the project’s effects on the health and aesthetics of the people who live and work in the vicinity, and the status of the Thorne Avenue property and other sites that are more suitable for this project. Unfortunately, Producer’s is apparently unwilling to consider better alternatives for itself and the protection of its neighbors.

The Tower District Specific Plan and The Tower District Specific Plan Final Environmental Impact Report (1991).

Applicable provisions, goals and objectives of the TDSP which demonstrate the inconsistency of the proposed Project with the Plan were quoted in our earlier comments, dated April 24, 2017, and will not be repeated here. The TDSP is a conservation and preservation plan that protects the unique features and characteristics of the Tower District that will serve as defining building blocks for future, appropriate development to revitalize historic neighborhoods. In 1991, Producers’ understood and agreed with these goals and objectives with respect to the historic structures on this site. That agreement became law by the

unanimous vote of the City Council. Now Producers seeks to revoke unilaterally this agreement and law. This neighborhood needs land uses and economic development consistent with the TDSP, not in opposition to it.

The RDSEIR falsely and disingenuously claims this project is "consistent with the applicable Tower district Specific Plan goals and objectives, zoning and land use" (Respns., SEIR 1-7.), and because it was zoned light industrial for 26 years, and has supported dairy factory operations for at least 88 years." Producer's finds itself in this position because it has broken its promises to the City of Fresno, the Tower District Specific Plan and its neighbors, especially the residential neighbors around this parking facility. 26 years ago Producers agreed to the mitigation measures enumerated in the Plan, in exchange for the light industrial zoning, as adopted by the TDSP and part of the zoning ordinance. This issue only arises now after 26 years because Producer's has failed to protect and preserve, or even stabilize, the historic structures as it agreed to do. Producer's also asks for a variance from established municipal law requiring a minimal set from the side walk to allow the parking of **14 more truck trailers** on this 1.83 acre parcel. Producer's asks the City Council to grant its request to escape its obligations made over 26 years ago.

Producer's claims that this project "complies" with the Plan is incredible. If the project complied with the Plan it would not be requesting amendments to the Plan and it would not be seeking a variance.

Producer's acts as if it is entitled to revise the TDSP simply because the previously proposed use for the property is no longer being proposed, "and, as such the mitigation measures are not applicable to the proposed Project." (Respns., SEIR 1-7.) The property did support dairy operations in the past, but it was not diesel refrigerator truck parking before Producer's. Indeed, it has been suggested to Producer's and the Lead Agency that a more appropriate use of this neighborhood space is local retail that promotes the health and opportunities of the surrounding residents. Producer's, unfortunately, is indifferent to its neighbors and maybe to its brand, purporting to be a helpful, hopeful friend.

Response SEIR 1-15 is illustrative of the disdain this Project has for the TPSP. These words are not quoted here, but they are shockingly dismissive of the rule of law in our city. The TDSP and the zoning of and mitigations measures for this property were was duly adopted unanimously by the Fresno City Council in 1991. Now, because in Producer's view, all mitigation measures adopted into law are "not applicable," they should be avoided. How can this project be in "compliance" with the very specific plan that Producer's demands the city council modify?

The Project Description Is Inadequate and Fails to Disclose the Full Impact of the Project.

The DSEIR fails to define and address adequately the project's impacts on neighborhood stability, pedestrian safety, family health, surrounding property values, and the historic fabric of the area, that arise from this intensity of use, including: dangerously heavy truck traffic where children walk to school; significant health impacts of significantly increased deadly diesel particulate matter (both PM2.5 and PM10); significant cumulative impacts, when increased DPM is added to proximate freeway pollution.

The RDSEIR finally confirms what was ambiguous in the DSEIR-- that this industrial project will host a 24 hour operation of truck and trailer ingress and egress. Producer's does not deny that the operation will also include trailer maintenance, tire changes, cleaning, and the associated operation of powered maintenance equipment and tools in the midst of this residential neighborhood. The proposed project would also allow regular, heavy, and, normally prohibited, truck-trailer traffic on residential streets (Roosevelt and Ferger Avenues) to enter and exit the parking lot. The southern half of the perimeter of the subject property is surrounded by at least eight residential properties (See, RDSEIR, Figure 2, p. 25.)

The project description and RDSEIR are inadequate because they fail to identify and analyze the loss of opportunities and property values incurred by the neighbors of the proposed expanded truck parking lot. Producer's may believe that neighbors' property values should not be considered under CEQA, but with any project a neighbor's condition and desire for fair treatment must be considered. Why is an already marginalized and disadvantaged community made to suffer the worst impacts of industrial, economic activity?

The proposed project will **increase the number of parked truck trailers on the site from the current 30 to a new maximum of 67 trailers, a whopping 123% increase** of parked refrigerated truck trailers. The RDSEIR finally concedes that the project will "result" in an additional 20 round-trip truck-trailer trips per day, for a total of at least 70 round-trips daily seven days a week (for a total of 140 trips per day) and "approximately 182 truck movement events." (RDSEIR, p.55.) What this actually means is that there will be at least 140 truck trailer ingresses to and egresses from the site every day of the week, including weekends. In addition to the truck-trailer traffic on Belmont, Roosevelt and Ferger Avenues, there is the clanging and banging, associated with the so-called truck events on the site, that is, the noise emitted from the trucks' disconnecting and connecting to a trailers with the diesel engines idling and related maintenance work. Again, 24 hours, day and night.

As noted above, the true and total scope of this project is integration and consolidation of this 1.83 acre parcel at 450 E. Belmont Avenue into an expanded production facility located at 250 E. Belmont Avenue. Producer's refusal to state whether the parking location at 302 N. Thorne Avenue will be available for parking in the future can only mean that it may be available for parking in the future. Producer's needs to disclose the status of this property. The Thorne Avenue property is within the scope of this project whether Producer's wants it to be or not.

The External Noise Mitigation Is Inadequate.

The RDSEIR obscures the true facts which are that this project will increase daily truck trips to and from this site to at least 140 per day and because the number of parked trailers at the site would increase from 30 to 67, noise related to parking movement events within the project site will dramatically increase. None of these cumulative impacts is analyzed. The proposed mitigation measures are woefully inadequate to mitigate the overwhelming burden of such an increase in trucks and trailers. Furthermore, the applicant does not have a good record in fulfilling mitigation measures agreed to 26 years ago regarding this property. In its attempt to comply with the city's noise ordinance, the unconvincing mitigation such as a 12 foot sound wall

clearly reveals the incongruity of this project with the neighborhood. Truck trailers parked in the middle and north rows will have the refrigeration units facing southbound directly at the adjacent residential neighborhood. To make this project "fit", the proponent is forced to seek a variance in order to place a fence at the very edge of the property line and within the required setback. By eliminating the normal setbacks for this project, it only moves its noise and pollution that much closer to its neighbors.

The Transportation and Traffic Section, Section 4.3.1, Is Flawed and Must Be Rejected.

The RDSEIR repeats the same error as the DSEIR. The transportation discussion is not factually based and therefore is not relevant for purposes of this RDSEIR. The discussion bases its projected benefits for reduction of vehicle miles travelled to the current, temporary parking location at H and Tuolumne Streets. In the DSEIR, Producer's utilized another temporary parking lot at 1752 G Street, now it uses the temporary parking lot at H and Tuolumne Streets for its calculations. The RDSEIR should use Producer's last permanent parking location at 302 N. Thorne for any such analysis. The present analysis is inadequate.

The calculation of a reduction in vehicle miles travelled under the proposed project is not factually based and cannot be accepted as a valid impact reduction. Further, the RDSEIR still contains no information or discussion about the impacts of the massive, at least daily 140 truck trailer trips on pedestrians in the neighborhood, including children walking northbound through the proposed traffic maze of trucks, to nearby John Muir Elementary School and Fresno High School. The RDSEIR does not analyze the creation of the new proposed exit and traffic on Ferger Avenue and the impact of that new feature on that street specifically and throughout the neighborhood in general.

The RDSEIR Again Fails to Consider Adequately Dangerous Air Quality Impacts of the Project.

The RDSEIR and its Appendix I, p. 7, conclude that the proposed project viewed under the Small Project Analysis Level (SPAL) does not reach a "threshold of CEQA significance for criteria pollutant emissions," and "would result in a less than significant impact." The RDSEIR further concludes that, in any event, any diesel exhaust emissions, one of the most deadly vehicle emissions, on an annual project emission basis is 3.68 lbs, and below the 4.3 lbs. annual emission threshold. The RDSEIR at page 6, Appendix J, RSP SEIR1-20, argues that because these deadly emissions are estimated to be **only 14% below** the threshold required for a full health risk assessment of the project, it is exempt from conducting an official Health Risk Assessment. Producer's ignores the health impacts of the proposed project on its residential neighbors and sensitive receptors by avoiding this critical issue and not conducting an HRA. Without any fact based analysis, Producer's is willing, by 14% margin, to risk that sensitive populations, like residential neighbors, will not contract a deadly disease or condition caused by dangerous, toxic emissions from this project especially Diesel Particulate Matter.

The California Air Resources Control Board classifies Diesel Particulate Matter as a separately toxic air pollutant, though DPM also contains PM2.5 and PM10. CARB's "Methodology for Estimating the Potential

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Health Impacts from Diesel Truck Idling Operations” prescribes assessing exposed individuals’ cancer health risks “based on hours of diesel engine idling operations and downwind distance of the receptor.”

Accordingly, California restricts siting of new schools near major highways and busy traffic corridors.

(California Education Code, sec. 7213.c.2.C) See Comment Letter, dated December 31, 2016, Appendix A.

The Lead Agency should not countenance this project. It would not be permitted in North Fresno.

In addition, we reserve the right to further comment on the applicability of the SPAL exemption when the acreage of the total project, including 250 E. Belmont, 450 E. Belmont, and 302 N. Thorne Avenues, when they are ascertained. It is believed that the total acreage exceeds the SPAL exemption acreage limit.

The Alternative Analysis Continues to be Incomplete and Inadequate.

The RDSEIR continues inexplicitly to cite an infeasible relocation alternative which no one, but the consultants and the applicant, has suggested and is clearly “infeasible.” (CEQA, Guidelines, Sec. 15126.6)

The RDSEIR continues to choose relocation as the environmentally superior alternative despite its infeasibility.

