

Exhibit G
Comment Letters

From: [Jeff Reid](#)
To: [Sophia Pagoulatos](#)
Cc: [Talia Kolluri](#)
Subject: RE: Minor Revisions to VMT Guidelines
Date: Wednesday, June 03, 2020 8:43:49 AM

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Sophia: With due respect, these are not mere technical clean up items. Specifically, the language added to Section 4.1 eviscerates the entire purpose of the City establishing its own thresholds.

By this stated City policy, you will provide Caltrans the right to review all of the methodologies, findings, and mitigation measures. If they disagree with your thresholds, then they will use the review rights you are providing to them by your policy to dispute their application.

Caltrans already has the right to review such items under CEQA. There is therefore no reason to state that they have additional rights as a matter of the City policies governing VMT implementation strategies, unless the intention is to provide Caltrans approval rights over such matters. In any event, it also ensures that Caltrans will not be bound by the comment timelines that they would be required to comply with under CEQA. That is because the City policy language indicates that until the Caltrans reviews are conducted, your proposed policies will not have been satisfied.

This addition is a substantial change from the document and approaches that had previously been reviewed through the stakeholder process. It should be deleted. Caltrans rights to review and comment are already established as a matter of state law. There is no good reason to incorporate that requirement as part of your VMT evaluation standards, and many good reasons not to.

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From: Sophia Pagoulatos <Sophia.Pagoulatos@fresno.gov>



Building Industry Association
of Fresno/Madera Counties, Inc.

Via Email to Kao.Vang@fresno.gov

Original Via US Mail

City of Fresno Planning Commissioners
c/o Ms. Jennifer Clark, Director of Planning and Development
City of Fresno
2600 Fresno Street
Fresno, CA 93721-3612.

**Re: Planning Commission Agenda June 3, 2020
ID 20-00673**

Dear Planning Commissioners:

This letter is being submitted on behalf of Building Industry Association of Fresno/Madera Counties, Inc. concerning your Commission's considerations of the proposal to recommend a resolution to the Fresno City Council to adopt a Vehicle Miles Traveled Thresholds of Significance to implement the new CEQA policies governing VMT impacts and mitigations.

We appreciate the staff's initiative in proposing formal adoption of locally adopted VMT thresholds of significance. It can serve as an important tool to streamline future CEQA evaluations of these matters. It also provides the basis for the City to adopt standards that have more locally based justifications, which vary from those otherwise recommended by Sacramento based government officials.

However, there is one aspect of the proposal that is of great concern. This relates to a recently proposed edit to the draft CEQA Guidelines for Vehicle Miles Traveled thresholds for the City of Fresno. The added language of concern was distributed only yesterday evening and was not previously evaluated by stake holders. We strongly recommend, for the reasons stated below, that the new proposed language be deleted. Your motion to approve the recommended resolution should separately state that recommendation.

The subject language has been added as a proposed final paragraph of Section 4.1 of the report, and is on the top of page 26 of the recently distributed redlined updated draft of the Guidelines distributed yesterday. It provides as follows:

Projects that will influence Caltrans facilities will be subject to the Caltrans Local Development-Intergovernmental Review program. Caltrans will review the VMT analysis methodology, findings, and mitigation measures for each one of these land use projects.

This language should be deleted because, under the statutes that govern the City's implementation of CEQA, Caltrans (and other stakeholders) already have statutory rights to review and comment on the City's environmental documents and the underlying analysis. Therefore, it is not necessary to establish or otherwise reflect such review rights in the City's implementation policies.

By including the statement in the City's implementation policies, it adopts the right of Caltrans to review and comment on the City's VMT analysis, methodology, etc. as a matter of City policy, separate from CEQA statutes. It could thereby be interpreted and applied such that the City's policies and program for VMT evaluations will not be complete until the Caltrans review and comments are received and separately evaluated. This will disjoin the Caltrans review process from the evaluations of all other stakeholders under CEQA, and the timelines that apply to those processes.

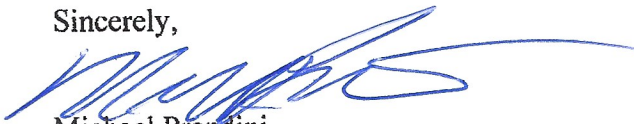
Including a specific provision for Caltrans review, as a matter of City policy, also suggests that the Caltrans reviews will carry with them some enhanced credibility, and that the City thereby has some enhanced duty to adopt Caltrans' proposed requirements. As previously noted, Caltrans has statutory rights to provide comments within specified timelines and parameters detailed by CEQA, and it can exercise those. However, the City should not adopt a City policy that places Caltrans evaluations in a higher tier than the existing CEQA statutes intend.

This statement of policy can be used to limit the City's flexibilities to evaluate and adopt VMT impacts and thresholds consistent with relevant local circumstances. It diminishes the benefit of the City's formal adoption of its own thresholds of significance and VMT evaluation standards. This policy statement will effectively empower a Sacramento based government bureau to override the City's evaluation standards. It has no place in this statement of City policies.

If the language was inserted as an intended statement of fact, that Caltrans will conduct reviews, it is unnecessary because that right exists under CEQA law. If the language was inserted to elevate the basis and effect of the Caltrans reviews and comments, it will adversely affect project evaluation timelines, and your discretion to exercise local judgments under the VMT evaluation policies that you are otherwise intending to presently adopt.

Please recommend that this language be deleted from the proposed implementation guidelines.

Sincerely,



Michael Prandini
President

Cc; Fresno City Council