The applicant’s opposition to the so-called façade alternative is that it would lose 14 parking spaces by retention of the facades. (RDSEIR, p. 78.) As Figure 14 reveals, the applicant’s massive expansion of parking, to 67 trailer parking spaces, on the site and even with the demolition of the historic buildings, Producer’s still requires and has applied for a variance to utilize all the area in the normally required setback. The City of Fresno Development Code, section 15-313 provides in pertinent part:

“Front setbacks shall be measured from the back of the sidewalk (including instances where the back of the sidewalk lies within the project parcel) to the portion of the structure that is closest to the front of the lot.”

According to the Development Code Table 15-1303-2, the minimum setback in an Employment District (including light Industrial uses) is 15 feet. The existing historic façade of the building on Belmont is 9’9” from the property line (the back of the sidewalk), and 10’ from the back of the sidewalk on Roosevelt Avenue. Applicant is seeking a variance from standard and rational measures of setback, followed by projects every day in the city, to ignore set back requirements and locate its proposed fence at the property line.

Producer’s complains that the loss of 14 parking spaces (or 26%) in the façade alternative would “not meet the project proponent [sic] objectives...” In other words, Producer’s is not willing to compromise on any aspect of this project, no matter what it holds for this neighborhood and its people.

The RDSEIR continues earlier failures to analyze and consider adequately the façade alternative. For example, the RDSEIR, page 77, claims that the difference in cost between demolishing both historic buildings and preserving and retrofitting the facades is \$112,000. However, this cocktail napkin calculation, without any good faith analysis, fails to consider the savings achieved from eliminating the cost of any construction of any fence where the facades sit and the cost of the awful “monument.” The facades would provide a better visual barrier to the mass of truck trailers parked compared to the “steel tube fencing” proposed. (RDSEIR, p.

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29, 30.) The preservation of the facades would also preserve an economic opportunity at a later date to build modern buildings behind the historic facades. Such façade projects are well-known and exist all over the world.

We reiterate: the project, as proposed, is really the continuation of a familiar and discriminatory development practice in Fresno that pre-dates the 1991 TDSP and has decimated west Fresno over the past decades. With the approval of government bodies, influential Industrial interests are allowed to expand their uses incrementally into residential areas at the expense of those residents. As a result, these residents are exposed to greater and greater pressures from heavy industrial traffic, congestion, noise and toxic pollution of all kinds. Would encroachment of an industrial use into a residential neighborhood such as proposed here be permitted in North Fresno?

Very truly yours,

[s/ Bruce A. Owdom]

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August 30, 2017

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Delivered by email to: Mike.Sanchez@fresno.gov and by U.S. Mail

RE: REIVSED DRAFT Supplement to the Tower District Specific Plan Final Environmental Impact Report (1991) for Producers Dairy Truck Parking Lot Enlargement Project prepared July 2017

Dear Mr. Sanchez:

Paul E. Pierce and I submit the following comments on the Revised Draft Supplement to the Tower District Specific Plan Final Environmental Impact Report (1991) prepared July 2017 (RDSEIR) for the proposed demolition of two historic structures and enlargement of the proponent Producer's Dairy truck trailer parking operation at 450 E. Belmont Avenue, Fresno, California, which is intended to service its production facility located at 144 E. Belmont Avenue.

On December 31, 2016, we commented at length on the Initial Study (IS) for this project. On April 24, 2017, we also commented on the inadequacy of the Draft Supplemental Environmental Impact Report (DSEIR). Unfortunately, our suggestion to revise the IS because of its glaring inadequacies was rejected, and the applicant chose to continue the environmental review process without completely describing and analyzing the proposed project in a revised IS. Just as the DSEIR failed to address the December 31, 2016 comments, our comments to DSEIR, dated April 24, 2017, that the DSEIR inadequately describes the "project," the RDSEIR fails again to completely describe the project and analyze its impacts. Further, the RDSEIR repeats fundamental flaws in its review and analysis. That fundamental flaw is the that the "project" actually involves a huge expansion at its production facilities in this neighborhood for which Producer's seeks a 123% increase in parking capacity for storage of its truck trailers at the 450 E. Belmont Avenue location.

We reiterate our repeated requests to receive and review, and to have incorporated in the official record of these proceedings, the full history of the contract under which the environmental work for this project is being performed, including all drafts, revisions, notes, and correspondence regarding the contract, by or among any agents or representatives of the City of Fresno, SOAR Environmental Consulting, Inc., and

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/or Producers Dairy. As we have mentioned, we are concerned that this contract may violate Public Resources Code section 21082.1(a), which requires that:

“Any draft environmental impact report, environmental impact report, negative declaration, or mitigated negative declaration prepared pursuant to the requirements of this division shall be prepared directly by, or under contract to, a public agency.” [Emphasis added.]

We are informed that this contract is not so formed. Rather, the contract is formed between the consultant SOAR and the project applicant, Producers Dairy. The resulting IS, DEIR and DRSEIR and their biases in favor of the proposed project is astonishing. Please provide the requested documents immediately. Although Producers may have provided the actual contract between Producer’s and its consultant, SOAR, the notes and other written history of this contract have not been provided. In addition, the distribution list of notices regarding this project has not been provided and thus, we are unable to confirm that persons entitled to notice have received it. Accordingly, we reserve our right to object that notice of this action has not complied with the law.

We renew our repeated requests to receive and review legible site plans with dimensions and to scale, for both the subject property at 450 E. Belmont Avenue and 302 N. Thorne Avenue, the latter of which is the previous location of the applicant’s permanent truck trailer parking. Although a portion of the Thorne Avenue property was apparently purchased by the High Speed Rail Authority, the City staff report prepared for the Council meeting on February 26, 2016, indicated that “[o]nce work is complete the current leased site (302 N. Thorne) truck parking will again be available.” Neither the applicant nor the consultant have disputed this statement. RDSEIR, Response to Comments, Response, Seir1-5 states that “site plans for 1752 G Street and 302 N. Thorne Avenue are private plans and are not part of the proposed Project.” Therefore, the RDSEIR has failed to disclose this critically important information.

The Resp. 1-5 also reveals only that the 302 N. Thorne Avenue site is “currently not used for delivery trailer parking. Therefore, site plans for the two sites do not fall under the scope of the Draft SEIR.” However, truck trailer parking is not the defining feature of this project. The total scope of this project includes the integration of this grossly over-parked, proposed project and the production facility at 250 E. Belmont Avenue, the project’s effects on the health and aesthetics of the people who live and work in the vicinity, and the status of the Thorne Avenue property and other sites that are more suitable for this project. Unfortunately, Producer’s is apparently unwilling to consider better alternatives for itself and the protection of its neighbors.

The Tower District Specific Plan and The Tower District Specific Plan Final Environmental Impact Report (1991).

Applicable provisions, goals and objectives of the TDSP which demonstrate the inconsistency of the proposed Project with the Plan were quoted in our earlier comments, dated April 24, 2017, and will not be repeated here. The TDSP is a conservation and preservation plan that protects the unique features and characteristics of the Tower District that will serve as defining building blocks for future, appropriate development to revitalize historic neighborhoods. In 1991, Producers’ understood and agreed with these goals and objectives with respect to the historic structures on this site. That agreement became law by the

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unanimous vote of the City Council. Now Producers seeks to revoke unilaterally this agreement and law. This neighborhood needs land uses and economic development consistent with the TDSP, not in opposition to it.

The RDSEIR falsely and disingenuously claims this project is "consistent with the applicable Tower district Specific Plan goals and objectives, zoning and land use" (Respns., SEIR 1-7.), and because it was zoned light industrial for 26 years, and has supported dairy factory operations for at least 88 years." Producer's finds itself in this position because it has broken its promises to the City of Fresno, the Tower District Specific Plan and its neighbors, especially the residential neighbors around this parking facility. 26 years ago Producers agreed to the mitigation measures enumerated in the Plan, in exchange for the light industrial zoning, as adopted by the TDSP and part of the zoning ordinance. This issue only arises now after 26 years because Producer's has failed to protect and preserve, or even stabilize, the historic structures as it agreed to do. Producer's also asks for a variance from established municipal law requiring a minimal set from the side walk to allow the parking of 14 more truck trailers on this 1.83 acre parcel. Producer's asks the City Council to grant its request to escape its obligations made over 26 years ago.

Producer's claims that this project "complies" with the Plan is incredible. If the project complied with the Plan it would not be requesting amendments to the Plan and it would not be seeking a variance.

Producer's acts as if it is entitled to revise the TDSP simply because the previously proposed use for the property is no longer being proposed, "and, as such the mitigation measures are not applicable to the proposed Project." (Respns., SEIR 1-7.) The property did support dairy operations in the past, but it was not diesel refrigerator truck parking before Producer's. Indeed, it has been suggested to Producer's and the Lead Agency that a more appropriate use of this neighborhood space is local retail that promotes the health and opportunities of the surrounding residents. Producer's, unfortunately, is indifferent to its neighbors and maybe to its brand, purporting to be a helpful, hopeful friend.

Response SEIR 1-15 is illustrative of the disdain this Project has for the TPSP. These words are not quoted here, but they are shockingly dismissive of the rule of law in our city. The TDSP and the zoning of and mitigations measures for this property were was duly adopted unanimously by the Fresno City Council in 1991. Now, because in Producer's view, all mitigation measures adopted into law are "not applicable," they should be avoided. How can this project be in "compliance" with the very specific plan that Producer's demands the city council modify?

The Project Description Is Inadequate and Fails to Disclose the Full Impact of the Project.

The DSEIR fails to define and address adequately the project's impacts on neighborhood stability, pedestrian safety, family health, surrounding property values, and the historic fabric of the area, that arise from this intensity of use, including: dangerously heavy truck traffic where children walk to school; significant health impacts of significantly increased deadly diesel particulate matter (both PM2.5 and PM10); significant cumulative impacts, when increased DPM is added to proximate freeway pollution.

The RDSEIR finally confirms what was ambiguous in the DSEIR-- that this industrial project will host a 24 hour operation of truck and trailer ingress and egress. Producer's does not deny that the operation will also include trailer maintenance, tire changes, cleaning, and the associated operation of powered maintenance equipment and tools in the midst of this residential neighborhood. The proposed project would also allow regular, heavy, and, normally prohibited, truck-trailer traffic on residential streets (Roosevelt and Ferger Avenues) to enter and exit the parking lot. The southern half of the perimeter of the subject property is surrounded by at least eight residential properties (See, RDSEIR, Figure 2, p. 25.)

The project description and RDSEIR are inadequate because they fail to identify and analyze the loss of opportunities and property values incurred by the neighbors of the proposed expanded truck parking lot. Producer's may believe that neighbors' property values should not be considered under CEQA, but with any project a neighbor's condition and desire for fair treatment must be considered. Why is an already marginalized and disadvantaged community made to suffer the worst impacts of industrial, economic activity?

The proposed project will increase the number of parked truck trailers on the site from the current 30 to a new maximum of 67 trailers, a whopping 123% increase of parked refrigerated truck trailers. The RDSEIR finally concedes that the project will "result" in an additional 20 round-trip truck-trailer trips per day, for a total of at least 70 round-trips daily seven days a week (for a total of 140 trips per day) and "approximately 182 truck movement events." (RDSEIR, p.55.) What this actually means is that there will be at least 140 truck trailer ingresses to and egresses from the site every day of the week, including weekends. In addition to the truck-trailer traffic on Belmont, Roosevelt and Ferger Avenues, there is the clanging and banging, associated with the so-called truck events on the site, that is, the noise emitted from the trucks' disconnecting and connecting to a trailers with the diesel engines idling and related maintenance work. Again, 24 hours, day and night.

As noted above, the true and total scope of this project is integration and consolidation of this 1.83 acre parcel at 450 E. Belmont Avenue into an expanded production facility located at 250 E. Belmont Avenue. Producer's refusal to state whether the parking location at 302 N. Thorne Avenue will be available for parking in the future can only mean that it may be available for parking in the future. Producer's needs to disclose the status of this property. The Thorne Avenue property is within the scope of this project whether Producer's wants it to be or not.

The External Noise Mitigation Is Inadequate.

The RDSEIR obscures the true facts which are that this project will increase daily truck trips to and from this site to at least 140 per day and because the number of parked trailers at the site would increase from 30 to 67, noise related to parking movement events within the project site will dramatically increase. None of these cumulative impacts is analyzed. The proposed mitigation measures are woefully inadequate to mitigate the overwhelming burden of such an increase in trucks and trailers. Furthermore, the applicant does not have a good record in fulfilling mitigation measures agreed to 26 years ago regarding this property. In its attempt to comply with the city's noise ordinance, the unconvincing mitigation such as a 12 foot sound wall

clearly reveals the incongruity of this project with the neighborhood. Truck trailers parked in the middle and north rows will have the refrigeration units facing southbound directly at the adjacent residential neighborhood. To make this project "fit", the proponent is forced to seek a variance in order to place a fence at the very edge of the property line and within the required setback. By eliminating the normal setbacks for this project, it only moves its noise and pollution that much closer to its neighbors.

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The RDSEIR repeats the same error as the DSEIR. The transportation discussion is not factually based and therefore is not relevant for purposes of this RDSEIR. The discussion bases its projected benefits for reduction of vehicle miles travelled to the current, temporary parking location at H and Tuolumne Streets. In the DSEIR, Producer's utilized another temporary parking lot at 1752 G Street, now it uses the temporary parking lot at H and Tuolumne Streets for its calculations. The RDSEIR should use Producer's last permanent parking location at 302 N. Thorne for any such analysis. The present analysis is inadequate.

The calculation of a reduction in vehicle miles travelled under the proposed project is not factually based and cannot be accepted as a valid impact reduction. Further, the RDSEIR still contains no information or discussion about the impacts of the massive, at least daily 140 truck trailer trips on pedestrians in the neighborhood, including children walking northbound through the proposed traffic maze of trucks, to nearby John Muir Elementary School and Fresno High School. The RDSEIR does not analyze the creation of the new proposed exit and traffic on Ferger Avenue and the impact of that new feature on that street specifically and throughout the neighborhood in general.

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In addition, we reserve the right to further comment on the applicability of the SPAL exemption when the acreage of the total project, including 250 E. Belmont, 450 E. Belmont, and 302 N. Thorne Avenues, when they are ascertained. It is believed that the total acreage exceeds the SPAL exemption acreage limit.

The Alternative Analysis Continues to be Incomplete and Inadequate.

The RDSEIR continues inexplicitly to cite an infeasible relocation alternative which no one, but the consultants and the applicant, has suggested and is clearly "infeasible." (CEQA, Guidelines, Sec. 15126.6) The RDSEIR continues to choose relocation as the environmentally superior alternative despite its infeasibility.

The applicant's opposition to the so-called façade alternative is that it would lose 14 parking spaces by retention of the facades. (RDSEIR, p. 78.) As Figure 14 reveals, the applicant's massive expansion of parking, to 67 trailer parking spaces, on the site and even with the demolition of the historic buildings, Producer's still requires and has applied for a variance to utilize all the area in the normally required setback. The City of Fresno Development Code, section 15-313 provides in pertinent part:

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The RDSEIR continues earlier failures to analyze and consider adequately the façade alternative. For example, the RDSEIR, page 77, claims that the difference in cost between demolishing both historic buildings and preserving and retrofitting the facades is \$112,000. However, this cocktail napkin calculation, without any good faith analysis, fails to consider the savings achieved from eliminating the cost of any construction of any fence where the facades sit and the cost of the awful "monument." The facades would provide a better visual barrier to the mass of truck trailers parked compared to the "steel tube fencing" proposed. (RDSEIR, p.

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We reiterate: the project, as proposed, is really the continuation of a familiar and discriminatory development practice in Fresno that pre-dates the 1991 TDSP and has decimated west Fresno over the past decades. With the approval of government bodies, influential Industrial interests are allowed to expand their uses incrementally into residential areas at the expense of those residents. As a result, these residents are exposed to greater and greater pressures from heavy industrial traffic, congestion, noise and toxic pollution of all kinds. Would encroachment of an industrial use into a residential neighborhood such as proposed here be permitted in North Fresno?

Very truly yours,

[s/ Bruce A. Owdom]

Bruce A. Owdom, Attorney at Law

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April 24, 2017

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RE: **DRAFT Supplement to the Tower District Specific Plan Final Environmental Impact Report (1991) for Producers Dairy Truck Parking Lot Enlargement Project prepared March 2017**

Dear Mr. Sanchez and Ms. Emerson:

Robert Boro and I submit the following comments on the Draft Supplement to the Tower District Specific Plan Final Environmental Impact Report (1991) prepared March 2017 (DSEIR) for the proposed demolition of two historic structures and enlargement of the proponent Producers Dairy truck trailer parking operation at 450 E. Belmont Avenue, Fresno, California.

On December 31, 2016, we commented at length on the Initial Study (IS) for this project. Unfortunately, our suggestion to revise the IS because of its glaring inadequacies was rejected and , the applicant chooses to continue the environmental review process without completely describing the proposed project in a revised IS. The DSEIR fails to attach a copy of or even mention our December 31, 2016 comments and thus repeats fundamental flaws in its review and analysis.

We reiterate our repeated requests to receive and review, and to have incorporated in the official record of these proceedings, the full history of the contract under which the environmental work for this project is being performed, including all drafts, revisions, notes, and correspondence regarding the contract, by or among any agents or representatives of the City of Fresno, SOAR Environmental Consulting, Inc., and /or Producers Dairy. As we have mentioned, we are concerned that this contract may violate Public Resources Code section 21082.1(a), which requires that:

“Any draft environmental impact report, environmental impact report, negative declaration, or mitigated negative declaration prepared pursuant to the requirements of this division shall be prepared directly by, or under contact to, a public agency.” [Emphasis added.]

We are informed that this contract is not so formed. Rather, the contract is formed between the consultant SOAR and the project applicant, Producers Dairy. The resulting DEIR and its bias in favor of the proposed project is astonishing. Please provide the requested documents immediately.

We believe the notice distribution list for the proposed project is incomplete because it appears that residents in the area and within 300 feet of the project have not received notice. In addition, the address for the author is incorrect and has been since October 2014. Please provide a revised and complete distribution list for this project, so we can insure that residents and property owners in the project area have received notice.

We renew our repeated requests to receive and review legible site plans with dimensions and to scale, for both the subject property at 450 E. Belmont Avenue and the 302 N. Thorne Avenue, which is the previous location of the applicant’s permanent truck trailer parking. Although a portion of the Thorne Avenue property was apparently purchased by the High Speed Rail Authority, the City staff report prepared for the Council meeting on February 26, 2016, indicated that “[o]nce work is complete the current leased site (302 N. Thorne) truck parking will again be available.” Neither the applicant nor the consultant have disputed this statement. The staff report further suggests, without evidence, that some trailer parking will be lost. But, more importantly, it directly states that parking will be available. Site plans for both properties are required, and must be included in the official record of these proceedings, in order to ensure that a legally sufficient analysis of alternatives for the project is performed. Please provide these site plans immediately.

We further renew our request for all notes taken by the consultant at the September 20, 2017 public meeting. Please provide these notes. (It appears that notes from the December 19, 2016 scoping meeting are attached to the DSEIR.)

The Tower District Specific Plan and The Tower District Specific Plan Final Environmental Impact Report (1991).

The DSEIR proposes to revise the TDFEIR by eliminating specific mitigation measures for development of the project site agreed to by the proponent and adopted by the City of Fresno in 1991, 26 years ago. In the revealing words of the DSEIR at page 7, “The language has now been updated to fit the Proposed Project.”

The DSEIR at page 22 acknowledges that the proposed project falls within the boundaries of the Tower District Specific Plan but fails throughout to address and analyze the specific provisions of the Tower District Specific Plan and whether the proposed project is consistent with the goals and objectives of the TDSP. Instead, the DSEIR seeks to “fit” its analysis to the project and ignore the basic tenets of the TDSP. For example, Goal I, page 2-1 and Goal II, page 2-2 of the TDSP provide that there are historic and mutually

supportive relationships between the Tower District and the central area and are dependent on adjacent stable neighborhoods and that neighborhoods in the southern part of the Tower District are historically related to the Tower District and the Central Area. (TDSP, p.2-1, et seq.) The TDSP provides in its Goals, Objectives & Policies in part:

GOAL I RESTORE AND REINFORCE THE HISTORICAL AND MUTALLY SUPPORTIVE RELATIONSHIPS BETWEEN TOWER DISTRICT NEIGHBORHOODS AND THE CENTRAL AREA.the health and vitality of the Central Area are dependent upon adjacent, stable residential neighborhoods.

OBJECTIVE 1 Not surprisingly, given the development history of the overall Tower District area as Fresno's first street car suburb, these neighborhoods between Belmont Avenue and Divisadero Street contain as many, if not more, historic resources than comparable –sized areas elsewhere in the Tower District. (TDSP, p.2-1) [Emphasis added.]

.....

Policy 2 Recognize that neighborhoods to the west and east of Fulton Street, and Van Ness Avenue between the proposed Route 180 corridor and Divisadero Street, are historically related to the Tower District as well as the Central Area.

GOAL II CONSERVE AND ENHANCE EXISTING RESIDENTIAL NEIGHBORHOODS.

Objective 1 Stabilize neighborhoods to prevent any further loss or erosion of character-defining elements....

Policy 1 Revise or eliminate land use or zoning designations which inhibit new economic activity and investment opportunities for the benefit of the Tower District

GOAL III RESPECT AND FURTHER ENHANCE THE HISTORIC CHARACTER OF THE TOWER DISTRICT AS A PLACE NOT DOMINATED BY THE AUTOMOBILE.

.....

Objective 1 Support existing and promote new neighborhood-serving, pedestrian-oriented retail service businesses within Tower District, following historic patterns of development.

GOAL IV CONSERVE AND REVITALIZE THE TOWER DISTRICT'S HISTORIC AND ARCHITECTURAL RESOURCES. (TDSP, p. 2-12.)

Nowhere does the DSEIR mention or address these goals and the associated objectives and policies set forth in the TDSP, and for good reason. The Goals and Objectives of the TDSP are clearly contrary to and

in opposition to, the proposed project. The DSEIR misleads the reader by its failure to disclose and discuss the conservation principles of the TDSP and an analysis of them in relation to the proposed project. The entire analysis of this proposed project is flawed and inadequate for its failure to disclose and analyze the TDSP.

As with the earlier flawed Initial Study, the DSEIR fails to analyze fully and accurately the harmful impact this proposed project will have on the surrounding historic neighborhood and its residents bounded by Highway 180, Belmont Avenue, Broadway Avenue, and Palm Avenue. As a result, the proposed mitigation measures miss the mark by a wide margin. This neighborhood needs land uses consistent with the TDSP, not in opposition to it.

As we commented on the IS in our supplemental comment, dated January 10, 2017, the proposed project, if approved, will impose at least 150 truck trips per day at the announced rate indicated in the IS, that is, at least six trucks trips per hour during peak commute times and 12 truck trips per hour at other times. (IS, 2.) It is unknown and unexplained how the applicant arrived at 70 truck trips per day in the DSEIR project description, which is for this reason unclear and inadequate. The proposed project will increase the number of parked truck trailers from the current 30 to a new maximum of 67 trailers, a whopping 123% increase of parked refrigerated truck trailers. At least some parked trailers will have refrigeration units running at all hours.

The DSEIR fails to address the impacts on neighborhood stability, pedestrian safety, family health, surrounding property values, and the historic fabric of the area, that arise from this intensity of use, including: dangerously heavy truck traffic where children walk to school; significant health impacts of significantly increased deadly diesel exhaust; significant cumulative impacts, when increased diesel pollution is added to proximate freeway pollution.

The Project Description Is Inadequate and Fails to Disclose the Full Impact of the Project.

As previously mentioned, the project is not only the demolition of historic resources which were deemed qualified by the City of Fresno's Historic Preservation Commission for listing on the City's historic register. The project is also the increased truck traffic, which in turn creates the air and noise pollution, which in turn endanger public health and reduce property values, which in turn destabilizes the neighborhood in direct contravention of the goals and objectives of the TDSP.

With respect to the impact on historic resources, The DSEIR concedes "[b]ecause the demolition of the two buildings on the Proposed Project site are considered to historical resources, the impact associated with the demolition of the existing buildings on the Proposed Project site would be significant. **Significant impact on historical resources.**" (p. 38-39, sec. 4.1.4)

The proposed project is a willful avoidance of the Tower District Specific Plan, and its directed treatment of the subject property. At the time of the adoption of the TDSP in 1991, Producers was the owner of the property and agreed to the mitigation measures for the property as adopted in the FEIR in exchange

for changing the land use from general commercial to light industrial which was consistent with the use of limited and temporary trailer parking at the time. But Producers also agreed to the specific mitigation measures listed in the FEIR, including retaining and reusing the existing buildings on the site or replacing them with new buildings compatible with the existing buildings and the surrounding commercial area and neighborhood. It's visually obviously that the present use and the proposed expansion are incompatible with the adjacent small, independently owned shops and residences. It is the industrial anomaly on that portion of Belmont Avenue. [See, DSEIR, Figure 3 (site zoning map) and TDFIER attachment, pages 7-1/ 7-6, and Exhibits L-1 and L-2 attached.] Now 26 years later, Producers proposes to revoke its agreement and rescind its unfulfilled obligations of mitigation for the subject property, and instead impose an even greater health and safety burden on its neighbors.

The DSEIR still does not reveal critical information about the operation, such as, whether the operation will include the washing and servicing of vehicles and what equipment is utilized, the hours of such operation, what lighting is proposed and how that lighting will affect the surrounding neighborhood.

The DSEIR tells us in three locations (pp. 2, 4, 22) that "[t]he proposed hours of operations will be 7:00 am to 10:00 pm." However, at p.56, the DSEIR contradicts the earlier statements, by stating that "[t]he applicant may, however, utilize the project area **north of the project site entrance at any hour of the day for truck movements as well [sic] the usage of idling refrigeration trailers.**" [Emphasis added.] So, buried in the body of the document, within a mitigation discussion, the reader of this DSEIR learns for the first time the true scope of the proposed operation: a 24 hour, around the clock movement of trucks and trailers, and idling refrigeration units. The applicant should completely and accurately disclose the true scope of this project, its plans for the future and address and analyze the impacts of that operation on the surrounding neighborhoods.

Moreover, the project description and DSEIR are inadequate because it fails to identify and analyze the loss of opportunities and property values incurred by the neighbors of the proposed expanded truck parking lot.

The External Noise Mitigation Is Inadequate.

The DSEIR obscures the true facts which are that this project will increase daily truck trips to at least 150 per day (at least 5 days per week) and because the number of parked trailers at the site would increase from 30 to 67, noise related to parking movement events within the project site will dramatically increase. Further, the noise emitted from many idling refrigeration units will combine into a deafening roar. None of these cumulative impacts are analyzed. The proposed mitigation measures are woefully inadequate to mitigate the overwhelming burden of such an increase in trucks and trailers. Furthermore, the applicant does not have a good record in fulfilling mitigation measures agreed to 26 years ago regarding this property. In its attempt to comply with the city's noise ordinance, the unconvincing mitigation such as a 12 foot sound wall clearly reveals the incongruity of this project with the neighborhood. Truck trailers parked in the middle and north rows will have the refrigeration units facing southbound directly at the adjacent residential neighborhood. To make this project "fit", the proponent is forced to seek a variance in order to place a fence

at the very edge of the property line and within the required setback. By eliminating the normal setbacks for this project, it only moves its noise and pollution that much closer to its neighbors.

The Transportation and Traffic Section, Section 4.3.1, Is Flawed and Must Be Rejected.

The DSEIR repeats the same error as the Initial Study. The transportation discussion is not factually based and therefore is not relevant for purposes of this DSEIR. The discussion bases its projected benefits for reduction of vehicle miles travelled on a current, temporary parking location at H and Tuolumne Streets. The DSEIR should use applicant's last permanent parking location at 302 N. Thorne for any such analysis. The present analysis is inadequate.

The DSEIR fails to disclose the temporary nature of the parking on H Street and, as noted in the staff report dated February 25, 2016, that the site at 302 N. Thorne will again be available for parking. Therefore, the calculation of a reduction in vehicle miles travelled under the proposed project is not factually based and cannot be accepted as a valid impact reduction. Further, the DSEIR contains no information or discussion about the impacts of the massive increase in truck trailer trips on the pedestrian traffic in the neighborhood, including children walking northbound through the proposed traffic pattern of trucks, to nearby John Muir Elementary School and Fresno High School. In addition, the DSEIR does not analyze the creation of the new proposed exit on Ferger Street and the impact of that new feature on that street specifically and throughout the neighborhood in general.

The DSEIR Inadequately Considers Air Quality Impacts of the Project.

The DSEIR concludes that the proposed project viewed under the Small Project Analysis Level (SPAL) does not reach a "threshold of CEQA significance for criteria pollutant emissions," and "would result in a less than significant impact." Accordingly without any analysis, the DSEIR does not address this hazardous pollution issue further. To reach its conclusion, the DSEIR misrepresents the SPAL standard. The SPAL is a screening level analysis only. In order to meet the SPAL screening standard, the review must "verify that the project is not a source or near a source of hazardous air pollutants or odors" and must "mitigate cumulative impacts with measures appropriate for the site." Neither the number of vehicle trips nor project size as set forth in SPAL is a threshold of significance as the applicant contends. The Lead Agency has the responsibility to identify and avoid potential land use conflicts, such as potential exposure of sensitive receptors to sources of toxic air contaminants, sources of hazardous materials, and potential odors. The GAMAQI supports a more focused approach:

Note that even if a project is on the SPAL list, it does not relieve the Lead Agency from assessing a project for other potential significant air quality impacts. Some industrial and commercial projects may have impacts related to toxic air contaminants, hazardous materials, or odors. Projects containing sensitive receptors such as residential, subdivisions, schools, hospitals, and so on must be assessed for exposure to pollutants from existing or planned industrial and commercial development. When a project falls under the

SPAL, the lead agency should use the information in the initial study checklist, or whatever format used, to justify a finding of less than significant air quality impacts. The initial study should also verify that no sensitive receptors would be exposed to substantial pollutant concentrations as a result of the project. (GAMAQI, pp. 85-86.)

GAMAQI also states that the location is a major factor in determining if a project will have localized air quality impacts. "The potential for adverse air quality impacts increases as the distance between the source of emissions and receptors decreases. Receptors include sensitive receptors and worker receptors. Sensitive receptors refer to those segments of the population most susceptible to poor air quality (i.e., children, the elderly, and those with pre-existing serious health problems affected by air quality)." Warehouse distribution centers are listed as an example of land use projects that have the potential to cause long-term public health risk impacts. Given that the proposed project creates new toxic emissions in the vicinity of sensitive receptors, the DSEIR, at a minimum, must apply a screening analysis to determine whether a full Health Risk Assessment (HRA) is required. The HRA would then provide the information needed to determine if the project met the risk threshold. The GAMAQI adopts the same 10/million risk threshold for Toxic Air Contaminants as the Office of Environmental Health Hazard Assessment.

The GAMAQI recommends that lead agencies use the California Air Pollution Control Officers Association (CAPCOA) guidance to comply with CEQA and especially to determine when to perform a HRA. CAPCOA also recommends buffer zones between sensitive receptors and various land uses to reduce health impacts from air pollution, specifically,

"Avoid siting new sensitive land uses within 1000 feet of a distribution center (that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week). Take into account the configuration of existing distribution centers and avoid locating residences and other new sensitive land uses near entry and exit points." (CAPCOA, p. 9, Table 2.)

The California Air Resources Board Air Quality & Land Use Handbook estimates the **Range of Relative Cancer Risk for those within 1000 feet of a distribution center as 500/million—50 times higher than the GAMAQI risk threshold.** (Handbook, at p. 6, Table 1-2.)

Not only does the DSEIR fail to catalogue air quality impacts, it predictably proposes nothing whatsoever to mitigate those completely foreseeable impacts on the surrounding neighborhood. As GAMAQI provides:

"Projects where significant numbers of diesel powered vehicles will be operating such as truck stops, transit centers, and warehousing may create risks from toxic diesel particulate emissions. These facilities and vehicles are not subject to District permit and so may need mitigation measures adopted by the Lead Agency to reduce this impact. Measures such as limiting idling, electrifying truck stops to power truck auxiliary equipment, use of diesel particulate filters, and use of alternative fuel heavy-duty trucks have been required by some jurisdictions." GAMAQI, p. 122.

This project concentrates toxic air contaminants in a residential neighborhood, exposing sensitive receptors to carcinogenic air pollutants. The DSEIR must be revised and document the air quality impacts of this operation as required by the Office of Environmental Health Hazard Assessment.

The Alternative Analysis Is Incomplete and Inadequate.

The DSEIR continues inexplicitly to advance a relocation alternative which no one, but the consultants and the applicant, has suggested. The DSEIR even chooses relocation as the environmentally superior alternative despite its infeasibility.

The applicant's opposition to the so-called façade alternative is now apparently based on the new disclosure that it would purportedly lose 14 parking spaces by retention of the facades. (DSEIR, p. 76.) As Figure 14 reveals, the applicant's massive expansion of parking on the site requires it to obtain and utilize all the area of the normally required setback. The City of Fresno Development Code, section 15-313 provides in pertinent part:

"Front setbacks shall be measured from the back of the sidewalk (including instances where the back of the sidewalk lies within the project parcel) to the portion of the structure that is closest to the front of the lot."

According to the Development Code Table 15-1303-2, the minimum setback in an Employment District (including light Industrial uses) is 15 feet. The existing historic façade of the building on Belmont is 9'9" from the property line (the back of the sidewalk), and 10' from the back of the sidewalk on Roosevelt Avenue. Applicant is seeking a variance from standard and rational measures of setback, followed by projects every day in the city, to ignore set back requirements and locate its proposed fence at the property line. This is just one more indication of how desperately but clearly this project presents as the wrong project for this neighborhood site.

As we commented in response to the IS, (which comments are included in the official record), the most obvious and the most appropriate alternative is to preserve and adaptively reuse the existing buildings for a general commercial use. Again, the applicant and its consultants refuse to consider this alternative and refuse to consider and analyze the value provided by the availability of federal and state tax credits and the use of the California Historic Building Code in the reuse alternative. This is the only alternative that would preserve historic resources, be consistent with the Tower District Specific Plan, and add economic opportunities in a distressed neighborhood. The DSEIR concedes that the proposed project would not result in economic or employment growth. It provides no new employment opportunities or infrastructure such as roads, utilities, or housing which are all items that could be used in this neighborhood. (DSEIR, p. 83.) Thus, the question is what does this project offer the surrounding community? Without an analysis of the adaptive reuse alternative, the reader will not have adequate information to know if possible economic and redevelopment benefits would accrue and provide opportunities for residents and others who live on three sides of and are most affected by the project site.

Mr. Mike Sanchez, Assistant Manager

April 24, 2017

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The project, as proposed, is really a continuation of a development practice in Fresno that pre-dates the 1991 TDSP and has decimated west Fresno over the past decades. Industrial uses are allowed to expand into neighboring residential areas at the expense of those residents. As a result, these residents are exposed to greater and greater pressures from heavy industrial traffic, congestion, noise and toxic pollution of all kinds. Would encroachment of an industrial use into a residential neighborhood such as proposed here be permitted in North Fresno?

Very truly yours,

Bruce A. Owdom, Attorney at Law

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January 10, 2017

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**RE: Supplemental Comment Letter
Draft Initial Study, Producers Dairy Cheese Plant Project**

Dear Mr. Sanchez and Ms. Emerson:

Per our letter of December 31, Bruce Owdom, Robert Boro and I submit this Supplemental Comment Letter regarding the Initial Study for the proposed Producer's Dairy project at 450 E. Belmont Ave.

Thank you for so promptly providing the August 2016 SOAR contract with Producers for the work on this project. We note the following concerns arising from this version of the contract:

- 1) In the *Project Understanding* section, SOAR agrees only to provide "work necessary to complete the CEQA approval under an IS/MND or IS/NOE." Schedule A likewise reflects an assumption that this environmental assessment process will result in a Mitigated Negative Declaration, omitting reference to work required for preparation of any EIR. However, Section 3.c. of this version of the contract acknowledges that there will be an augmented project budget for work on an EIR. Please provide the new Schedule A, together with any new, amended or supplemental contract for the project.
- 2) In the *Key Issues* section, SOAR and Producers agree, inappropriately, to a predetermination that there is only one environmental issue—"the potential historical nature of the buildings and reference listed in the Tower District Specific Plan"—with respect to which environmental analysis would need to examine impacts, and propose alternatives and mitigation measures.

The Public Resources Code imposes on the lead agency an obligation *to the public*, to ensure that an EIR will be prepared whenever there is substantial evidence that significant effects may occur. PRC §§ 21082.2(a), 21100, 21151. The City of Fresno's approval of the SOAR/Producers contractual arrangement—effectively allowing the consultant to disregard impacts other than on historical resources—constitutes a failure of the City as lead agency to exercise independent judgment over the environmental analysis of this project. The result, not surprisingly, is a failure adequately to

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acknowledge— with respect to aesthetics, air quality, cultural resources, human health, land use and planning, noise, and transportation and circulation— the likelihood¹ that this project will create significant environmental impacts.

Please note that we have not yet received the following, requested in our December 31 letter (please see that letter for details of these requests): contract drafts; correspondence and communications related to the contract; distribution lists for public notices; site plans (for the Thorne property as well as the subject property); and, consultants' notes from the September 20 and December 19 public meetings. We therefore reserve the right to augment this comment letter within ten days of the date we receive those requested materials. Please advise at your earliest convenience when we may expect to receive them.

(1) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.²

The Tower District Specific Plan changed this parcel's land use designation from General Commercial to Light Industrial. At the time, the definition of Light Industrial was apparently "Light manufacturing which creates no smoke, gas, odor, dust, sound vibration, soot or lighting which is obnoxious or injurious to adjacent land uses."³ This description fits well with the then-proposed, relatively small-scale, ice cream production facility whose impacts the 1991 Tower District Specific Plan FEIR analyzed.

The current Initial Study acknowledges that an environmental assessment of this Project's impacts "must take into account the whole action involved, including off-site as well as on-site, cumulative as well as project level, indirect as well as direct, and construction as well as operations impacts."⁴ And indeed, as this Initial Study admits, "The proposed project (Project) varies in scope from the original project in the 1991 FEIR."⁵ That new scope includes, at least, six truck trips per hour during peak commute times and 12 truck trips per hour at other times⁶— a minimum of 150 truck trips 5 or more days per week.

Only an adequate Project Description, including operations details, will permit an assessment of the other ways in which this project differs from that originally analyzed and approved in the 1991 FEIR. However, even a lay person

¹ The legal threshold for analysis of an issue in an EIR is only a "reasonable possibility" that there is a fair argument that significant effects *may* occur. *League for Protection v. City of Oakland* (1997) 52 Cal.App.4th 896, 904-05; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 309. The issues in this project more than meet that threshold.

² California Public Resources Code § 21166 (a).

³ See Tower District Specific Plan FEIR, p. 4-15, "Industries."

⁴ Initial Study, p. 20. See also, *Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170.

⁵ Initial Study, p. 2.

⁶ Initial Study, p. 75.

can anticipate that this level of truck traffic will produce “smoke, gas, odors, dust, sound vibration, soot and/or lighting” inconsistent with the Light Industrial designation originally allowed.

As a result of these substantial changes in the Project scope since the FEIR, a revised IS will need to acknowledge potentially significant impacts, and will require major revisions to the 1991 FEIR, in the areas of aesthetics, air quality (see point (2), *infra*), human health, land use, noise⁷, and transportation/circulation.

(2) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, has become available.⁸

The Tower District Specific Plan and FEIR were prepared between early 1989 and early 1991, a time when research about exposure to traffic-generated pollution, including Diesel Particulate Matter (DPM), was in its infancy. Well into the 1990s, air pollution control agencies had tools and metrics only for measuring PM₁₀, not the far more insidious PM_{2.5} that is a major byproduct of diesel truck operation. The 1991 FEIR thus does not even include PM_{2.5} as a pollutant of interest in its Air Quality analysis section.⁹

Even if the Tower District FEIR’s “light industrial” designation had contemplated hundreds of diesel truck trips per day immediately adjacent to residences, the science at the time would not have permitted analysis of the health impacts on sensitive receptors of that level of traffic exposure. The materials readily available to a layperson with a DuckDuckGo search engine¹⁰ make clear that there is more than a fair argument that this Project may expose sensitive receptors to substantial pollutant concentrations.

The impacts of this exposure could not have been assessed in 1991, because the current scientific knowledge about human health and other environmental impacts of diesel truck traffic is “new information,” within the meaning of PRC §21166(c) – neither known nor available at the time the 1991

⁷ See, e.g., 1991 FEIR Mitigation Measures re: noise: “For residential uses near the new freeway, noise sensitivity will need to be considered. Acoustical studies should be performed for new projects and appropriate mitigation incorporated into project design.”

⁸ California Public Resources Code § 21166 (c).

⁹ Tower District Specific Plan FEIR, pp. 4-55 – 4-64, *passim*.

¹⁰ We hereby incorporate by this reference the following articles, already emailed on January 2, 2017 to Mr. Sánchez, Ms. Emerson, and Mr. Murphy: Lindgren et al., Asthma exacerbations and traffic: examining relationships using link-based traffic metrics and a comprehensive patient database, *Environmental Health* (2016) 15:102; McCreanor et al., Respiratory Effects of Exposure to Diesel Traffic in Persons with Asthma, *New England Journal of Medicine* (2007) 357:2348-58; Bowatte, et al., The influence of childhood traffic-related air pollution exposure on asthma, allergy and sensitization: a systematic review and a meta-analysis of birth cohort studies, *Allergy* 70 (2015) 245-256.

FEIR was certified as complete.

The revised Initial Study must therefore acknowledge the potentially significant impacts of the DPM levels this Project will create, in turn requiring major revisions to the 1991 FEIR air quality analysis.

We respectfully request this letter, and the articles referenced in footnote 8, be made a part of the record of proceedings in this matter. Thanking you for your courtesy throughout, we remain,

Very truly yours,

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December 31, 2016

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RE: **Draft Initial Study, Producers Dairy Cheese Plant Project**

Dear Mr. Sanchez and Ms. Emerson:

Bruce Owdom, Robert Boro and I submit the following comments on the Initial Study for the proposed Producer's Dairy project at 450 E. Belmont Ave.

First, we hereby renew our repeated request to receive and review, and to have incorporated in the record of these proceedings, the full history of the contract under which the environmental work for this project is being conducted. Mr. Murphy has informed us that—as with this Initial Study—the City's "law department" [sic] "provided internal revisions and edits to SOAR, which incorporated them into the final document." Therefore, this request includes but is not limited to all contract drafts reviewed by any City department, and all correspondence of any kind between any representative of the City (DARM, Councilmembers or staff, and/or CAO), SOAR or any of its subcontractors, and Producers Dairy or any of its representatives, employees, or agents.

As you know, it is our concern that this contract fails to conform to the requirement of Public Resources Code § 21082.1(a), that "Any draft environmental impact report, environmental impact report, negative declaration, or mitigated negative declaration prepared pursuant to the requirements of this division shall be prepared directly by, or under contract to, a public agency." [Emphasis added.] As Mr. Sánchez has made clear, this anomalous arrangement, where the environmental consulting work is done directly under contract to the project proponent, results from Producers' insistence on this arrangement.

Second, based on statements from members of the public at the scoping meeting on December 19, 2016, and in particular residents in the immediate vicinity of the project, it appears that the distribution list for this project is incomplete. We therefore also request a copy of that distribution list.

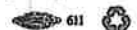
Third, we renew our request to receive and review legible site plans, with dimensions, for both the subject property at 450 E. Belmont Ave., and the 302 N. Thorne property from which Producers proposes to move its permanent truck parking. We have in mind the City's staff report for the February 26, 2016

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Council meeting, which noted that "Once work is completed at the current leased site (302 N. Thorne) truck parking will again be available." The staff report suggests that the former site will not accommodate the same number of trucks, but the staff report fails to support that assumption with any evidence. Therefore, both site plans are necessary, and must be included in the record of proceedings, in order to ensure an adequate alternatives analysis.

Fourth, in light of some surprising errors about statements made or not made at the September 20, 2016 public meeting, we request copies of all consultant's notes of the comments made at that meeting, and at the December 19, 2016 scoping meeting.

Finally, as the review below makes clear, the initial study itself is incomplete in that it has failed to identify potential environmental impacts associated with the project, and has therefore also failed to perform its required function of identifying reasonably feasible mitigation measures. The IS must therefore be revised and resubmitted before it can adequately drive the proper scope of a supplemental EIR.

(Please note: As of this date, the Tower District Final EIR is not accessible on the City of Fresno's new website. We therefore reserve the right to augment this comment letter within ten days of today's date, in the event our review of the Tower FEIR reveals additional bases for correcting the scope of the proposed supplemental EIR in this matter.)

The Project Description is inadequate.

This project is not only about tearing down an historic resource: it is also about turning the property to a new, different, and unanticipated use not analyzed in the original Tower District FEIR. Thus the IS' project description is far too narrow to form an adequate basis for determining project impacts. Most importantly, it omits any reference whatsoever to project operational impacts, which all agree are substantially different from those originally contemplated in the 1991 Tower District FEIR (which called for almost the entire site to be covered with structures housing dairy production (IS Fig. 15)—a very different level of use from truck staging and/or storage.)

The public, and decision makers, are entitled to know how much truck traffic every day, starting at what time and ending at what time, how many minutes per truck trip will be spent idling on the property, whether activities will include (as they do now, per statements at the scoping meeting) both servicing and washing of trucks. When will the trucks and trailers be washed on site? When will the maintenance be performed? Will the electric gates make noise at 4:30am? 10:00pm? Will there be noise from the refrigeration units stored on site? Will there be loading and unloading on site? What impact will headlights and hydraulics have on the ambient noise before daybreak and after sunset? Without this information, it is impossible to know the degree to which the project's increased intensity of truck traffic and related activities will create significant unanticipated and unanalyzed aesthetic, air quality, cultural resource,

human health, land use, noise, and transportation/circulation impacts.*

A detailed operational statement will also allow objective assessment of factually unsupported claims to "environmental benefits" (such as the calculation of reduced truck miles traveled in the Transportation and Traffic section), and a reasonable evaluation of project alternatives, including return to use of the 302 N. Thorne parcel after High Speed Rail construction is completed.

Thus the IS Project Description must be re-drafted, incorporating a detailed operational statement that can allow adequate analysis of the project's potentially significant environmental impacts, and adequate assessment of reasonably feasible mitigation measures. Since this property is a small part of the Tower District Specific Plan, a new and adequate IS will still form the basis for a supplemental EIR. However – any supplemental EIR based on the current, flawed IS cannot accomplish CEQA's aims of full disclosure of environmental impacts to enable an informed decision by the lead agency.

The consistency analyses are inadequate.

All consistency analyses are insufficient and should be revised. For example, the general plan analysis erroneously – using boilerplate without factual support – concludes the project "would enhance the quality of life for Fresno residents in a manner that respects physical, environmental, fiscal, economic, and social issues." Precisely, how will demolishing an historic structure "revitalize the neighborhood" as promised in General Plan, goal 3? Experience in other cities, and in other locations in this City, suggest the contrary: more noise, exhaust fumes, traffic hazards to pedestrians, traffic congestion, and reduced property values. The Initial Study may not simply claim consistency, but must provide an evidentiary or factual basis for such claims.

Aesthetics

The Initial Study, at p. 22, erroneously claims "The anticipated sensitivity of identified viewers was evaluated during a public forum held on September 20th, 2016. No local residents expressed any concern about views or the aesthetics of the proposed project. The Tower District Design Review Committee was also in attendance and expressed concern over the view of the project along E. Belmont Avenue." The undersigned were all present, and are aware of at least one local resident who vehemently expressed concerns about the aesthetics of the project. That view was echoed at the December 19 scoping meeting by additional local residents.

We assume this omission was an oversight, but it reflects the general inadequacy of the Aesthetics section of the IS. The "view from the road" currently screens the unsightly truck and trailer parking behind the historic brick

* As one hopes it will be unnecessary to note, the proposed mitigation measures in the Transportation/Traffic section are not paired with any impact information; they cannot substitute for an adequate Project Description.

buildings that are proposed for demolition. The proposed wrought iron fence (to sit on the property line, with no landscape buffer) would expose the entire site to the Belmont view shed which is antithetical to both the Tower District Specific Plan and the General Plan.

Moreover, the IS's inventory of "viewpoints" (fig. 8, p. 23) does not include residents' homes, nor the streets by which they access their neighborhood, including Belmont. Nor does this analysis take into account that neighbors and travelers along Belmont will now be treated to views of parked trucks instead of historic brickwork

Section 6.1 compounds this analytic flaw with its finding of no substantial adverse impact to the viewshed. The study fails to consider the neighborhood residents and assumes that the preparer's "view" is the only one that counts. Residents are forced to walk and drive past this project daily, and it is their "view" that should be considered. Who would want the expansion of a truck parking, washing, service operation next to their home or in their neighborhood?

Air Quality

Egregiously, the IS fails even to acknowledge the possibility of operational health impacts to local residents and to pedestrians whose paths take them frequently past this facility, including families walking their children to school (as per comments at December 19 scoping meeting).

Of course without an adequate Project Description based on a detailed operational statement, it is impossible to quantify the air quality impacts that this project will impose on its near neighbors. But even without operational detail, a responsible analysis of air quality impacts by a reasonably well informed consultant would confess to the well-established correlation between an increase in exposure to diesel particulate matter and serious illness – including cancer and asthma.

For purposes of the revised IS – which will presumably quantify the specifics of truck trips and idling time, among other data points – we note the following: the California Air Resources Board classifies Diesel Particulate Matter as a separately toxic air pollutant (though DPM also contains PM_{2.5} and PM₁₀); CARB's "Methodology for Estimating the Potential Health Impacts from Diesel Truck Idling Operations" prescribes assessing exposed individuals' cancer health risks "based on hours of diesel engine idling operations and downwind distance of the receptor" and (for these reasons) California restricts siting of new schools near major highways and busy traffic corridors (California Education Code §7213.c.2.C). See also, Appendix A (Key Studies on Air Pollution and Health Effects Near High-Traffic Areas), which should provide a starting point for a CEQA-compliant IS and EIR.

The IS's conclusion that this project has no potential to significantly expose sensitive receptors to substantial pollutant concentrations (or for that

matter, to create objectionable odors affecting a substantial number of people—how well would you tolerate diesel fumes with your breakfast, lunch and dinner every day?) is completely unfounded. The IS must be revised to analyze the potential for these impacts, based on solid, quantifiable criteria.

Cultural resources

Notwithstanding claims of consistency, the proposed project violates the 2014 General Plan's Historic & Cultural Resources Element, and Objectives.

This residential neighborhood, from Belmont to Highway 180 and Broadway to Palm, contains homes that are historically significant and may qualify to be a historic district. As should be explored in a revised initial study, historic designation often results in improved conditions and higher property values. (The undersigned have direct experience of this phenomenon: Mr. Boro and Mr. Owdom live in an historic district; Ms. Milrod's office and Mr. Boro's office are located in adaptively re-used Historic Register buildings.)

At the scoping session held on December 19, 2016, residents and property owners of the neighborhood expressed their concerns about increased truck traffic, and truck cleaning and servicing, on the project site near their homes at all hours, and increased risks to children crossing Belmont Avenue going to school. The IS's Section 3.3, without evidence or analysis, describes a distressed neighborhood and completely ignores the people who live there—even though, as stated in Section 6, the analysis must "take into account the whole action involved, including off-site as well as on-site, cumulative as well as project level..."

An adequate impact analysis, taking into account the effects of the project as a whole, would acknowledge its detrimental effects on the neighborhood — which is what CEQA requires. The lead agency will make whatever determination it can, but it must be as fully informed as possible about the effects of that decision beforehand. This IS cannot be the basis for an EIR that actually performs that function.

Land Use & Planning

The City of Fresno Development Code (§ 15-313), provides in pertinent part: "Front setbacks shall be measured from the back of the sidewalk (including instances where the back of the sidewalk lies within the project parcel) to the portion of the structure that is closest to the front of the lot."

The existing historic façade at 450 E. Belmont sits 9'9" back from the property line (back of the sidewalk), and 10' back from the sidewalk along Roosevelt.

According to Development Code Table 15-1303-2, the minimum setback in an Employment District (including Light Industrial uses) is 15 feet.

Any fencing, per Development Code § 15-2006.B.1 "shall comply" with the setback requirement, "unless a greater setback is required by an operative plan,

an adopted policy, or a condition of project approval." [Emphasis added] (Also note: the proposed fence, to be comprised of 8' pilasters and 7' iron fencing, will run afoul of Development Code § 15-2006.F.1, which imposes a 4' height limit on a wrought iron fence.)

It would thus appear that leaving the present façade in place will actually better serve the project proponent—by making available additional square feet of usable space—than would tearing it down.

Although the City of Fresno has a statewide reputation for taking lightly its obligation to make factual findings justifying variances, in this case a variance finding is legally precluded unless there is extremely detailed proof (read: site plans for both the 450 E. Belmont and 302 N. Thorne locations; a detailed project operational statement; an acoustical analysis; a credible alternatives analysis; well-supported financial feasibility studies; economic impact studies; human health impact analyses; etc.) to support every finding—including that "granting of the application will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience..." Development Code § 15-5506.

Noise

This is another area of likely and significant environmental impacts that cannot be assessed in a serious way without an operational statement on which to base the Project Description: exactly how much truck traffic, for what purpose, during what hours? How much idling? What associated repair/maintenance/cleaning activities will occur on site? At what hours? Only once the revised IS includes this information, it can draw conclusions about potential significant environmental noise-related impacts.

Other errors: The General Plan and the City Noise Ordinance § 10-102(b)) designate nighttime hours as 10 p.m. to 7 a.m., not 6 a.m. The IS misstates the General Plan's classifications of normally and conditionally acceptable noise (See IS at p. 74, citing a 2002 Draft General Plan MEIR (!)) for the proposition that "The City of Fresno General Plan identifies normally and conditionally acceptable exterior noise levels for specific land use categories that range from 60-70 dB(A) at low-density residential land uses to 75-80 dB(A) at industrial and agricultural land uses.")#

But see, 2014 General Plan, Implementing Policy NS-1-a, "Desirable and Generally Acceptable Exterior Noise Environment: Establish 65 dBA Ldn or CNEL as the standard for the desirable maximum average exterior noise levels for defined usable exterior areas of residential and noise-sensitive uses for noise, but designate 60 dBA Ldn or CNEL (measured at the property line) for noise generated by stationary sources impinging upon residential and noise-sensitive uses. Maintain 65 dBA Ldn or CNEL as the maximum average exterior noise levels for non-sensitive commercial land uses, and maintain 70 dBA Ldn or CNEL as maximum average exterior noise level for industrial land uses, both to

The IS proposes only to maintain noise at 45 dBA inside adjacent homes, but noise is also measured at the property line; no exterior noise limit appears in any mitigation measure. The IS must undertake an acoustic study to determine whether it can credibly rule out any significant noise impacts from this project. See, Development Code 15-2506.D.2.

The IS includes no information, and no analysis, related to the height of the trucks' exhaust stacks or engines, even though the General Plan (p. 9-7) notes that "truck noise sources can be located as high as 10 to 15 feet above the roadbed due to tall exhaust stacks and higher engines." Without information about the Producers fleet, it is impossible to know if even a 12" wall would begin to mitigate project noise. See, e.g., http://www.fhwa.dot.gov/environment/noise/noise_barriers/design_construction/keepdown.cfm: "Noise barriers provide very little benefit for ... buildings which rise above the barrier."

Even though the General Plan establishes a significance threshold for environmental review purposes, (NS-1-j), the IS neither references it nor offers data that would permit applying it. Sound wall guidelines are available at NS-1-o, and require attention to aesthetic considerations as well as effectiveness, with the understanding that cinderblock alone may not do the job. See also, Development Code 15-2506.G, re: sound barrier standards, including substantial berming for sound walls taller than 9'.

Finally, the IS fails to address the issue of vibration, as required by the Development Code (§15-2507 (excluding construction activity): "No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the lot lines of the site.") The IS must analyze what impact if any may result from hundreds of mammoth vehicles traversing the site over the course of any given day.

Transportation/Circulation

The Transportation and Traffic section, Section 6.16, is flawed and inadequate. In particular the claim of "environmental benefit" from the proposed project is based on a substantially misleading calculation of reduced truck miles traveled: the IS uses the current (and avowedly temporary) G Street parking site (owned by High Speed Rail) as a comparative for truck miles traveled, rather than the site Producers already owns and can again use as truck parking at 302 N. Thorne. The distance from the G Street site to the 144 E. Belmont production facility is significantly longer than from the Thorne location to 144 E. Belmont.

The IS fails to note that the G Street location is temporary, and that (as the City's February 25, 2016 Council staff report notes), it will again be able to use its

be measured at the property line of parcels where noise is generated which may impinge on neighboring properties." NS-1-b establishes 65 dBA as the ceiling for acceptable noise exposure for residences; see also, Development Code 15-2506-D.

302 N. Thorne Ave. site for truck parking within a few months. Therefore, the calculations at Section 6.16 may not be accepted as a project mitigation. Further, this section has no discussion of the impact of the operations on the abutting residential neighborhood, including the impact of truck traffic on students going to school and the impacts of the operations, described by residents at the December 19 scoping session, including washing and servicing of trucks and/ or trailers.

The alternatives analysis does not appear to be a good faith effort.

Of the five proposed alternatives, one is a red herring, another is a half-measure not endorsed by any party, and the most obvious appropriate alternative is entirely omitted. Moreover, the engineering study purporting to underpin the claim that preservation is infeasible does not even address the façade-preservation question, but bases its semi-conclusions (which lack any associated dollar figures or comparative estimates or other basis for citing it as supporting "infeasibility") on restoration, in full, of all of the structures on the property – a false comparison that must be corrected in a revised Initial Study.

The red herring is #4, "North Building Relocation Alternative." Relocating an unreinforced brick building – especially one whose history is so entwined with its present site – probably comes close to the very definition of infeasible. No one involved at any level at any point in the discussion of this site's fate over the past 2-plus decades has suggested such a resolution.

The half-measure is #3, "Façade Alternative." As presented at the December 19 scoping meeting, this alternative would preserve only the façade of the North Building, even though at every point in the discussions of this project the neighborhood has made clear that it wishes to see both the north and east faces of both buildings preserved. (The IS at p. 22 even mentions that "The committee inquired about the feasibility of retaining the façade of the North and South buildings in order to screen the project from E. Belmont Avenue. The feasibility of retaining the façade of the North and South buildings will be examined as a Project alternative in the proposed Supplement to an EIR.")

The most obvious appropriate alternative – and in fact the obligation the Shehadeys undertook in 1993 – is to preserve and adaptively reuse the existing buildings. In fact, if Producers had fulfilled its obligations over the past 26 years, it is unlikely we would be having this conversation now. The Initial Study must therefore include an alternative that analyzes the repair and reuse of the site in a manner that would complement and be compatible with the residential neighborhood that surrounds this project on three sides.

Finally, the alternatives analysis must include credible, fact-based specifics (unlike the Brooks-Ransom report) to support any assertion of what is, or is not, a "reasonably feasible" Project Alternative (or Mitigation Measure, for that matter).

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Mitigation Measures are too few and inadequate

As noted above, *passim*, the project will create numerous impacts whose effects remain unanalyzed and for which no mitigation measures have been proposed. Such mitigation measures as have been proposed are inadequate. For a few examples (among many): the proposed sound wall would be unsightly; the monument will likely be a target for vandals; LUP 1 fails to mention preserving palm trees along Belmont; there is no mention of crosswalks, or accommodating school children or other pedestrians; there is no mention of restoring ivy to the fences or otherwise "greening" the space visually.

We respectfully request this letter be made a part of the record of proceedings in this matter.

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APPENDIX A

KEY STUDIES ON AIR POLLUTION AND HEALTH EFFECTS NEAR HIGH-TRAFFIC AREAS

Air Pollution from Busy Roads Linked to Shorter Life Spans for Nearby Residents

Dutch researchers looked at the effects of long-term exposure to traffic-related air pollutants on 5,000 adults. They found that people who lived near a main road were almost twice as likely to die from heart or lung disease and 1.4 times as likely to die from any cause compared with those who lived in less-trafficked areas. Researchers say these results are similar to those seen in previous U.S. studies on the effects of long-term exposure to traffic-related air pollution. The authors say traffic emissions contain many pollutants that might be responsible for the health risks, such as ultrafine particles, diesel soot, and nitrogen oxides, which have been linked to cardiovascular and respiratory problems.

Hoek, Brunekreef, Goldbohn, Fischer, van den Brandt. (2002). Association between mortality and indicators of traffic-related air pollution in the Netherlands: a cohort study. *Lancet*, 360 (9341): 1203-9.

Truck Traffic Linked to Childhood Asthma Hospitalizations

A study in Erie County, New York (excluding the city of Buffalo) found that children living in neighborhoods with heavy truck traffic within 200 meters of their homes had increased risks of asthma hospitalization. The study examined hospital admission for asthma amongst children ages 0-14, and residential proximity to roads with heavy traffic.

Lin, Munsie, Hwang, Fitzgerald, and Cayo. (2002). Childhood Asthma Hospitalization and Residential Exposure to State Route Traffic. *Environmental Research*, Section A, Vol. 88, pp. 73-81.

Pregnant Women Who Live Near High Traffic Areas More Likely to Have Premature and Low Birth Weight Babies.

Researchers observed an approximately 10-20% increase in the risk of premature birth and low birth weight for infants born to women living near high traffic areas in Los Angeles County. In particular, the researchers found that for each one part per million increase in annual average carbon monoxide concentrations where the women lived, there was a 19% and 11 % increase in risk for low birth weight and premature births, respectively.

Wilhelm, Ritz. (2002). Residential Proximity to Traffic and Adverse Birth

Outcomes in Los Angeles County, California, 1994-1996. *Environmental Health Perspectives*. doi: 10.1289/ehp.5688.

Traffic-Related Air Pollution Associated with Respiratory Symptoms in Two Year Old Children.

This cohort study found that two year old children who are exposed to higher levels of traffic-related air pollution are more likely to have self-reported respiratory illnesses, including wheezing, ear/nose/throat infections, and reporting of physician-diagnosed asthma, flu or serious cold.

Brauer et al. (2002). Air Pollution from Traffic and the Development of Respiratory Infections and Asthmatic and Allergic Symptoms in Children. *Am J Respiratory and Critical Care Medicine*. Vol. 166 pp 1092-1098.

People Who Live Near Freeways Exposed to 25 Times More Particle Pollution

Studies conducted in the vicinity of Interstates 405 and 710 in southern California found that the number of ultrafine particles in the air was approximately 25 times more concentrated near the freeways and that pollution levels gradually decrease to near normal (background) levels around 300 meters, or 990 feet, downwind from the freeway. The researchers note that motor vehicles are the most significant source of ultrafine particles, which have been linked to increases in mortality and morbidity. Recent research concludes that ultrafine particles are more toxic than larger particles with the same chemical composition. Moreover, the researchers found considerably higher concentrations of carbon monoxide pollution near the freeways.

Zhu, Hinds, Kim, Sioutas. Concentration and size distribution of ultrafine particles near a major highway. *Journal of the Air and Waste Management Association*.. September 2002.

Zhu, Hinds, Kim, Shen, Sioutas. Study of ultrafine particles near a major highway with heavy-duty diesel traffic. *Atmospheric Environment*. 36(2002),4323-4335.

Asthma More Common for Children Living Near Freeways.

A study of nearly 10,000 children in England found that wheezing illness, including asthma, was more likely with increasing proximity of a child's home to main roads. The risk was greatest for children living within 90 meters of the road.

Venn et al. (2001). Living Near A Main Road and the Risk of Wheezing Illness in Children. *American Journal of Respiratory and Critical Care Medicine*. Vol. 164, pp 2177-2180.

A study of 1,068 Dutch children found that asthma, wheeze, cough, and runny nose were significantly more common in children living within 100 meters of freeways. Increasing density of truck traffic was also associated with significantly higher asthma levels - particularly in girls.

van Vliet et al. (1997). Motor exhaust and chronic respiratory symptoms in children living near freeways. *Environmental Research*. 74:12-132.

Children Living Near Busy Roads More Likely to Develop Cancer

A 2000 Denver study showed that children living within 250 yards of streets or highways with 20,000 vehicles per day are six times more likely to develop all types of cancer and eight times more likely to get leukemia. The study looked at associations between traffic density, power lines, and all childhood cancers with measurements obtained in 1979 and 1990. It found a weak association from power lines, but a strong association with highways. It suggested that benzene pollution might be the cancer promoter causing the problem.

Pearson et al. (2000). Distance-weighted traffic density in proximity to a home is a risk factor for leukemia and other childhood cancers. *Journal of Air and Waste Management Association* 50:175-180.

Most Traffic-Related Deaths Due to Air Pollution, Not Traffic Accidents

Another study analyzed the affect of traffic-related air pollution and traffic accidents on life expectancy in the area of Baden-Wurtttemberg, Germany. It estimated that 4,325 deaths in this region would result from motor vehicle emissions compared to 891 from traffic accidents (over a lifetime).

Szagon and Seidel. (2000). Mortality due to road traffic in Baden-Aurttemberg - air pollution, accidents, noise. *Gesundheitswesen*. 62(4): 225-33.

Emissions from Motor Vehicles Dominate Cancer Risk

The most comprehensive study of urban toxic air pollution ever undertaken shows that motor vehicles and other mobile sources of air pollution are the predominant source of cancer-causing air pollutants in Southern California. Overall, the study showed that motor vehicles and other mobile sources accounted for about 90% of the cancer risk from toxic air pollution, most of which is from diesel soot (70% of the cancer risk). Industries and other stationary sources accounted for the remaining 10%. The study showed that the highest risk is in urban areas where there is heavy traffic and high concentrations of population and industry.

South Coast Air Quality Management District. Multiple Air Toxics Exposure Study-II. March 2000.

Cancer Risk Higher Near Major Sources of Air Pollution, Including Highways

A 1997 English study found a cancer corridor within three miles of highways, airports, power plants, and other major polluters. The study examined children who died of leukemia or other cancers from the years 1953-1980, where they were born and where they died. It found that the greatest danger lies a few hundred yards from the highway or pollution facility and decreases as you get away from the facility.

Knox and Gilman (1997). Hazard proximities of childhood cancers in Great Britain from 1953-1980. *Journal of Epidemiology and Community Health*. 51: 151-159.

A School's Proximity to Freeways Associated with Asthma Prevalence

A study of 1498 children in 13 schools in the Province of South Holland found a positive relationship between school proximity to freeways and asthma occurrence. Truck traffic intensity and the concentration of emissions measured in schools were found to be significantly associated with chronic respiratory symptoms.

Speizer, F. E. and B. G. Ferris, Jr. (1973). Exposure to automobile exhaust. I. Prevalence of respiratory symptoms and disease. *Archives of Environmental Health*. 26(6): 313-8. van Vliet, P., M. Knape, et al. (1997). Motor vehicle exhaust and chronic respiratory symptoms in children living near freeways. *Environmental Research*. 74(2): 122-32.

Lung Function Reduction Among Children More Likely if Living Near Truck Traffic

A European study determined that exposure to traffic-related air pollution, 'in particular diesel exhaust particles,' may lead to reduced lung function in children living near major motorways.

Brunekreef B; Janssen NA; de Hartog J; Harssema H; Knape M; van Vliet P. (1997). "Air pollution from truck traffic and lung function in children living near motorways." *Epidemiology*. 8(3):298-303.

Asthma Symptoms Caused by Truck Exhaust

A study was conducted in Munster, Germany to determine the relationship between truck traffic and asthma symptoms. In total, 3,703 German students, between the ages of 12-15 years, completed a written and video questionnaire in

1994-1995. Positive associations between both wheezing and allergic rhinitis and truck traffic were found during a 12-month period. Potentially confounding variables, including indicators of socio-economic status, smoking, etc., did not alter the associations substantially.

Duhme, H., S. K. Weiland, et al. (1996). The association between self-reported symptoms of asthma and allergic rhinitis and self-reported traffic density on street of residence in adolescents. *Epidemiology*7(6): 578-82.

Proximity of a Child's Residence to Major Roads Linked to Hospital Admissions for Asthma

A study in Birmingham, United Kingdom, determined that living near major roads was associated with the risk of hospital admission for asthma in children younger than 5 yrs of age. The area of residence and traffic flow patterns were compared for children admitted to the hospital for asthma, children admitted for nonrespiratory reasons, and a random sample of children from the community. Children admitted with an asthma diagnosis were significantly more likely to live in an area with high traffic flow (> 24,000 vehicles/ 24 hrs) located along the nearest segment of main road than were children admitted for nonrespiratory reasons or children from the community.

Edwards, J., S. Walters, et al. (1994). Hospital admissions for asthma in preschool children: relationship to major roads in Birmingham, United Kingdom. *Archives of Environmental Health*. 49(4): 223-7.

Exposure to Carcinogenic Benzene Higher for Children Living Near High Traffic Areas

German researchers compared forty-eight children who lived in a central urban area with high traffic density with seventy-two children who lived in a small city with low traffic density. They found that the blood levels of benzene in children who lived in the high-traffic-density area were 71% higher than those of children who lived in the low-traffic-density area. Blood levels of toluene and carboxyhemoglobin (formed after breathing carbon monoxide) were also significantly elevated (56% and 33% higher, respectively) among children regularly exposed to vehicle emissions. Aplastic anemia and leukemia are associated with excessive exposure to benzene.

Jermann E, Hajimiragha H, Brockhaus A, Freier I, Ewers U, Roscovanu A: *Exposure of children to benzene and other motor vehicle emissions*. *Zentralblatt fur Hygiene and Umweltmedizin* 189:50-61, 1989.



622 have signed. Let's get to 1,000!



[Vintage Fresno](#) started this petition to [Producers Dairy](#)

The Central Valley Cheese Buildings, located on Belmont & Roosevelt in the historic Tower District neighborhood, will be **DEMOLISHED** and turned into a **PARKING LOT**.

IN DANGER: The City of Fresno's Historic Preservation Committee found the buildings eligible for designation on the Local Historic Register, but the Fresno City Council voted not to designate them (a 4-3 vote).

Producers Dairy (who owns the property) is asking the City of Fresno for permission to demolish these historic buildings, to create a parking area for their trucks, since a portion of their parking will be taken away due to the High Speed Rail.

DANGER TO TOWER DISTRICT NEIGHBORHOOD

*"This industrial project will host a **24 hour** operation of truck and trailer ingress and egress. Producer's does not deny that the operation will also include trailer maintenance, tire changes, cleaning, and the associated operation of powered maintenance equipment and tools **in the midst of this residential neighborhood**. The proposed*

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Petition update

TODAY City Council votes on demo permit!



Vintage Fresno



Mar 22, 2018 — Today at 4:30 pm at Fresno City Hall (2600 Fresno St), the City Council will vote on the permit for demolition of these historic buildings. Please attend and show your support of saving Fresno history. If you would like to make signage that reads “THIS PLACE MATTERS”, it would be a great visual to Council and producers to show how